



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION’S
OPEN-BORDERS POLICIES: THE CASES OF FOUR ILLEGAL ALIENS
WHO VICIOUSLY ATTACKED A MAN ON A CHICAGO TRAIN**

Interim Staff Report of the
Committee on the Judiciary
and
Subcommittee on Immigration Integrity, Security, and Enforcement
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EXECUTIVE SUMMARY

In less than four years, the Biden-Harris Administration has released into the United States more than 5.6 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 other “mitigating factors” before ever arresting a criminal alien.⁶ Consequently, the Biden-Harris

¹ Information provided to the H. Comm. on the Judiciary by U.S. Dep’t of Homeland Sec., Table 1: Detention Histories of CBP Encounters, January 20, 2021 – March 31, 2024 (Aug. 16, 2024); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed Aug. 19, 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 Aug. 19, 2024); U.S. Customs and Border Prot., *CBP Releases July 2024 Monthly Update*, U.S. DEP’T OF HOMELAND SEC. (Aug. 16, 2024); Immigr. and Customs Enf’t, *Daily SWB Placemat*, U.S. DEP’T OF HOMELAND SEC. (May–July 2024) (on file with Comm.); Off. of Homeland Sec. Statistics, *Immigr. Enf’t and Legal Processes Monthly Tables – Apr. 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed Aug. 19, 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.].

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).

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

Among the illegal aliens that the Biden-Harris Administration has incentivized to come to the United States since January 2021 are more than half a million unaccompanied alien children (UACs).⁹ Some of these UACs go on to commit crimes in the United States. Under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), CBP refers UACs from non-contiguous countries who are encountered along the border to the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS), which is charged with the care and placement of UACs.¹⁰

The TVPRA created different sets of rules for UACs from contiguous and non-contiguous countries.¹¹ Under current law, minors from contiguous countries can be immediately returned to their home country if they consent, have not been trafficked, and do not have a credible fear of persecution.¹² However, minors from non-contiguous countries—meaning any country other than Mexico and Canada—must be referred to the custody of HHS pending lengthy removal proceedings in immigration court.¹³ After their transfer to HHS, UACs are generally released into the United States to a sponsor.¹⁴

The number of UACs arriving at the southwest border skyrocketed following the passage of the TVPRA in 2008 and the creation of the Deferred Action for Childhood Arrivals (DACA) program during the Obama-Biden Administration to allow certain UACs to remain in the United States.¹⁵ While Republicans in the House have tried on multiple occasions to authorize the Department of Homeland Security (DHS) to remove UACs from certain non-contiguous countries, Senate Democrats have blocked these reforms.¹⁶ Most recently, House Republicans

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 U.S. Customs and Border Protection, *Sw. Land Border Encounters*, U.S. DEP’T OF HOMELAND SEC. (last accessed July 18, 2024), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> [hereinafter *Sw. Land Border Encounters*.]

¹⁰ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457 § 235, 112 Stat. 5044, 5077 (2008) (8 U.S.C. § 1232(b)(1)).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ U.S. GOV’T ACCOUNTABILITY OFF., GAO-16-180, *UNACCOMPANIED CHILDREN: HHS CAN TAKE FURTHER ACTION TO MONITOR THEIR CARE* (2016).

¹⁵ E-mail from Cong. Research Serv. to H. Comm. on the Judiciary staff (Mar. 16, 2023, 12:57 PM) (on file with Comm.) (compiling U.S. Customs and Border Prot. data); H. Comm. on the Judiciary, Interim Staff Rep., *New Information and Testimony From Biden Administration Officials Reveal Disregard for Potential Gang Affiliation of UACs* at 6 (June 17, 2024).

