



**Testimony of Andrew Block
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Before the
House Homeland Security Committee,
Subcommittee on Oversight, Investigations, and Accountability

“Eliminating Waste Fraud and Abuse at the Department of Homeland Security:
Addressing the Biden-Harris Administration’s Failure”

March 11, 2025

Dear Chairman Brecheen, Ranking Member Thanedar, and Members of the Subcommittee: Thank you for the invitation to testify today on the topic of the Biden Administration’s Waste, Fraud, and Abuse at the Department of Homeland Security (“DHS”). We at America First Legal Foundation (“AFL”) have spent the last four years fighting the Biden Administration in court and educating the American public on this very topic, so I am honored to share some of our work and findings.

While AFL has exposed Biden-era Waste, Fraud, and Abuse in many areas, including NGOs,¹ Censorship,² and Weaponization,³ other witnesses will focus on those topics and so I will focus my remarks specifically on Waste, Fraud, and Abuse in the immigration context.

Background

The Biden Administration took a cavalier approach to the law in everything it did. This was evident, for example, in its actions with respect to student loan forgiveness,⁴ the COVID-era eviction moratorium,⁵ mask mandates,⁶ and vaccine mandates,⁷ all of which were obviously illegal from the outset but nevertheless implemented because of an “act now and maybe get rejected later” approach. This attitude was on display

¹ For example, after hiring Andrew Lorenzen-Strait (an Obama Admin alum and part of the Biden Transition team), Family Endeavors almost immediately received two single source, no-bid federal contracts in the amount of \$530 million from HHS and \$87 million from ICE. AFL subsequently exposed how the original \$530 million contract cost has quadrupled, surpassing \$2 billion in obligated federal funds, \$1.3 Billion of which has been sent to Endeavors as of today. *America First Legal Uncovers New Documents Revealing How the Biden Admin Used \$2 Billion in Taxpayer-Funded Contracts to House Illegal Aliens and Enrich Former Biden Admin Staffers*, AM. FIRST LEGAL (Sept. 28, 2023), <https://perma.cc/BJ3Z-ES6X>. This inflated cost is in addition to the \$17 million in waste identified by the DHS Inspector General from Family Endeavors’ \$87 million contract with ICE, which AFL found provided illegal aliens with taxpayer-funded luxury services. *The Biden Administration Reveals That It Provides Concierge Services to Illegal Aliens, Covers Up the Cost Paid by American Taxpayers*, AM. FIRST LEGAL (Nov. 7, 2022), <https://perma.cc/PGQ8-5DEG>.

² *EXCLUSIVE – Brennan-Clapper Group Pushed DHS to Adopt Covert Influence Campaigns to Crush Political Opposition*, AM. FIRST LEGAL (July 9, 2024), <https://perma.cc/8H5A-FQNP>.

³ See *EXCLUSIVE – Brennan-Clapper Intel Group was Part of a Whole-of-Government Approach to Silence Political Dissent in the United States*, AM. FIRST LEGAL (July 11, 2024), <https://perma.cc/U4KU-HN8R> (AFL litigation revealed how DHS attended NSC interagency meetings on how to censor speech, including working with the UK Government to accomplish that policy); *EXCLUSIVE – America First Legal Obtains New Internal CDC Documents Revealing Foreign Collusion in Biden-Harris Government Censorship Regime*, AM. FIRST LEGAL (Sept. 13, 2024), <https://perma.cc/VXU4-7BTW>.

⁴ *Biden v. Nebraska*, 600 U.S. 447 (2023).

⁵ *Alabama Ass’n of Realtors v. Dep’t of Health & Hum. Servs.*, 594 U.S. 758 (2021).

⁶ *Health Freedom Def. Fund, Inc v. Biden*, 599 F. Supp. 3d 1144 (M.D. Fla. 2022), *vacated as moot sub nom. Health Freedom Def. Fund v. President of the United States*, 71 F.4th 888 (11th Cir. 2023).

