

AMNESTY = CHAOS

Amnesty: Bad Policy Leads to Bad Outcomes

Amnesty for illegal aliens simply encourages fraud and criminality. As any parent, school teacher or police officer knows, rewarding bad simply begets more bad behavior. And virtually all of our current immigration problems are directly attributable to the disastrous series of amnesties that began with the Immigration Reform and Control Act of 1986 (IRCA).

Rather than pushing the reset button, and allowing the United States to regain control of its borders – as its supporters claimed it would do – IRCA sent an unmistakable message to would-be illegal aliens: “Come one, come all. If you can get away with violating the Immigration and Nationality Act (INA) for long enough, the United States will reward you for your lawlessness with a path to citizenship.”

In short, the 1986 amnesty transformed our system for regulating migration from one that required every foreigner seeking to enter the U.S. to affirmatively demonstrate admissibility to one where no case is ever over until the alien wins. As a newly minted Immigration Officer in 1996, I worked on cases filed under the Special Agricultural Worker Program (part of the '86 amnesty). In this capacity, I reviewed applications where aliens claimed to have worked the 90 days of agricultural labor that were needed to qualify in circumstances that were utterly impossible, for instance climbing strawberry and corn trees to harvest winter crops in Springfield, Massachusetts. Sadly, three decades later, I would entertain claims just as baseless while serving as an Assistant Chief Immigration Judge.

Adequately covering the unending stream of bad immigration policies that were enacted and followed over the course of those three decades would require volumes. So, let me shift focus to more recent history.

The Biden Administrations Amnesty by Executive Fiat

One of the key planks of the Biden campaign platform was broad amnesty for immigration lawbreakers, described as a “roadmap to citizenship.”¹ For the last twenty years, Congress had shown no appetite for such a project. And the Obama Administration had failed to achieve amnesty by executive fiat. Accordingly, the Biden Administration turned to broad anti-borders policies in hopes that they could import so many illegal aliens that Congress would be forced to pass an amnesty – because pre-Trump conventional wisdom had always held that America had neither the resources or the political will to pursue mass deportation. Inauguration Day in 2021 came with an official memo from the Biden Administration which immediately and explicitly halted deportations for 100 days and neutered nearly all enforcement through the imposition of “priorities” that allegedly focused on public safety and national security threats but, in reality, exempted most illegal aliens from arrest and removal.² While the deportation moratorium was almost immediately halted by courts as an abdication of federal responsibility, the shift in priorities away from effective enforcement remained in place.³ From that day forward the Biden

Administration's various policies seemed designed to entice as many people as possible to enter the U.S. without authorization, and millions took them up on the offer. The result was paralyzing chaos and an immigration crisis that destabilized virtually every aspect of life in this country, aided and abetted by radical NGOs and lawfare groups.

How the Biden Administration Created Border Chaos

Within days of the administration telegraphing an amnesty upon inauguration, border encounters with illegal migrants skyrocketed and would not come down again for the next four years. Team Biden did absolutely nothing to repel these illegal border crossers. In fact, it transformed the U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) into alien welcome services. It wantonly directed hundreds of thousands of unvetted aliens into the interior of the United States. When the administration was finally compelled to appear as if it were acting to impose some type of order, its response was to reduce detention capacity – which worsened the situation, rather than making it better.⁴ It was abundantly clear that the Biden Administration was intent on facilitating the entry of as many people as possible, actively and passively, using every tool available to do so.

The administration's lenient policies towards the illegal aliens who began flooding towards the Southwest border caused dysfunction immediately. As noted above, ICE and CBP were diverted from law enforcement activities and reassigned to duties such as making sandwiches for aliens in processing centers and changing the diapers of alien children. America saw over 10.9 million illegal border crossings during the four years of the Biden Administration, a rate unprecedented in American history.⁵ Migration to the U.S. during the Biden Administration surpassed the historical peak of Ellis Island, and the majority of those coming did so without any authorization, much less any meaningful vetting.⁶ In fact, despite transiting government processing facilities, many were never even meaningfully inspected.

In addition, the Biden Administration treated all illegal immigration at the Southwest border as “humanitarian migration,” and adopted policies that treated illegal migrants as prospective “asylum seekers” even though very few actually met the qualifications for asylum. To this end, the administration summarily released millions of illegal aliens into the U.S., none of whom were admissible under any existing statutes, and with virtually no accountability or vetting. Once in the U.S., they were treated by U.S. Citizenship and Immigration Services (USCIS) as being eligible for work authorization and other benefits, despite that fact that most were qualified only for expedited removal. Many more simply disappeared into the interior of the United States – and to this date, no one knows how many of those individuals were foreign spies, terrorists, or members of organized crime cartels.