¹⁶ Making Supplemental Appropriations for the Fiscal Year ending September 30, 2014, H.R. 5320, 113th Cong. (2014).

passed H.R. 2, the Secure the Border Act of 2023, which contained provisions to fixing loopholes in the UAC process, but the Democrat-controlled Senate refused to consider it.¹⁷

Not surprisingly under the Biden-Harris Administration, UAC encounters and releases have reached new heights—more than 425,000.¹⁸ This number is troubling, particularly because most UACs are never removed from the United States.¹⁹ The Trump Administration, unlike the Biden-Harris Administration, rightly recognized that the UAC program has suffered for years from exploitation by criminals, including “gang members who come to this country as wolves in sheep[’s] clothing” and “use th[e UAC] program as a means by which to recruit new [gang] members.”²⁰

As millions of illegal aliens have entered the United States under the Biden-Harris Administration, the Administration has lost track of thousands of UACs for whom it is responsible for placing with vetted sponsors. In February 2023, the *New York Times* reported that HHS lost contact with at least 85,000 UACs who ORR had placed with sponsors.²¹ As the *Washington Post* recently noted, “[d]ata obtained by the Times showed that in roughly 34 percent of calls, HHS was not able to reach the child.”²² Accordingly, today the true number of UACs with whom HHS ORR has lost contact could be as high as 145,000.²³ Although the Committee subpoenaed HHS for this information, the Biden-Harris Administration has resisted transparency about the failures of its immigration policies.²⁴

The Committee’s oversight has shown that under HHS Secretary Becerra’s leadership, HHS has disregarded the potential gang affiliation of UACs entering the country during the Biden-Harris border crisis. For example, documents obtained by the Committee showed how

¹⁷ The Secure the Border Act of 2023, H.R. 2, 118th Cong. (2023).

¹⁸ Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP’T OF HEALTH AND HUMAN SERVS., <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state> (last accessed Aug. 19, 2024).

¹⁹ U.S. Customs and Border Protection, *Unaccompanied Alien Children and Family Units Are Flooding the Border Because of Catch and Release Loopholes*, U.S. DEP’T OF HOMELAND SEC. (Feb. 15, 2018), <https://www.dhs.gov/news/2018/02/15/unaccompanied-alien-children-and-family-units-are-flooding-border-because-catch-and> (“Once released into the interior of the United States, with few exceptions, UACs will generally remain in the country . . . Only 3.5 percent of unaccompanied minors apprehended are eventually removed from the United States.”).

²⁰ *Attorney General Sessions Gives Remarks to Federal Law Enforcement in Boston About Transnational Criminal Organizations*, U.S. DEP’T OF JUSTICE (Sept. 21, 2017), <https://www.justice.gov/opa/speech/attorney-general-sessions-gives-remarks-federal-law-enforcement-boston-about>.

²¹ Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, N.Y. TIMES (Feb. 28, 2023), <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

²² Glenn Kessler, *Trump’s claim that Biden lost 88,000 children, with many now ‘dead’*, WASH. POST (June 10, 2024), <https://www.washingtonpost.com/politics/2024/06/10/trumps-claim-that-biden-lost-88000-children-with-many-now-dead/>.

²³ *Id. 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 Aug. 19, 2024). The Committee estimates HHS has lost contact with at least 145,088 UACs, 34 percent of the 426,732 UACs HHS has placed with sponsors during the Biden-Harris Administration. The Committee estimates HHS has lost contact with at least 145,088 UACs, 34 percent of the 426,732 UACs HHS has placed with sponsors during the Biden-Harris Administration.

²⁴ Letter from Jim Jordan, Chair, H. Comm. on the Judic., to Xavier Becerra, Sec’y, U.S. Dep’t of Health and Human Servs. (Jan. 23, 2024).

HHS released to a sponsor a UAC who had a previous arrest record for “illicit association” with a dangerous gang known as MS-13.²⁵ That UAC went on to brutally assault and murder Kayla Hamilton, a 20-year-old Maryland woman.²⁶ Despite having released an illegal alien with gang tattoos and a history of “illicit association” with MS-13, HHS later told the Committee that it has no policy to refer known or suspected gang members to law enforcement for investigation or prosecution.²⁷

Other information recently released by Senator Charles Grassley confirmed that HHS’s UAC negligence is part of a pattern rather than an isolated incident. Whistleblower records produced show that in 2021 the Biden-Harris Administration disregarded repeated warnings by a case manager about the MS-13 affiliation of a sponsor attempting to take custody of two UACs. Instead of placing the UACs with another sponsor, HHS released at least one UAC to the gang-affiliated sponsor.²⁸ Moreover, although the alien denied it, the records released by Senator Grassley seem to indicate that the released UAC may have himself been involved with the dangerous street gang.²⁹ The UAC threatened the case manager and made troubling comments, including, for example, stating that his MS-13 affiliated father had taught him things that “he should not be teaching him[,] such as *killing* others.”³⁰

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.