⁷ *Louisiana ex rel Landry v. Biden*, 64 F.4th 674 (5th Cir. 2023); *Payne v. Biden*, 62 F.4th 598 (D.C. Cir.), *cert. granted, judgment vacated*, 144 S.Ct. 480 (2023).

in full force with the Administration’s approach to immigration enforcement where, at President Biden and Secretary Mayorkas’ direction, DHS failed to faithfully execute the laws, actively created barriers to law enforcement, ignored clear and longstanding interpretations of laws, and even attempted to rewrite Congressionally enacted laws.

I. Abuse of “Parole” Authority

Among the Biden Administration’s many abuses of authority none, in my view, is worse than the abuse of what is commonly referred to as Parole Authority.

Congress has created a clear and comprehensive immigration system. But of course, for any rule, there are exceptions. One issue that has been at the center of the give and take between the Legislative and Executive branches for decades is the question of how to deal with exigent circumstances.

Congress’s solution, so far, has been to give the Attorney General, and now the Secretary of Homeland Security, “Parole Authority.”⁸ Under 8 U.S.C. § 1182(d)(5), Congress empowered the Executive Branch to use its discretion, in compelling exigent circumstances, to permit an otherwise inadmissible alien temporarily to enter the United States when doing so is necessary for “urgent humanitarian reasons or significant public benefit,” and no other provision of the Immigration and Nationality Act (“INA”) addressed the situation. But the Executive Branch has all-too-often abused parole to address its own *disagreement* with other provisions of the INA.

Congress has already modified Section 1182 once to curtail Executive Branch abuses.⁹ Unfortunately, the Executive Branch continued to abuse the parole power, although never as egregiously as during the Biden Administration.¹⁰ Unfortunately, the Biden Administration’s abuses put to Congress a difficult policy question of whether to further curtail the availability of parole—which is intended to be a necessary “break glass in case of emergency” provision in immigration law; or remove the authority altogether. What is clear is that future Executives cannot be allowed to abuse the provision to indiscriminately admit 11 million people from around the world—who would not otherwise have a basis to enter the country—because the Biden Administration has given a future lawless Executive the roadmap.

⁸ Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 4 (2025).

⁹ Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-546.

¹⁰ George Fishman, *A Pernicious Perversion of Parole*, CTR. FOR IMMIGR. STUD. (Feb. 16, 2022), <https://perma.cc/8Y6P-LKPM>.

It did so with three programs: the CBP One app, Process for Cubans, Haitians, Nicaraguans, and Venezuelans (“CHNV”), and Parole in Place (“PIP”). AFL challenged these in court, defeating the PIP initiative at trial. Such “programs” undermine the laws enacted by Congress, are incredibly wasteful, and are a large part of why more than 11 million people entered the country illegally since 2021. My testimony will explain how the Biden Administration hid most of these entries under a veneer of legitimacy by unlawfully abusing the parole power on an unprecedented industrial scale.

A. CBP One App

During the vice-presidential debate, now Vice President J.D. Vance artfully explained, “There’s an application called the CBP One app where you can go on as an illegal migrant, apply for asylum or apply for parole and be granted legal status at the wave of a Kamala Harris open border wand.” That is precisely how this “program” worked. Through the CBP One app, the Biden Administration created, by executive fiat, what amounts to a parallel system for visa-free immigration to the United States for people who would otherwise have no basis to enter the United States of America.

Specifically, the app allowed aliens to apply for Advanced Travel Authorization (“ATA”), which allowed them to travel to a U.S. Port of Entry without a visa and request parole to enter the United States. Whereas you or I need a passport, visa, or license to enter the country, the Biden Administration waived all that for illegals and simply let them in the front door. CBP statistics show that more than 852,000 appointments were made using the CBP One app.¹¹

If that were not bad enough, this new system lacked the protections that Congress carefully constructed. For example, aliens applying for an immigrant visa must appear in person for a visa interview with a Department of State consular officer at the embassy or consulate.¹² Those interviews are conducted by a consular officer who speaks that alien’s native language and is familiar with the local culture. The officer can make an informed, in-person evaluation of the alien’s truthfulness and qualifications under the law to enter the United States. The Biden Administration discarded the interview requirement to receive an ATA.