In other cases, the administration abused immigration parole authority under Section 212(d)(5)(A) of the INA to invite and facilitate the entry of illegal aliens. This authority allows the Department of Homeland Security (DHS) Secretary to allow foreigners to physically enter the U.S. for compelling reasons on a case-by-case basis but has no numerical limit. The Biden

Administration created programs that misused this narrow, case-by-case authority to allow in broad categories of illegal aliens without vetting, including from countries actively hostile to the United States like Cuba, Nicaragua, Venezuela, and Afghanistan.⁷ The CBP One application let 1,450 illegal aliens a day schedule appointments to enter the U.S. for over a year, while the CHNV parole program allowed up to 30,000 illegal aliens from hostile nations every month.⁸ This rate of illegal immigration alone is significantly above total encounters at all borders during the current administration, under which illegal crossings are not tolerated. The Biden Administration frequently referred to this border free-for-all as “safe, orderly, and humane migration” and its quasi-amnesties as “lawful pathways,” borrowing language from an anti-borders UN agreement.⁹

In Fiscal Year (FY) 2022, 795,561 individuals without visas or any other authorization to enter were allowed into the U.S. through misuse of the parole authority.¹⁰ New legal immigration from abroad that year was only 464,143.¹¹ In FY 2023, the total number of paroles granted was 1,340,002, actually surpassing all new legal immigration that Fiscal Year (1,173,640 new green cards) and creating a parallel immigration system from scratch by abusing executive authority.¹² In total, the Biden Administration abused immigration parole authority to let in well more than 2 million unvetted foreigners.¹³ Illegal aliens paroled in under this authority could receive work authorization and most welfare, and even receive permanent legal status through marriage. Massive fraud in DHS’s CHNV parole program, which FAIR exposed in July 2024, showed that the administration’s “lawful pathways” were being manipulated by unscrupulous bad actors and rubberstamped with no verification.¹⁴

The Biden Administration also tolerated systemic misuse of the Immigration and Nationality Act to layer protections on the illegal aliens it ushered in, making them harder to deport and granting them taxpayer-funded benefits and work authorization. The most widely available of these abuses were the acceptance of hundreds of thousands of utterly baseless asylum applications that strained an already overburdened and fraud-prone system. The millions of illegal aliens that the administration ushered into the U.S. were virtually all able to apply for asylum as soon as they stepped onto American soil. Once illegal aliens apply, even if the application is fraudulent, they become eligible for work authorization after a period of time and rapid, efficient removal becomes far more difficult. The asylum system is particularly vulnerable to exploitation by economic migrants, exactly the sort who took advantage of the Biden Administration’s lenient policies to enter in the first place.¹⁵ The Biden Administration actively encouraged asylum fraud, in fact, by extending the validity of employment authorization for asylum applicants from two to five years.¹⁶

Like it had done with immigration parole, the Biden Administration also abused Temporary Protected Status (TPS) designations to make millions of illegal aliens harder to deport and eligible to work legally. TPS has long acted as a backdoor amnesty that belies its “temporary” name, allowing individuals from a designated country to obtain permission to remain in the U.S. due to “extraordinary and temporary” conditions in their home country (even if they are in the

U.S. illegally); some existing TPS designations date back to the late 1990s.¹⁷ The Biden Administration radically expanded TPS designations in response to complaints from anti-borders groups that asylum applications were taking too long to give the illegal aliens flooding into “sanctuary” cities work authorization. At the end of the Biden Administration, up to 2.1 million illegal aliens were eligible for TPS; over 84 percent of them, just under 1.8 million, had been made eligible by the Biden Administration.¹⁸ By March 31, 2025, just under 1.3 million individuals had been approved for TPS, protecting them from deportation and granting them work authorization in an unprecedented expansion of this already abused legal authority.¹⁹

As shown, the Biden Administration engaged in a planned, systematic, and comprehensive scheme to bring illegal aliens into the U.S. and then provide them with a broad selection of legal “fig leaves” so they could not be easily removed from the U.S. and repatriated. Sadly, Team Biden’s scheme was not anything new. For decades, successive administrations – both Democrat and Republican – have ignored any provisions of the INA that they find politically inexpedient, rather than applying the law as Congress wrote it. The Biden Administration merely the first administration to implement immigration policies directly at odds with black letter law on an industrial scale. And, while these policies did not succeed in forcing a legislative amnesty, they certainly injected an unacceptable level of dysfunction and fraud at every level of America’s government and legal system.