²⁵ See H. Comm. on the Judiciary, Interim Staff Rep., *The Murder of Kayla Hamilton: A Case for Immigr. Enf’t, and Border Sec.* (May 23, 2023).

²⁶ *Id.*

²⁷ H. Comm. on the Judiciary, Interim Staff Rep., *New Information and Testimony From Biden Administration Officials Reveal Disregard for Potential Gang Affiliation of UACs* at 3 (June 17, 2024).

²⁸ Press Release, *RECORDS: HHS Sent Unaccompanied Minors to Sponsors with MS-13 Ties, Potential Trafficking Rings*, Sen. Chuck Grassley (July 11, 2024) <https://www.grassley.senate.gov/news/news-releases/records-hhs-sent-unaccompanied-minors-to-sponsors-with-ms-13-ties-potential-trafficking-rings>.

²⁹ *Id.*

³⁰ *Id.* (emphasis added).

In 2017, then-Senator Kamala Harris asserted that “an undocumented immigrant is not a criminal”³¹ and mocked any plans to remove illegal aliens from the United States.³² 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 four criminal illegal aliens from Venezuela—Carlos Luis Carreno-Carreno, Yonnier Jose Guasamucare-Garcia, Johandry Fernando Loyo-Rodriguez, and Wilker Miguel Gutierrez Sierra—and highlights how the open-borders policies of the Biden-Harris Administration ensured their release into the United States. According to new, nonpublic information uncovered by the Committee, the Biden-Harris Administration released one of these illegal aliens into the United States in 2022.³³ The Administration released the other three illegal aliens in 2023.³⁴ The Chicago Police Department arrested the four Venezuelan nationals on February 17, 2024, after they “lured a man to the back of a [Chicago Transit Authority] train car and choked him into unconsciousness during a vicious robbery.”³⁵ As of July 2, 2024, three of the illegal criminal aliens remained in the custody of Chicago law enforcement officials, but one was “let out on electronic monitoring.”³⁶

³¹ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:38 PM), <https://x.com/KamalaHarris/status/855566507526565888>.

³² Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:39 PM), <https://x.com/KamalaHarris/status/855566707729027072>.

³³ See *infra* note 67.

³⁴ See *infra* notes 49, 78, 97.

³⁵ Tim Hecke, *Weeks after arriving in USA, migrants choked robbery victim into unconsciousness on CTA train: prosecutors*, CWB CHICAGO (Feb. 22, 2024, 7:26 PM), <https://cwbchicago.com/2024/02/chicago-migrants-charged-attacking-robbing-cta-passenger.html>.

³⁶ Michael Dorgan, *Venezuelan migrants allegedly choke, rob Chicago man on train, video shows*, Fox News, (July 2, 2024, 2:03 PM), <https://www.foxnews.com/us/venezuelan-migrants-allegedly-choke-rob-chicago-man-train-video-shows>.

THE CASE OF THE FOUR CRIMINAL ILLEGAL ALIENS WHO ATTACKED AND ROBBED A MAN ON A CHICAGO TRAIN

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.³⁷ 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.³⁸

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.³⁹ Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.⁴⁰ 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.”⁴¹

³⁷ See *supra* notes 1-2.

³⁸ *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

³⁹ *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).

⁴⁰ *Id.*

⁴¹ *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).

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 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 four of the millions of illegal aliens released by the Biden-Harris Administration: Carlos Luis Carreno-Carreno, Yonnier Jose Guasamucare-Garcia, Johandry Fernando Loyo-Rodriguez, and Wilker Miguel Gutierrez Sierra.

