



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION'S
OPEN-BORDERS POLICIES: THE CASE OF THE ILLEGAL ALIEN
WITH A MACHETE OUTSIDE THE U.S. CAPITOL**

Interim Staff Report of the
Committee on the Judiciary
and
Subcommittee on Immigration Integrity, Security, and Enforcement
U.S. House of Representatives



August 14, 2024

EXECUTIVE SUMMARY

In less than four years, the Biden-Harris Administration has released into the United States more than 5.4 million illegal aliens,¹ with another 1.9 million illegal alien “gotaways” escaping into the country during the same time.² That chaos at the southwest border, created and incentivized by the radical policies of President Joe Biden and “border czar” Vice President Kamala Harris, has led to insecurity in the interior of the country. Too many of the illegal aliens allowed into the country by the Biden-Harris Administration commit crimes against Americans and other U.S. residents. While the Administration misleadingly claims that illegal aliens are fully screened for criminality at the border,³ former U.S. Border Patrol Chief Rodney Scott has admitted that the “vetting” process is the equivalent of checking aliens “against a blank sheet of paper.”⁴

Every community in the country suffers from the consequences of the Biden-Harris border crisis and the Biden-Harris Administration’s lack of immigration enforcement. With illegal aliens released by the Biden-Harris Administration committing crimes across the country, every American community has become a border community. In a recent transcribed interview before the Committee, one senior Immigration and Customs Enforcement (ICE) official admitted that instead of arresting illegal aliens who pose public safety threats and national security threats at the border, some ICE officers have been reassigned to tasks that facilitate illegal alien releases into the United States.⁵

The Biden-Harris Administration’s radical policies ensure that criminal illegal aliens can remain in the United States indefinitely, even after they have committed a crime. As the Committee documented in an April 2024 report, ICE has instructed its officers to first consider irrelevant factors such as an illegal alien’s high blood pressure, diabetes, caregiver status, and

¹ See H. Comm. on the Judiciary, Interim Staff Rep., *The Biden Border Crisis: New Data and Testimony Show How the Biden Admin. Opened the Sw. Border and Abandoned Interior Immigr. Enf’t*, at App’x 1 (Oct. 9, 2023); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2023*, U.S. DEP’T OF HOMELAND SEC. (last accessed Mar. 22, 2024); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed July 15, 2024); Camilo Montoya-Galvez, *Biden administration has admitted more than 1 million migrants into U.S. under parole policy Congress is considering restricting*, CBS NEWS (Jan. 22, 2024); *Latest UC Data, Total Monthly Discharges to Individual Sponsors Only*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Mar. 22, 2024); Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed July 15, 2024); U.S. Customs and Border Prot., *CBP Releases June 2024 Monthly Update*, U.S. DEP’T OF HOMELAND SEC. (July 15, 2024); Immigr. and Customs Enf’t, *Daily SWB Placemat*, U.S. DEP’T OF HOMELAND SEC. (Apr. 2023–June 2024) (on file with Comm.); Off. of Homeland Sec. Statistics, *Immigr. Enf’t and Legal Processes Monthly Tables – Feb. 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed June 25, 2024).

² Casey Harper, *Border crisis creates national security threat for U.S., observers say*, WASH. EXAMINER (Aug. 7, 2023); Bill Melugin (@BillMelugin_), X (June 20, 2024, 10:22 AM).

³ *Oversight of the Dep’t of Homeland Security: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. (2023) (statement of Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec.).

⁴ *The Biden Border Crisis: Part III: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 62 (2023) (statement of Rodney Scott).

⁵ See H. Comm. on the Judiciary, Interim Staff Rep., *Chauffeur at the Border, Concierge in the Interior: How the Biden Admin. Rewards Illegal Aliens on the Taxpayers’ Dime*, at 7-8 (July 3, 2024) [hereinafter July Interim Staff Rep.].

other “mitigating factors” before ever arresting a criminal alien.⁶ Consequently, the Biden-Harris Administration is removing from the country far fewer criminal aliens than the Trump Administration. For example, “in fiscal year 2023, ICE removed 41 percent fewer aliens with criminal convictions and criminal charges than in fiscal year 2020—and nearly 60 percent fewer than in fiscal year 2019.”⁷ As a result, the number of criminal aliens free in the United States totaled more than 617,000 by December 2023—and is likely growing daily because of the border crisis.⁸

Since February 2023, the Committee has requested information, including alien files (A-files)—DHS records that contain immigration case history about individual aliens—relating to illegal aliens who have committed serious and violent crimes in the United States during the Biden-Harris Administration. In some cases, due to the Administration’s refusal to disclose information about these criminal illegal aliens, the Committee has been forced to issue subpoenas. To date, DHS has provided the Committee with A-files relating to roughly 30 criminal aliens.

