

# DHS Hides Monthly Number of Illegal Migrants Released into U.S., Former Immigration Judge Says

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by Nicholas Ballasy

The U.S. Department of Homeland Security is deliberately not releasing the monthly totals of all illegal migrants who wind up getting released into the U.S. after they are encountered by U.S. authorities at the border, a former U.S. immigration judge says.

Andrew Arthur, who served for eight years as an immigration judge at the now-closed immigration court in York, Pennsylvania, told Just the News that DHS does track the total number of migrants released after an encounter with border agents, **but making that data available to the public would paint the Biden Administration in a negative light.**

“The only reason why ICE and OFO [Office of Field Operations] would refuse to disclose that information is to hide the fact that it is releasing more than 100,000 aliens per month into the United States, and to conceal the effects of those migrant releases on communities across the United States,” he said.

Arthur also said that DHS should be required to release the information the same way that the monthly data on encounters of illegal immigrants is posted online.

Arthur also said the “monthly court-ordered disclosures in *Texas v. Biden*,” the lawsuit over the Remain in Mexico policy, demonstrated DHS “can provide the American people with statistics on the tens of thousands of illegal entrants that CBP encounters at the southwest border whom DHS releases” into the U.S. The agency has “refused to do so since those orders were vacated in August 2022,” Arthur explained.

U.S. immigration judges, formerly called “special inquiry officers” are not part of the federal judiciary, but rather are employees of the United States Department of Justice and report to the Attorney General.

The Federation for American Immigration Reform (FAIR), which describes itself as “a non-partisan, public interest organization” with more than three million diverse members and supporters, said that the Biden administration is not being transparent with the public about how many migrants without U.S. legal status are being released into the U.S.

DHS should be “required to release all pertinent information to the public,” a spokesperson for FAIR told Just the News. “It should be done as a matter of course because the public has a right to know. But if it requires an act of Congress, then so be it.”

The office of Rep. Darrell Issa, (R-Cal.), a member of the House Judiciary Committee, said the total number of migrants DHS is releasing should be reported to Congress on a daily basis. A spokesperson for Issa told Just the News that it’s “obvious why the Biden Admin does everything it can to minimize transparency.”

Arthur further elaborated on the obscurity of the data gathering process, explaining that OFO “publishes statistics on the number of aliens its officers encounter at the ports monthly who are placed into removal proceedings with the filing of a ‘Notice to Appear’ (NTA), but separate monthly disclosure lines on the number of those aliens who are released or alternatively are detained are blank—reading ‘0’ across the months. That is a legal and factual impossibility, because those aliens are either released or detained—there is no third option.”

ICE publishes monthly statistics on the number of migrants CBP transfers to its custody as well as the number of aliens ICE itself releases monthly, “but it fails to disclose how many of the aliens it releases monthly” were originally encountered at the southwest border and “transferred to ICE are released monthly,” Arthur also said.

“When ICE was under a court order in Texas, it did release that information, so it plainly keeps the statistics,” he added.

In June, FAIR estimated that at least 2.3 million illegal migrants had entered the U.S. “either because they were released by CBP, or they eluded apprehension,” according to a spokesperson for the group.

“This is a conservative estimate on FAIR’s part based on verifiable data. The report does not speculate about numbers that cannot be verified,” the spokesperson said.

The impact of those immigrants released into the U.S. — both illegal and illegal — has itself been the subject of debate.

Senators Ted Cruz (R-Tx.) and Rep. Stephanie Bice (R-Okla.) reintroduced “Kate’s Law“, legislation that increases criminal penalties for illegal immigrants who commit a felony. The law was named after Kate Steinle, a young woman shot to death in 2015 at a popular San Francisco tourist spot. The gunman, José Inez García Zárate, was acquitted of murder in California state court, but later pleaded guilty to federal gun charges in connection with Steinle’s murder.

The Cato Institute released a Texas-based study in 2021 showing that “as a percentage of their respective populations, illegal immigrants were more than 37.1 percent less likely to be convicted of a crime than native-born Americans. Legal immigrants were about 57.2 percent less likely to be convicted of a crime than native-born Americans.”

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*Nicholas Ballasy has been breaking news for more than a decade in the nation’s capital and questioning political leaders about the most pressing issues facing the nation. Since 2008, Ballasy has interviewed former President Bill Clinton, House Speaker Nancy Pelosi, former President Donald Trump, Sen. Mitt Romney, Sen. Bernie Sanders, Sen. John McCain, former Secretary of State Hillary Clinton, former Vice President Al Gore, former House Speaker Newt Gingrich and more. Photo “Mass Illegal Immigrants” by [Customs and Border Protection](#).*