Four Illegal Aliens Attacked a Man on a Chicago Transit Authority Train.

According to press reports, Venezuelan nationals Carlos Luis Carreno-Carreno, Yonnier Jose Guasamucare-Garcia, Johandry Fernando Loyo-Rodriguez, and Wilker Miguel Gutierrez Sierra were arrested in connection with a “violent knifepoint attack” on a 49-year-old man riding a Chicago Transit Authority (CTA) train in February 2024.⁴² The victim was put into “a vicious chokehold” to the point he became unconscious, and was robbed of “\$400 and a cellphone.”⁴³ At the time of the attack, Carreno-Carreno, Loyo-Rodriguez, and Guasamucare-Garcia were “on pretrial release” pursuant to arrests for shoplifting offenses just weeks prior.⁴⁴ According to press reports, “the four men listed their home addresses as state-funded migrant shelters.”⁴⁵

Following media reports about the attack, on March 1, 2024, the Committee on the Judiciary sent a letter to DHS requesting all case history information for Carreno-Carreno, Loyo-Rodriguez, Guasamucare-Garcia, and Gutierrez Sierra, including their alien files (A-files).⁴⁶ DHS failed to produce the documents and, accordingly, on April 11, 2024, the Committee reiterated its outstanding request for the A-files, among other outstanding requests for A-files.⁴⁷ Pursuant to the Committee’s follow-up letter, on May 7, 2024, DHS produced the A-files.⁴⁸

⁴² Dorgan, *supra* note 36.

⁴³ *Id.*

⁴⁴ Hecke, *supra* note 35.

⁴⁵ *The Faulkner Focus: Video shows migrants allegedly choking, robbing Chicago man on train* (Fox News television broadcast July 2, 2024).

⁴⁶ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Mar. 1, 2024).

⁴⁷ Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Apr. 11, 2024).

⁴⁸ 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 7, 2024).

The Biden-Harris Administration Released Carlos Luis Carreno-Carreno into the United States in 2023.

The Committee’s review of Carlos Luis Carreno-Carreno’s A-file reveals that Border Patrol first encountered him “at or near Eagle Pass, Texas on July 15, 2023.”⁴⁹ The 20-year-old illegal alien⁵⁰ refused to answer questions when Border Patrol attempted to take his sworn statement and refused to sign official DHS documents.⁵¹ Carreno-Carreno claimed a credible fear of return to his home country, was placed into the “Enhanced Expedited Removal program,” (EER) and was provided a credible fear determination by an asylum officer.⁵² The asylum officer took Carreno-Carreno’s own word to determine his identity “with a reasonable degree of certainty,”⁵³ and the illegal alien relayed that he was afraid to return to Venezuela.⁵⁴

- 4.22 Applicant's identity was determined with a reasonable degree of certainty (select all that apply):
 - 4.23 Applicant's own credible statements (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty)

Above: Carreno-Carreno’s A-file reveals that the USCIS asylum officer took the illegal alien’s word as sufficient to establish his identity.

On May 11, 2023, the Biden-Harris Administration published a final rule to facilitate the entry of illegal aliens more quickly into the United States.⁵⁵ Under the guise of providing purportedly “safe” and “lawful” pathways, the rule incentivized illegal aliens to amass at the southwest border and wait their turn to be among the tens of thousands of aliens the Biden-Harris Administration plans to release into the United States each month.⁵⁶ The rule created a presumption of asylum ineligibility for aliens who cross the border between a port of entry or who arrive at a port of entry without scheduling an appointment through the Administration’s CBP One App, a phone application.⁵⁷ However, the exceptions swallow the rule and aliens can easily rebut the presumption by showing that they, or someone with whom they traveled, faced a medical emergency, experienced a threat to life or safety, or was a victim of a severe form of human trafficking.⁵⁸ In addition, according to DHS, aliens “in expedited removal who are subject to and do not rebut the rebuttable presumption would be screened for whether there is a reasonable possibility they will face persecution or torture in the designated country of removal”

⁴⁹ Alien File of Carlos Luis Carreno-Carreno at 10, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Carreno-Carreno A-File].