The information obtained by the Committee shows in stark terms the real-world consequences of the Biden-Harris Administration’s failure to secure the border and enforce immigration law. Taken as a whole, the Committee’s investigation into the criminal illegal aliens the Biden-Harris Administration has allowed to enter the United States exposes the widespread failure to adequately vet, apprehend, detain, and remove illegal aliens. In some cases, the illegal aliens had committed crimes in their home countries but were nevertheless released from DHS custody. In other cases, the illegal aliens had criminal records or were gang members and were still released into the United States. In all cases, the illegal aliens went on to commit crimes in American communities ranging from murder and robbery to brutal assault.

In 2017, then-Senator Kamala Harris asserted that “an undocumented immigrant is not a criminal”⁹ and mocked any plans to remove illegal aliens from the United States.¹⁰ Contrary to the border czar’s claims, many of the illegal aliens allowed to enter the United States under Vice President Harris’s watch are criminals who victimized Americans and terrorized U.S. communities. This interim staff report focuses on the case of just one criminal illegal alien, Jose Leonardo Marquez-Marquez, and highlights how the open-borders policies of the Biden-Harris Administration ensured his release into the United States. According to new, nonpublic information uncovered by the Committee, the Biden-Harris Administration released Marquez-Marquez, an illegal alien from Venezuela, into the United States in August 2022.¹¹ Despite ICE issuing a warrant for arrest for Marquez-Marquez on October 5, 2023, and an ICE officer determining that he was a priority for arrest and removal on the same day, Marquez-Marquez

⁶ See H. Comm. on the Judiciary, Interim Staff Rep., *How the Biden Admin.’s Lax Immigr. Enf’t Allows Dangerous Criminal Aliens to Run Free in American Communities*, at 10-13 (Apr. 16, 2024).

⁷ See H. Comm. on the Judiciary, Interim Staff Rep., *New Data Reveal Worsening Magnitude of the Biden Border Crisis and Lack of Interior Immigr. Enf’t*, at 9 (Jan. 18, 2024).

⁸ *Id.* at 9.

⁹ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:38 PM), <https://x.com/KamalaHarris/status/855566507526565888>.

¹⁰ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:39 PM), <https://x.com/KamalaHarris/status/855566707729027072>.

¹¹ See *infra* note 25.

remained free in the United States.¹² In fact, on the same day as his ICE check-in, ICE ordered Marquez-Marquez released on his own recognizance, with the conditions that he not commit crimes or associate with known gang members.¹³ Two months after his second release by DHS, Marquez-Marquez was arrested on the grounds of the U.S. Capitol armed with a machete.¹⁴

¹² *See infra* notes 32-33.

¹³ *See id.*

¹⁴ *See infra* note 34.

THE CASE OF CRIMINAL ILLEGAL ALIEN JOSE LEONARDO MARQUEZ-MARQUEZ

For more than three-and-a-half years, President Joe Biden and “border czar” Vice President Kamala Harris have orchestrated the largest mass release of illegal aliens into the country in American history. Well over 7 million illegal aliens are now in the United States because of the Biden-Harris Administration’s radical immigration policies.¹⁵ The results are all too predictable: cities overwhelmed, public services crushed, and communities shattered by the criminality of some illegal aliens.