¹¹ *CBP Releases September 2024 Monthly Update: CBP One App*, U.S. CUSTOMS & BORDER PROT. (Oct. 22, 2024), <https://perma.cc/C2CC-YNAS>.

¹² 8 U.S.C. § 1202(e).

But it gets worse. Congress has established numerical limitations and quotas for various visa classifications that the CBP One app ignored.¹³ Aliens could apply for ATA for free, whereas each alien applying for an immigrant visa pays a substantial fee of between \$205 and \$345.¹⁴ Aliens applying for immigrant visas must also meet several other requirements, such as comprehensive medical exams, strict vaccination requirements, and conclusive proof that they have the financial means to support themselves.¹⁵ ATAs did not require any of these safeguards. Worst of all, the lack of any in-person interview made it impossible for any kind of reasonable security vetting of these aliens before entering the United States. Yet the Biden Administration rubber-stamped ATA applications, approving them at rates of up to 97.5%.¹⁶

This Committee has reported that more than 95% of these applications receive court dates in the United States and temporary status until then.¹⁷ It is estimated that just through the CBP One app, more than 800,000 aliens—more than the population of four states and Washington, D.C.—entered the United States in *under two years* from this *one abuse of the parole authority*.

Unsurprisingly, the CBP One App was rife with fraud. Cartels exploited it, using VPN technology to work around its required geofence so aliens from anywhere in the world could use it.¹⁸ With the cartels' help, anyone could make a CBP One app appointment and “lawfully” enter the United States. The Biden Administration did not adjudicate these parole decisions on a case-by-case basis, as required by law. Instead, it opened our doors and allowed anyone to enter. The result is the worst-case scenario as illegal aliens who have entered the United States through the CBP One App have reportedly gone on to murder American citizens.¹⁹

¹³ *E.g.*, 8 U.S.C. § 1151 (imposing annual numerical caps for various immigrant visa classifications); *id.* 1184(e) (imposing “annual numerical limit” on certain nonimmigrant professionals); *id.* 1184(g) (imposing “limitation on numbers” of [t]emporary workers and trainees”); *id.* 1184(p) (imposing “numerical limitations” on annual number of recipients of visa for certain victims of crimes).

¹⁴ Dep’t of State, *Fees for Visa Services*, (accessed Sep. 25, 2023) <https://perma.cc/T976-BZPW>.

¹⁵ 42 C.F.R. § 34.1 et seq.; 8 U.S.C. § 1182(a)(1)(ii); 8 U.S.C. §§ 1182(a)(4) and 1183a.

¹⁶ *Texas v. DHS*, 722 F. Supp. 3d 688, 694 (S.D. Tex. 2024).

¹⁷ *News, New Documents Obtained by Homeland Majority Detail Shocking Abuse of CBP One App*, HOMELAND SEC. COMM. REPUBLICANS (Oct. 23, 2023), <https://perma.cc/Y5JT-62F5>.

¹⁸ Anna Giaritelli, *Mexican cartels exploit US government’s CBP One app*, WASH. EXAM’R (Aug. 4, 2023), <https://perma.cc/6KPJ-UDE4>.

¹⁹ America First Legal (@America1stLegal), X (Sept. 15, 2024, 10:26AM), <https://perma.cc/YXT6-UFZ5>.

B. Process for Cubans, Haitians, Nicaraguans, and Venezuelans

Under the guise of preventing illegal aliens from crossing the southern land border, the Biden Administration took the unbelievable step of “creating” a new “program” that permitted up to 360,000 aliens from Cuba, Haiti, Nicaragua, or Venezuela to be “paroled” into the United States every year—despite no authorization from Congress to do so. Worse yet, the CHNV program allowed aliens in their home countries to obtain the benefit of using the CBP One app to secure ATA to enter the United States—despite no other basis in law for them doing so.