⁵⁰ *Id.* at 61.

⁵¹ *Id.* at 32-34.

⁵² *Id.* at 20, 23, 30.

⁵³ *Id.* at 39.

⁵⁴ *Id.* at 52-54.

⁵⁵ See Circumvention of Lawful Pathways, 88 Fed. Reg. 31314 (May 11, 2023) (codified at 8 C.F.R. §§ 208, 1003, 1208), <https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways>.

⁵⁶ See generally *id.*

⁵⁷ See *id.* at 31450.

⁵⁸ See *id.*

and thus may be eligible for additional forms of immigration relief.⁵⁹

Carreno-Carreno was subject to the Biden-Harris Administration’s regulation and was found not to have a credible fear of persecution because he entered the country illegally after the regulation was implemented.⁶⁰ However, the asylum officer found that there was a reasonable possibility that Carreno-Carreno would be tortured if returned to Venezuela.⁶¹ Carreno-Carreno was then released on his own recognizance⁶² into the United States with a Notice to Appear in Chicago immigration court on May 20, 2026,⁶³ and a list of pro bono legal services providers in the Chicago area.⁶⁴

Refused to Sign
Signature of Alien

Above: Not only did Carreno-Carreno’s illegal entry into the prove his contempt for U.S. law, but his refusal to sign any official DHS documents showed his disrespect for the U.S. government as a whole.

While Carreno-Carreno promised on his immigration forms that he did not “intend to do anything illegal in the U.S.,”⁶⁵ within just a few months of his release, he was arrested in Chicago for shoplifting and subsequently for the brazen attack of the man on the CTA train.⁶⁶

The Biden-Harris Administration Released Yonnier Jose Guasamucare-Garcia into the United States in 2022.

The Committee’s review of Yonnier Jose Guasamucare-Garcia’s A-file reveals that Border Patrol first encountered him “at or near Eagle Pass, Texas[,] on September 18, 2022.”⁶⁷ The 16-year-old Venezuelan national⁶⁸ admitted to illegally entering “the United States by wading across the Rio Grande River.⁶⁹ He indicated that his parents live in Colombia and that it had taken him “45 days” to travel to the United States.⁷⁰ Guasamucare-Garcia told U.S. Customs

⁵⁹ *Fact Sheet: Circumvention of Lawful Pathways Final Rule*, U.S. DEP’T OF HOMELAND SEC. (May 11, 2023), <https://www.dhs.gov/news/2023/05/11/fact-sheet-circumvention-lawful-pathways-final-rule>.

⁶⁰ Carreno-Carreno A-File, *supra* note 49, at 30, 59.

⁶¹ *Id.* at 39.

⁶² *Id.* at 12.

⁶³ *Id.* at 3-4.

⁶⁴ *Id.* at 77-80.

⁶⁵ *Id.* at 56.

⁶⁶ Hecke, *supra* note 35.

⁶⁷ Alien File of Yonnier Jose Guasamucare-Garcia at 5, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Guasamucare-Garcia A-File].

⁶⁸ *Id.* at 12.

⁶⁹ *Id.* at 14.

⁷⁰ *Id.* at 14, 15.

and Border Protection (CBP) officials that he had no fear of returning to Venezuela, that he would not be harmed if he returned to Venezuela, and that he left his home country “searching a better future for my grandmother.”⁷¹

Below: Guasamucare-Garcia’s A-file indicates that the alien expressed no fear of returning to Venezuela.

Do you have a fear of returning to VENEZUELA? If yes, explain.

NO.

As a juvenile traveling with no guardians, and a national of a non-contiguous country, following an assessment by CBP officials, Guasamucare-Garcia was processed as a UAC.⁷² Guasamucare-Garcia listed his U.S. destination as Houston, Texas, and his point of contact as an “Uncle.”⁷³ According to his A-file, on October 11, 2022, Guasamucare-Garcia was released to a sponsor.⁷⁴ Less than 15 months later, Guasamucare-Garcia was arrested in Chicago “for retail theft” and, subsequently, in connection with the savage assault and robbery of a man on a CTA train.⁷⁵ According to press reports, Guasamucare-Garcia “jumped on the victim and wrapped his arm around the man’s neck. He squeezed until the man soiled himself, lost consciousness, and fell to the floor.”⁷⁶ As of July 2, 2024, Guasamucare-Garcia remained in the custody of Chicago law enforcement officials.⁷⁷

The Biden-Harris Administration Released Johandry Fernando Loyo-Rodriguez into the United States in 2023.