Although the Biden-Harris Administration claims that illegal aliens are vetted before being released into the United States, the reality is much more disturbing. As one federal district court judge has observed, the checks that DHS currently performs on illegal aliens encountered at the southwest border should concern every American. As Judge Wetherell explained in 2023:

Although DHS says it is screening arriving aliens . . . to determine if they are a public safety threat, the more persuasive evidence establishes that DHS cannot reliably make that determination. Indeed, according to [the Administration’s] own witnesses, DHS has no way to determine if an alien has a criminal history in his home country unless that country reports the information to the U.S. government or the alien self-reports. Therefore, DHS is mainly only screening aliens at the border to determine if they have previously committed a crime in the United States, and because many of these aliens are coming to the United States for the first time, DHS has no idea whether they have criminal histories or not.¹⁶

Indeed, the biometric and biographic data of illegal aliens, including that of the millions of illegal aliens who have entered the U.S. during the Biden-Harris Administration, are only vetted against U.S. criminal databases, such as the National Crime Information Center (NCIC), and against INTERPOL information.¹⁷ Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.¹⁸ As a result, if there is derogatory information about an alien in that alien’s home country, the current checks are unlikely to reveal it. As former Border Patrol Chief Rodney Scott testified to the Subcommittee on Immigration Integrity, Security, and Enforcement in 2023, the U.S. government has “very, very minuscule data” available when an alien arrives at the southwest border because “[c]rimes committed by a foreign national outside the U.S. rarely appear in [U.S.] databases.”¹⁹

The consequences are dire, with illegal aliens committing crimes against Americans at an alarming rate. Since the beginning of the 118th Congress, Chairman Jim Jordan and

¹⁵ See *supra* notes 1-2.

¹⁶ *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

¹⁷ *The Biden Border Crisis: Part III: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 62 (2023) (statement of Rodney Scott).

¹⁸ *Id.*

¹⁹ *Terrorist Entry Through the Sw. Border: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 45 (2023) (statement of Rodney Scott).

Subcommittee Chairman Tom McClintock have requested files and information related to dozens of illegal aliens who have committed violent and serious crimes during the Biden-Harris Administration. This report focuses on just one of the millions of illegal aliens released by the Biden-Harris Administration: Jose Leonardo Marquez-Marquez.

Illegal Alien Jose Leonardo Marquez-Marquez Arrested with Machete Outside the U.S. Capitol.

According to reports, on December 26, 2023, authorities arrested Jose Leonardo Marquez-Marquez, an illegal alien from Venezuela,²⁰ after U.S. Capitol Police “caught him with a knife, a brick, and a machete” on the grounds outside the U.S. Capitol.²¹ Based on these reports, on January 16, 2024, Chairman Jim Jordan and Subcommittee on Immigration Integrity, Security, and Enforcement Chairman Tom McClintock launched an investigation into Marquez-Marquez’s release into the United States.²² Specifically, the Committee sent a letter to DHS requesting all case history information for the alien, including his alien file (A-file).²³ On May 3, 2024, DHS produced Marquez-Marquez’s A-file.²⁴

The Biden-Harris Administration Released Illegal Alien Marquez-Marquez into the United States in 2022.

The Committee’s review of Marquez-Marquez’s A-file reveals that Border Patrol apprehended the Venezuelan national on August 21, 2022, at the Eagle Pass International Bridge, after he illegally entered the United States.²⁵ Marquez-Marquez listed no point of contact in the United States, but he provided Washington, D.C. as his address.²⁶ On one form in his A-file, his criminal record was left blank;²⁷ however, a database search using Marquez-Marquez’s fingerprints “revealed no prior arrest.”²⁸ Just one day after he illegally entered the United States, Border Patrol released Marquez-Marquez into the country “due to detention capacity at the Eagle Pass North Station Sub: Soft-Sided Facility.”²⁹ According to DHS’s own data, however, the agency had capacity to detain Marquez-Marquez when he was released.³⁰

²⁰ Press Release, U.S. Immigr. & Customs Enf’t, *ERO Washington, D.C. takes custody of Venezuelan noncitizen arrested for carrying machete and knife at US Capitol* (Jan. 2, 2024), <https://www.ice.gov/news/releases/ero-washington-dc-takes-custody-venezuelan-noncitizen-arrested-carrying-machete-and>.

²¹ Ryan King, *Police bust homeless man with machete, knife outside US Capitol*, N.Y. POST (Dec. 27, 2023, 4:14 PM), <https://nypost.com/2023/12/27/news/capitol-police-apprehend-man-with-machete-outside-congress/>.

²² Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Jan. 16, 2024) (on file with Comm.).

²³ *Id.*

²⁴ Letter from Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. to Jim Jordan et al., Chairman, H. Comm. on the Judiciary (May 3, 2024).

²⁵ Alien File of Jose Leonardo Marquez-Marquez at 1, 6, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Marquez-Marquez A-File].

²⁶ *Id.*

²⁷ *Id.* at 1, 3.