This committee has reported that by September 2024, more than 531,000 aliens had entered the United States through the CHNV program.²⁰ Half a million people got to cut the line and be flown to their destination of choice in the United States. Similar to aliens from other countries using the CBP One App, the Biden Administration purported to give these CHNV aliens “lawful status” in the United States without any statutory authority.²¹

And, as it turns out, the CHNV program was also rife with fraud.

Aliens who entered the U.S. submitted fraudulent documents, had criminal records, and did not always come from one of the four CHNV countries.²² Additionally, the same 3,000 sponsors sponsored more than 100,000 applicants, with 24 of the most used social security numbers belonging to dead people.²³ At a rate of 33 aliens per serial sponsor (many tied to an address of a commercial warehouse),²⁴ there is no credible argument that CHNV admissions were evaluated on a case-by-case basis.²⁵

²⁰ *News, Startling Stats Factsheet: Fiscal Year 2024 Ends with Nearly 3 Million Inadmissible Encounters, 10.8 Million Total Encounters Since FY2021*, HOMELAND SEC. COMM. REPUBLICANS (Oct. 24, 2024), <https://perma.cc/CR6C-HYJH>.

²¹ “DHS cannot use that power to parole aliens *en masse*; that was the whole point of the ‘case-by-case’ requirement that Congress added in IIRIRA.” *Texas v. Biden*, 20 F.4th 928, 997 (5th Cir. 2021) *rev’d and remanded*, 597 U.S. 785 (2022).

²² Press Release, H. COMM. ON THE JUDICIARY & SUBCOMM. ON IMMIGR. INTEGRITY, SECURITY, AND ENF’T, New Report: Two Years of the Biden–Harris Administration’s Fraud-Ridden Parole Program (Nov. 20, 2024), <https://perma.cc/7R9F-J3Q3>.

²³ Julia Ansley & Laura Strickler, *Biden Administration May Soon Restart Immigration Program That Was Paused Was for Possible Fraud* (Aug. 28, 2024), NBC NEWS, <https://perma.cc/VWT2-ZQT4>.

²⁴ *Id.*

²⁵ See *Texas v. Department of Homeland Security*, No. 6:23-cv-007 ECF. No. 1, (S.D. Tex. Jan 24, 2023), available at <https://perma.cc/24FD-RKVJ>.

The fraud was actually so bad that the Biden Administration *paused their own program*—for 27 days—before ultimately resuming it.²⁶

AFL knew that this program was a gross exploitation of parole authority and sued the Biden Administration in 2023 on behalf of Texas and twenty other states.²⁷

C. Parole in Place

In yet another abuse of authority—dubbed Parole in Place—the Biden Administration attempted to give legal “parole” status to aliens who have been unlawfully present in the United States for over a decade.

This PIP program’s criteria was as arbitrary as it was capricious. Making new immigration policy out of thin air, the Administration purported to grant “legal status” to those who were 1) a spouse of a U.S. citizen here unlawfully for ten years; or 2) were a stepchild of a U.S. citizen who had unlawfully entered the United States before June 17, 2024 (just one month before PIP was announced). The PIP program, if successful, would have granted legal status to up to 1.3 million illegal aliens, despite a statutory requirement that such aliens leave the country and obtain a visa to lawfully return.²⁸

But AFL, representing a coalition of fifteen states, took the Biden Administration to court and *won* stopping this program and removing a significant pull factor to show that aliens cannot enter the country illegally, get amnesty, and be placed on a fast-track to citizenship.²⁹

* * *

Through these three “programs” alone, the Biden Administration attempted to bestow legal status on 2.6 million illegal aliens. That is more than the population of fifteen U.S. states and the equivalent of the population of the United States’ third-largest city of Chicago.

²⁶ Jason Hopkins, *Biden Admin Pauses Migrant Flight Program Amid Reports of Massive Fraud*, DAILEY CALLER (Aug. 2, 2024),

²⁷ *America First Legal, Texas, and a Coalition of 20 State Attorneys General Take Urgent New Legal Action to Stop President Biden from Flying Hundreds of Thousands of Illegal Aliens Into the United States*, AM. FIRST LEGAL (Apr. 4, 2024), <https://perma.cc/T9V6-HT8B>.