How the Biden Administration’s Immigration Chaos Cost Our Country

The Biden Administration’s mass illegal immigration scheme generated disastrous effects across the economy and across American society. It severely harmed economic prospects from Americans already reeling from COVID lockdowns by flooding the job market with cheap labor and artificially increasing housing prices. It set up opportunities for massive fraud at the federal, state, and local levels through various mechanisms exploited by immigrants (in many cases with the complicity of state and local governments). Finally, the administration’s wave of illegal aliens also rendered the legal system that handles immigration completely dysfunctional by generating a massive backlog of fraudulent asylum cases and junk petitions.

Many of the Biden Administration’s mass immigration policies were explicitly targeted at addressing a supposed “labor shortage” that the cheap labor lobby demanded illegal aliens to fill.²⁰ For example, the administration designated Venezuela for TPS in part to make work authorizations immediately available to the hundreds of thousands of illegal aliens it had imported into major American cities.²¹ The administration explicitly boasted about efforts to speed up processing work authorizations and lamented that too few illegal aliens had applied for them.²²

However, the actual effect of this massive influx was to depress American wages and undercut the potential wage gains of American workers. The idea of a labor shortage was largely a creation of the cheap labor lobby. The U-6 unemployment rate, which includes workers who are discouraged and have given up, as well as those involuntarily working part-time for economic

reasons, slowly rose throughout the peak of the Biden Administration's immigration wave (late 2023) and remained at nearly 8 percent of the total workforce.²³ Unemployment continued rising, especially for marginal native-born workers, because 88 percent of the total increase in employment (i.e., new jobs) from January 2020 to January 2025 went to the foreign-born.²⁴ American workers were simply cut out of the equation by a surge of unskilled and dangerous illegal aliens into the job market.

In a properly functioning market, a supposed "labor shortage" would lead to higher wages and give American workers more options. Many in the cheap-labor lobby actively celebrated when the Biden Administration's mass-immigration wave kept labor costs down during record inflation by flooding the workforce with unvetted foreigners. Incredibly, they framed keeping American wages depressed amid rising consumer prices as a reduction in "wage inflation." For example, in February 2024 the *Wall Street Journal* described the immigration wave as "alleviating inflation" because it kept wages down overall, even though the actual effect of stagnant wages and rising consumer prices on American workers was sharply negative.²⁵ The same piece correctly noted that the illegal aliens being let in were far less educated than both previous immigrants and native-born Americans and significantly less productive.²⁶ Illegal aliens like the ones the Biden Administration imported tend to generate a wholesale increase in GDP, but GDP alone (which measures the volume of economic transactions) is a flawed measure that hides overall decreases in productivity and quality of life from mass immigration.²⁷

Depressed wages and increased job competition were not the only economic consequences that American citizens felt from the Biden Administration's disastrous immigration chaos. The wave of mass immigration also substantially disrupted the housing market and made housing much more unaffordable for American citizens. International migration in general far exceeds the number of housing units built, and the Biden Administration's wave simply increased unaffordability. Illegal aliens artificially propped up population growth in major metropolitan areas and contributed to skyrocketing home prices in those areas since the Great Recession.²⁸ High rents and mortgages keep Americans from economic mobility in job-rich areas, but illegal aliens receiving government-funded shelter spaces and living in substandard conditions will tolerate the intolerable. Without immigration, most metro areas would have actually lost population in recent years, a natural occurrence that would result in housing price relief for Americans.²⁹

The effect of this wave on housing prices is not limited to major cities, however. Immigration has a well-documented spillover effect that increases housing prices in rural areas near major cities.³⁰ As American citizens fled the rising crime and lawlessness of "sanctuary cities" like New York City and Los Angeles, the exodus pushed even rural land further into unaffordability. Other misguided Biden Administration policies created competition between temporary foreign workers and American first-time homebuyers. Until the second Trump administration ended it, the Federal Housing Administration (FHA) was backing home loans given to Deferred Action for Childhood Arrivals (DACA) recipients and other categories of illegal aliens and to holders of

non-permanent visas like H-1B visas whose continued status in the U.S. is not guaranteed.³¹ FHA-backed home loans are most common for first-time homebuyers, meaning that illegal aliens and temporary residents were being allowed to compete directly with and drive up costs for American citizens buying their first home before this policy change.