The Committee’s review of Johandry Fernando Loyo-Rodriguez’s A-file reveals that Border Patrol first encountered him “on or about July 15, 2023 . . . at or near Eagle Pass, TX.”⁷⁸ The 21-year-old illegal alien⁷⁹ refused to answer questions when Border Patrol attempted to take his sworn statement.⁸⁰ Loyo-Rodriguez’s A-file lists his criminal history as “[N]egative.”⁸¹ Loyo-Rodriguez initially claimed a fear of return to his home country and was placed into the Enhanced Expedited Removal program.⁸²

⁷¹ *Id.* at 17.

⁷² *Id.* at 19.

⁷³ *Id.* at 15.

⁷⁴ *Id.* at 11.

⁷⁵ Hecke, *supra* note 35.

⁷⁶ *Id.*

⁷⁷ Dorgan, *supra* note 36.

⁷⁸ Alien File of Johandry Fernando Loyo-Rodriguez at 17, 19, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Loyo-Rodriguez A-File].

⁷⁹ *Id.* at 26.

⁸⁰ *Id.* at 22.

⁸¹ *Id.* at 40.

⁸² *Id.* at 41-44.

Loyo-Rodriguez was told by a USICS asylum officer about the Biden-Harris Administration’s categorical parole program for Cubans, Haitians, Nicaraguans, and Venezuelans, and was given the option to leave the U.S. to attempt to seek entry through that parole process.⁸³ He then “accepted a CHVN [*sic*] Voluntary Withdrawal from the EER program.”⁸⁴ The A-file notes that Loyo-Rodriguez “will be sent back to Mexico pending his application through CBP One.”⁸⁵ On August 2, 2023, Loyo-Rodriguez departed the United States on foot for Mexico.⁸⁶ Like his train attack accomplice Carlos Luis Carreno-Carreno, Loyo-Rodriguez proved his contempt for U.S. law, not only by illegally entering the country, but also by refusing to sign official DHS documents.⁸⁷

Loyo-Rodriguez chose not to use the CBP One app and again crossed the U.S. border illegally between ports of entry just over a month after he left for Mexico—this time “at or near El Paso, TX, on or about September 16, 2023.”⁸⁸ Despite a determination by Border Patrol that he was “likely to abscond,”⁸⁹ Loyo-Rodriguez was released into the U.S. on his own recognizance due to “lack of space.”⁹⁰ According to DHS’s own data, however, the agency had capacity to detain Loyo-Rodriguez when he was released.⁹¹

likely to abscond.

Above: Border Patrol noted in the A-file that Loyo-Rodriguez was “likely to abscond,” but released him into the United States anyway.

Loyo-Rodriguez was also issued a Notice to Appear in immigration court on June 15, 2026, in Dallas, Texas.⁹² While his September 20, 2023, Order of Release on Recognizance instructed Loyo-Rodriguez not to “violate any local, State, or Federal laws or ordinances,”⁹³ within just a few months of his release, he was arrested in Chicago for shoplifting and, subsequently, for the brazen attack of the man on the CTA train.⁹⁴ According to press reports,

⁸³ *Id.* at 41.

⁸⁴ *Id.*

⁸⁵ *Id.* The parole program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) is one of several illegal categorical parole programs created by the Biden-Harris Administration as a smokescreen to release illegal aliens *en masse* into the United States under the guise of limiting “irregular migration.” Such a categorical program is an abuse of power given the Immigration and Nationality Act’s requirement that parole be granted “only on a case-by-case basis.” See INA 212(d)(5)(A).