²⁸ See 8 U.S.C. § 1255.

²⁹ See *Texas v. Dep’t of Homeland Security*, No. 6:24-cv-00306, 2024 WL 4711951 (E.D. Tex. Nov. 7, 2024).

II. Re-Writing of Immigration Law Though the Asylum Officer Rule

Where the Biden Administration could not bend existing law beyond all recognition to meet its will, it simply endeavored to re-write it.

On March 29, 2022, the Biden Administration published an Interim Final Rule (“IFR”) that would completely restructure the asylum process for the United States, commonly referred to as the “Asylum Officer Rule.”³⁰ Under the guise of “efficiency” and “process,” the rule would transfer many of the duties of immigration judges to asylum officers—a change that would only result in the approval of countless meritless asylum claims from aliens who unlawfully entered the United States.

The Rule also attempted to codify a further abuse of the parole power by establishing a presumption that parole should be presumed to serve a “significant public benefit.” This is a complete inversion of the statutory law enacted by this body which, as explained, is a power of last resort given to the Secretary of Homeland Security to use “on a case-by-case basis” to address exigent circumstances. Thus, at the time, America First Legal’s Founder and President Stephen Miller called the rule “the most extreme immigration regulation ever proposed.”³¹

That is why AFL, partnering with the State of Texas, filed a lawsuit to prevent the rule from taking effect. The lawsuit argues that the rule was not only a violation of the Administrative Procedure Act and the Immigration and Nationality Act, but also a violation of the Appointments Clause of the Constitution as the Biden Administration attempted to give to asylum officers the duties Congress delegated to immigration judges.³²

AFL and the State of Texas defeated the Biden Administration’s motion to dismiss. And although the case was fully briefed at the summary judgment stage, it is currently stayed as the government works out how recent executive orders might impact the issues presented in this litigation.

³⁰ Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers, 87 Fed. Reg. 18078 (Mar. 29, 2022).

³¹ *America First Legal and Texas File Urgent Lawsuit to Block Extreme Biden Regulation Awarding Green Cards to Newly-Arriving Illegal Aliens*, AM. FIRST LEGAL (Apr. 28, 2022), <https://perma.cc/3XXK-RS5T>.

³² *See Texas v. Mayorkas*, 2:22-cv-094, 2024 WL 455337 (N.D. Tex. Feb. 6, 2024).

This is yet another example of how the Biden Administration poured countless hours and resources into a project—from drafting the rule to processing and addressing over 5,000 comments to defending it in court—despite a clear lack of authority and particularly potent constitutional issues.

III. Lack of Interior Enforcement

Finally, while the Biden Administration was importing *en masse* aliens from around the world, removal of illegal aliens from the United States was virtually nonexistent.³³ One of the biggest scandals, that went largely unreported, from the last four years was the utter lack of interior enforcement by Immigration and Customs Enforcement (“ICE”). During his entire term of office, President Biden only removed fewer than 600,000 aliens.³⁴ For context, President Obama removed 1.15 million in his first three years,³⁵ and removed over 432,000 aliens in 2013 alone.³⁶ Similarly, President Trump removed 1.19 million illegal aliens during his first term.³⁷

But not only did the Biden Administration fail to remove illegal aliens from the United States, *it proactively made it harder* for ICE agents to even take routine enforcement actions against the worst of the worst. For instance, one Biden Administration policy, ironically called a “priorities memo,”³⁸ required ICE agents to seek pre-approval from Washington, D.C. headquarters *for every proposed enforcement action* (arrest or removal of an illegal alien) for a nearly ten-month period.³⁹

³³ See *Presidential Power to Secure the Border: Hearing before the H. Comm. on the Judiciary Subcomm. On Immigr. Integrity, Sec., & Enf’t*, 118th Cong. (2024) (Statement of Gene P. Hamilton, Executive Director, America First Legal Foundation).