²⁸ *Id.* at 5.

²⁹ *Id.* at 2.

³⁰ Daily Southwest Border Placemat – Distributed Aug. 20, 2022, provided to Comm. staff by Dep’t of Homeland Sec. (Aug. 20, 2022) (on file with Comm.).

Subject released with I-94 as an Alternate to Detention as a Condition of Parole. Subject was Paroled due to detention capacity at the Eagle Pass North Station Sub: Soft-Sided Facility.

Above: The Biden-Harris Administration released Marquez-Marquez into the United States in 2022 due to a lack of detention capacity.

The Biden-Harris Administration released Marquez-Marquez into the United States twice. Fourteen months after his initial release at the southwest border, on October 5, 2023, Marquez-Marquez reported to an ICE field office, where he received a Notice to Appear at a hearing before an immigration judge.³¹ That hearing was scheduled for five months later, on March 28, 2024.³² At the same October 5, 2023, check-in, ICE issued a warrant for the arrest of Marquez-Marquez, and an ICE officer determined that he was a priority for arrest and removal.³³ However, ICE ordered Marquez-Marquez released on his own recognizance, with the conditions that he not commit crimes or associate with known gang members.³⁴ As a result, despite ICE determining that Marquez-Marquez was an enforcement priority, he remained free in the United States.

Just two months after he reported to ICE, Marquez-Marquez was arrested on December 26, 2023, on the grounds of the U.S. Capitol.³⁵ According to federal prosecutors, Marquez-Marquez “was carrying a fraudulent visa, U.S. [social security] card[,] and was in possession of a machete in front of the Senate Building with a brick in hand.”³⁶ Although his A-file shows that “[a] detainer was sent but not honored by the United States Marshals Service” due to the law in the District of Columbia,³⁷ a press release from ICE asserts that the U.S. Marshals “transferred Marquez into the custody of [ICE Enforcement and Removal Operations] Washington, D.C. on December 27.”³⁸ According to Marquez-Marquez’s A-file, the “D.C. Superior Court dropped the charges” based on the U.S. Attorney’s Office’s (USAO) recommendation so that ICE “could pick the detainee up from court.”³⁹ The A-file reveals that, “[i]f DHS ICE was not to pick the subject up, the USAO would continue with the charges.”⁴⁰ Marquez-Marquez was transferred to an ICE detention facility.⁴¹ As of July 25, 2024, Marquez-Marquez remained in ICE custody in Virginia.⁴²

³¹ See Press Release, U.S. Immigr. & Customs Enf’t, *supra* note 20; Marquez-Marquez A-file, *supra* note 25, at 90.

³² Marquez-Marquez A-file, *supra* note 25, at 13.

³³ See *id.* at 50, 74.

³⁴ *Id.* at 84-86.

³⁵ See King, *supra* note 21.

³⁶ Marquez-Marquez A-file, *supra* note 25, at 12.

³⁷ *Id.*

³⁸ See Press Release, U.S. Immigr. & Customs Enf’t, *supra* note 20.

³⁹ Marquez-Marquez A-file, *supra* note 25, at 13.

⁴⁰ *Id.*

⁴¹ *Id.* at 73.

⁴² Comm. staff search of ICE Online Detainee Locator System (July 25, 2024), available at <https://locator.ice.gov/odls/#/search>.

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
**ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)**

File No.: _____

Name: MARQUEZ-MARQUEZ, JOSE LEONARDO

Date: October 5, 2023

- ☒ That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Release on Recognizance.
- ☐ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.

Above: In October 2023, the Biden-Harris Administration released Marquez-Marquez a second time, with conditions that he not commit any crimes or associate with known gang members.

CONCLUSION

The disastrous immigration policies of the Biden-Harris Administration have had real-world consequences for American citizens. The effects of those policies will be felt for years to come, with criminal aliens in American neighborhoods harming families and hurting public safety across the country.

For 15 months, President Biden, Vice President Harris, and Senate Democrats have failed to consider the House-passed H.R. 2, the Secure the Border Act of 2023, despite rapidly deteriorating conditions both at the border and in the interior. To secure America, the Senate must pass, and President Biden must sign into law, H.R. 2. In the meantime, the Committee and Subcommittee will continue to conduct vigorous oversight to inform legislative reforms to address President Biden and Vice President Harris's dangerous immigration policies.