Illegal immigration is, in general, extremely costly for the American people. FAIR's latest cost study found that illegal immigration cost taxpayers \$150 billion as of the beginning of 2023.³² Unfortunately, the net effect of the Biden Administration's immigration chaos will have been to drive up these costs at every level. Education costs for illegal immigration-linked children (the single largest cost category associated with illegal migrants), have increased by orders of magnitude, primarily due to the massive number of unaccompanied alien minors allowed into the United States.³³ In every other field, from criminal justice and policing to welfare usage, the net effect of the administration's policies will be a massive diversion of taxpayer money to deal with the influx of foreigners.

Another disturbing outcome of the Biden Administration's immigration chaos has been the massive levels of fraud it enabled across the country. This occurred through widespread abuse of government programs by recent migrants, often with the complicity of alien-friendly jurisdictions. And it was not limited to immigration fraud.

Due to the widespread misuse of executive immigration authorities, most illegal aliens who arrived during the Biden Administration have now had multiple opportunities to obtain a valid SSN, amounting to millions of people. Even with work authorizations suspended by the Trump administration, that pool will be able to access welfare benefits available only to individuals with full SSNs, as opposed to Individual Taxpayer Identification Numbers (an SSN substitute for those without legal status). As described in FAIR's cost study, this includes refundable tax credits worth thousands of dollars per illegal aliens that are available only to SSN holders.³⁴ If those illegal aliens are deported, those SSNs and other identification documents still hold value as tools for identity theft and further welfare fraud if sold off to illicit document brokers and other criminals.

The haphazard nature of the Biden Administration's immigration policy also fueled fraud in immigration services at every level. DHS's "Shelter and Services Program," which provides funding to "immigration service providers," became a massive slush fund for radical nonprofits helping illegal aliens. The Biden Administration was able to import huge numbers of illegal aliens and then award favored NGOs and radical groups hundreds of millions of dollars annually to "help" those illegal aliens. In Fiscal Year 2023, for example, DHS funneled nearly \$364 million to radical NGOs through the program.³⁵ Such money provided a welcome boost for the bottom lines of those organizations but no tangible benefit for the taxpayers to whom it belonged.

Local governments also engaged in irresponsible spending that funneled money to fraudsters. New York City signed a \$432 million no-bid contract with an "asylum seeker service provider"

known as DocGo, which failed to provide the contracted services and siphoned money to unauthorized subcontractors.³⁶ Such misuses of funds were a product of the emergency conditions that the administration's own policies created nationwide by deliberately refusing to enforce the provisions of the INA.

In general, illegal aliens themselves regularly engage in fraud in the course of daily life. When signing up for public services, working under the table, and dealing with the financial system, illegal aliens engage in a wide variety of fraud crimes. Fraud is particularly attractive to illegal aliens because of their connections outside the country, where money can be sent. More than \$200 billion left the U.S. as remittances in 2021, with the total almost certainly having grown since then, and much of that money is remitted by illegal aliens.³⁷ Some is likely to have fallen into the hands of transnational criminal organizations and terrorist groups; the Department of the Treasury is currently investigating whether money obtained by welfare fraud in Minnesota was sent to Somali terror groups like al Shabaab.³⁸ The Biden Administration's chaotic immigration policies created a free-for-all atmosphere where access to the documents like SSNs needed to enable such fraud was easier than ever. At the same time, the emergency conditions that the administration created by flooding the country with millions of illegal aliens justified another wave of fraudulent spending towards "service providers" on no-bid contracts and with no accountability.

Another enduring impact of the Biden Administration's immigration dysfunction is being felt in our legal system. The record wave of illegal immigration the U.S. experienced is still being felt in record immigration court backlogs and in a newer wave of junk federal court filings to obstruct immigration enforcement. The mechanisms that keep Americans safe and protect the value and integrity of citizenship and humanitarian immigration were junked in the service of letting more unvetted illegal aliens enter.