³⁴ In FY 21, ICE removed 59,011 aliens. U.S. IMMIGR. & CUSTOMS ENF’T, ICE ANNUAL REPORT FISCAL YEAR 2021 (Mar. 11, 2022), <https://perma.cc/UYG5-XW8M>. In FY 22 it removed 72,177. U.S. IMMIGR. & CUSTOMS ENF’T, ICE ANNUAL REPORT FISCAL YEAR 2022 (Dec. 30, 2022), <https://perma.cc/7X8F-X49Z>. In FY 23 it removed 142,580. U.S. IMMIGR. & CUSTOMS ENF’T, ICE ANNUAL REPORT FISCAL YEAR 2023 (Dec. 29, 2023), <https://perma.cc/3R6V-YETL>. And in FY 24 it removed 271,484. U.S. IMMIGR. & CUSTOMS ENF’T, ICE ANNUAL REPORT FISCAL YEAR 2024 (Dec. 19, 2024), <https://perma.cc/D8E9-WRBY>.

³⁵ U.S. DEP’T OF HOMELAND SEC. OFF. OF HOMELAND SEC. STATS., 2022 YEARBOOK OF IMMIGRATION STATISTICS 104, <https://perma.cc/4XBY-C44Y>.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Memorandum from Tae D. Johnson, Acting Director, U.S. Immigr. & Customs Enf’t to all ICE Employees (Feb. 18, 2021), <https://perma.cc/R6Z9-JCB6>.

³⁹ Pl.’s Mot. for Summ. J. at 1–2, *Am. First Legal Found. v. Dep’t of Homeland Sec.*, No. 21-cv-2168 (D.D.C. Sept. 15, 2023), ECF No. 28-1, <https://perma.cc/EQA4-NX5M> (Explaining: “Political leadership [ICE] issued an Interim Guidance memorandum setting forth new requirements for ICE agents. This memorandum was in effect until November 29, 2021, when it was superseded by a September 30, 2021, memorandum issued by [] Secretary Mayorkas. While in effect, the Interim Guidance implemented

But ICE, under the Biden Administration, did not identify “priorities” in the way Tom Homan does today. What the policy really did was slow down legitimate law enforcement efforts and create more bureaucracy to protect criminal illegal aliens.

Records obtained by AFL show how ridiculous the policy was. Instead of allowing the trained and professional law enforcement officers at ICE to go out and do their job, the Biden Administration made them come in to a desk, write up a justification, and wait for approval. And this applied to everyone. AFL sued ICE to obtain these written justifications, and the results will astound you.

AFL’s investigation showed that the priorities memo resulted in nearly 60,000 requests by ICE field agents to Washington D.C. headquarters simply to do their job.⁴⁰ This included pre-approval requests to arrest or deport known cartel and gang members, people convicted of crimes including: crimes against children, homicide, fraud, weapons and narcotics trafficking, arson, drug dealing, drunk driving, domestic violence, and virtually every other crime.

Conclusion

The story of the Biden Administration’s Department of Homeland Security cannot be told without emphasizing just how wasteful and abusive their policies were of taxpayer resources. From willfully ignoring the law to attempting to rewrite it to actively erecting roadblocks to law enforcement, virtually every Biden-era DHS initiative can be categorized as waste, fraud, or abuse. Thank you, and I look forward to answering the Committee’s questions.

new bureaucratic requirements before ICE officers could take enforcement action against non-citizens illegally in the United States. Specifically, before arresting or removing an alien, ICE officers were required to pause and seek approval from Washington, D.C. headquarters. Considering the serious public health and safety risks posed by many such individuals, this added delay left convicted violent criminals and other dangerous aliens in communities longer than they otherwise would have been and made an already complex job for ICE officers even more challenging.”).

⁴⁰ *IMMIGRATIONS DOCS: AFL Releases Disturbing Data on Illegal Aliens Under Biden Administration Policies; ICE Agents Had to Seek Permission to Arrest or Deport Thousands of Felons Convicted of Virtually Every Crime*, AM. FIRST LEGAL (May 10, 2023), <https://perma.cc/8DKF-CYST>