⁸⁶ Loyo-Rodriguez A-File, *supra* note 78, at 13.

⁸⁷ *Id.* at 20, 22, 56.

⁸⁸ *Id.* at 4.

⁸⁹ *Id.* at 27.

⁹⁰ *Id.* at 28.

⁹¹ Daily Southwest Border Placemat – Distributed Sept. 18, 2023, provided to Comm. staff by Dep’t of Homeland Sec. (Sept. 14, 2023) (on file with Comm.).

⁹² Loyo-Rodriguez A-File, *supra* note 78, at 4.

⁹³ *Id.* at 3.

⁹⁴ Hecke, *supra* note 35.

while his accomplice “[Yonnier Jose] Guasamucare-Garcia strangled the man, Fernando Loyo-Rodriguez, 22, reached into the victim’s pockets and took his phone and about \$400 from his wallet.”⁹⁵ As of July 2, 2024, Loyo-Rodriguez remained in the custody of Chicago law enforcement officials.⁹⁶

The Biden-Harris Administration Released Wilker Miguel Gutierrez Sierra into the United States in 2023.

The Committee’s review of Wilker Miguel Gutierrez Sierra’s A-file reveals that Border Patrol encountered him “at or near El Paso, TX, on or about September 21, 2023.”⁹⁷ Gutierrez Sierra was one of 269,735 illegal aliens—the second highest monthly number on record—encountered on the southwest border by U.S. Customs and Border Protection officials that month.⁹⁸ Perhaps as a result of the massive number of illegal aliens that Border Patrol had to process at the time of his encounter, Gutierrez Sierra’s A-file offers few details about the alien and his time in Border Patrol custody.

The A-file lists Gutierrez Sierra’s criminal history as “[N]egative” and states that the alien claimed a fear of return to his home country.⁹⁹ Nothing in the A-file indicates that Gutierrez Sierra was given a credible fear interview—the first step in the asylum process. Instead, he was issued a Notice to Appear on January 25, 2024, in immigration court in Houston, Texas.¹⁰⁰ He was then released into the country “due to lack of space.”¹⁰¹ According to DHS’s own data, however, the agency had capacity to detain Loyo-Rodriguez when he was released.¹⁰²

Below: The Order of Release on Recognizance in the A-file instructed Gutierrez Sierra not to break the law upon release—an instruction that the alien quickly disregarded.

You must not violate any local, State, or Federal laws or ordinances.

The Committee has no information about whether Gutierrez Sierra actually appeared in Houston immigration court on the required date. However, while his September 25, 2023, Order of Release on Recognizance stated that Gutierrez Sierra “must not violate any local, State, or Federal laws or ordinances,”¹⁰³ within just a few months of his release, the illegal alien was arrested in Chicago in connection with the vicious attack of the man on the CTA train.¹⁰⁴

⁹⁵ *Id.*

⁹⁶ Dorgan, *supra* note 36.

⁹⁷ Alien File of Wilker Miguel Gutierrez Sierra at 2, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Gutierrez Sierra A-File].

⁹⁸ U.S. Customs and Border Protection, *Southwest Land Border Encounters*, DEP’T OF HOMELAND SEC. (last accessed July 25, 2024), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁹⁹ Gutierrez Sierra A-File, *supra* note 97, at 9.

¹⁰⁰ *Id.* at 2.

¹⁰¹ *Id.* at 9.

¹⁰² Daily Southwest Border Placemat – Distributed Sept. 25, 2023, provided to Comm. staff by Dep’t of Homeland Sec. (Sept. 25, 2023) (on file with Comm.).

¹⁰³ Gutierrez Sierra A-File, *supra* note 97 at 5.

¹⁰⁴ Hecke, *supra* note 35.

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. The man assaulted on a Chicago train will never be the same because the Biden-Harris Administration allowed him to enter the country. Tragically, the victim of Carlos Luis Carreno-Carreno, Yonnier Jose Guasamucare-Garcia, Johandry Fernando Loyo-Rodriguez, and Wilker Miguel Gutierrez Sierra is not the only victim of criminal illegal aliens.

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.