The issues in our legal system began with malpractice by the administration's authorities at the border and in immigration courts. From the outset, many of the mass releases from the border were conducted without any sort of proper protocol, including name or destination address verification. According to a 2022 DHS Office of Inspector General report, more than one-fourth of illegal aliens released from the border were not issued an A-number, which is essential for tracking within internal DHS systems and the immigration courts.³⁹ Administrative failures like these led to hundreds of thousands of illegal aliens being "lost," escaping into the interior with no way to track them or follow up. Hundreds of thousands of cases more were dismissed during the Biden Administration because DHS simply failed to file proper paperwork, leaving deportation cases in limbo.⁴⁰

Another insidious practice that frustrated the basic purpose of the legal system was the overuse of administrative closure. Administrative closure permits an immigration judge to temporarily pause the adjudication of a case by taking it off their active docket, but leaving it on the court's master roll of ongoing cases. Under the Biden Administration, a huge number of cases were

being administratively closed or continued (postponed) without a resolution on the merits enabling immigration violators to evade a final order of removal indefinitely.⁴¹

Immigration judges' dockets themselves were a casualty of the Biden Administration's reckless push for asylum filings for all illegal aliens. Qualifying for asylum requires that an alien prove specific kinds of targeted persecution on the basis of personal characteristics, and the vast majority of asylum seekers do not meet the required standard.⁴² At one point in the 1990s, a backlog of several hundred thousand asylum cases developed and was used as justification to pass a mini-amnesty known as NACARA for Central American nationals – as if mass approval of questionable asylum cases was better than making asylum seekers wait in line.⁴³ As of mid-2026 the immigration court backlog is at nearly 3.6 million, including 2.36 million pending asylum cases.⁴⁴ This unprecedented growth is the result of virtually every new illegal alien, regardless of the merits of their case, being encouraged to file for asylum by the Biden Administration. Even though the vast majority of cases will be eventually be denied, the extremely long wait times created by this backlog will allow asylum seekers to live and work freely in the U.S. while they await the adjudication of their cases. This will enable them to establish positive equities that can be used to apply for other forms of immigration relief; marry Americans expressly for the purposes of obtaining immigration status; or give birth to U.S. citizen children who will be used as “anchor babies,” who petition for immigration status for the remainder of their family members.

As the Trump administration takes steps to combat the lawlessness that has become the status quo in the immigration sphere, radical anti-borders activists have begun new methods of lawfare to thwart meaningful enforcement. One such mechanism is weaponized *habeas corpus* filings. *Habeas corpus* petitions were intended to provide individuals who were unlawfully detained in the criminal context to dispute their detention. However, a recent trend has seen these cases wildly misused in the civil immigration context, where litigants hope to argue their *habeas* petitions before an activist judge who opposes immigration detention on political grounds, despite it being inherently lawful in the vast majority of cases.

Section 235(b)(1) of the INA requires DHS to detain aliens who are “applicants for admission” (a legal term of art referring to aliens in the country who have not been admitted) until their case is resolved, whether through immigration relief or more often a final order of removal.⁴⁵ However, this requirement has largely been ignored by successive administrations. On July 10, 2025, the Trump Administration resumed enforcing the law as written and refusing to consider bond for illegal aliens whose detention is required under this law.⁴⁶ As a response, radical anti-borders activists have been filing thousands of frivolous *habeas corpus* petitions challenging this legally authorized detention in federal court and trying to frustrate immigration detention. Despite mandatory detention being explicitly authorized by statute, many radical district court judges have subsequently ruled against the mandatory detention policy and released illegal aliens and the issue must now be decided by the Supreme Court after a circuit split.⁴⁷

In general, every policy implemented to try and end the chaos that anti-borders policies created is itself met by a flood of frivolous cases. Removing illegal aliens to a third country that will accept them is explicitly permitted by 8 U.S.C. § 1231(b)(1)(C)(iv), and this tool is critical in deporting illegal aliens whose home countries will not accept them. However, multiple federal lawsuits continue to challenge this lawful policy even after the Supreme Court permitted third-country removals to resume in June 2025, overturning a radical judge’s nationwide injunction.⁴⁸ Activist lawyers have also challenged the revocation of TPS for multiple nationalities, despite explicit statutory language that bars judicial review of TPS designation, and TPS rescission, determinations.⁴⁹ Radical anti-borders groups have shown that they will stop at nothing to maintain the atmosphere of lawless and chaos that the anti-borders policies of the Biden Administration have created, with the ultimate goal of a destructive amnesty.

Conclusion

Ronald Reagan once opined that, “We must reject the idea that every time a law’s broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions.” For the average U.S. citizen, what begins as amnesty for DACA recipients ends with lawyers from organizations like the American Civil Liberties Union and the Southern Poverty Law Center arguing that MS-13 is really just the Central American equivalent of the local Elks lodge. Americans elected Donald Trump as their president primarily because they view mass amnesty as the first step in the collapse of our justice system and the terminal erosion of our borders. And it is high time for Congress to insist that the Executive Branch hew to the separation of powers required under our Constitution and stop enacting immigration policies that directly contradict the provisions of the INA.

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