



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION'S  
OPEN-BORDERS POLICIES: THE CASE OF THE ILLEGAL ALIEN WHO  
BRUTALLY ASSAULTED A DEVELOPMENTALLY DISABLED WOMAN**

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



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## EXECUTIVE SUMMARY

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In less than four years, the Biden-Harris Administration has released into the United States more than 5.6 million illegal aliens,<sup>1</sup> with another 1.9 million illegal alien “gotaways” escaping into the country during the same time.<sup>2</sup> 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,<sup>3</sup> 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.”<sup>4</sup>

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.<sup>5</sup>

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.<sup>6</sup> Consequently, the Biden-Harris

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<sup>1</sup> 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) (on file with Comm.); 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).

<sup>2</sup> 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).

<sup>3</sup> *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.).

<sup>4</sup> *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).

<sup>5</sup> 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.].

<sup>6</sup> See H. Comm. on the Judiciary, Interim Staff Rep., *How the Biden Administration’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.”<sup>7</sup> 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.<sup>8</sup>

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”<sup>9</sup> and mocked any plans to remove illegal aliens from the United States.<sup>10</sup> 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, Pierre Lucard Emile, 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, Pierre Lucard Emile, a Haitian national, was released by the Biden-Harris Administration pursuant to an exception to Title 42.<sup>11</sup> As the Committee’s report details, after arriving in the United States, Emile wasted no time brutally victimizing a young woman with developmental disabilities.<sup>12</sup>

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<sup>7</sup> 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).

<sup>8</sup> *Id.* at 9.

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

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

<sup>11</sup> See *infra* notes 28-30.

<sup>12</sup> See *infra* notes 34-37.

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## THE CASE OF CRIMINAL ILLEGAL ALIEN PIERRE LUCARD EMILE

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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.<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup> Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.<sup>16</sup> 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.”<sup>17</sup>

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

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<sup>13</sup> See *supra* notes 1-2.

<sup>14</sup> *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

<sup>15</sup> *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).

<sup>16</sup> *Id.*

<sup>17</sup> *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: Pierre Lucard Emile.

***Illegal Alien Pierre Lucard Emile Assaulted a Woman with Developmental Disabilities.***

In September 2023, police in Boston, Massachusetts, arrested Pierre Lucard Emile in connection with a vicious “assault and battery on a developmentally disabled person.”<sup>18</sup> According to ICE, Emile initially entered the United States through the Brownsville, Texas, port of entry in December 2022, “where he was deemed inadmissible,” yet the Department of Homeland Security released him after he was “issued a notice to appear before an immigration judge . . . in Boston.”<sup>19</sup>

Following these reports, on January 24, 2024, the Committee on the Judiciary sent a letter to DHS requesting all case history information for the alien, including his alien file (A-file).<sup>20</sup> DHS failed to produce the documents and, accordingly, on April 11, 2024, the Committee reiterated its outstanding request for Emile’s A-file, along with other other outstanding requests for A-files.<sup>21</sup> Pursuant to the Committee’s follow-up letter, on May 3, 2024, DHS produced Emile’s A-file.<sup>22</sup>

***The Biden-Harris Administration Released Pierre Lucard Emile into the United States in 2022.***

According to information obtained by the Committee, Pierre Lucard Emile, a Haitian national, was encountered by Customs and Border Protection (CBP) on December 13, 2022, in Brownsville, Texas,<sup>23</sup> and “requested asylum.”<sup>24</sup> CBP determined that Emile was inadmissible,<sup>25</sup> with CBP agents characterizing the nature of his illegal entry into the country as “Minor/Technical.”<sup>26</sup> According to a form contained in this A-file, CBP conducted a “Discretionary Authority Checklist for Alien Applicants” in which it considered irrelevant factors

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<sup>18</sup> Adam Shaw & Bill Melugin, *Haitian illegal immigrant charged with rape released back onto streets in Boston despite ICE appeals*, FOX NEWS (Jan. 18, 2024), <https://www.foxnews.com/politics/haitian-illegal-immigrant-charged-with-rape-released-back-onto-streets-in-boston-despite-ice-appeals>.

<sup>19</sup> Press Release, U.S. Immigr. & Customs Enf’t, ERO Boston arrests Haitian Citizen charged with rape, indecent assault (Jan. 17, 2024), <https://www.ice.gov/news/releases/ero-boston-arrests-haitian-citizen-charged-rape-indecent-assault>; Shaw et. al., *supra* note 18.

<sup>20</sup> Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Jan. 24, 2024).

<sup>21</sup> 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).

<sup>22</sup> 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).

<sup>23</sup> Alien File of Pierre Lucard Emile at 7, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Emile A-File].

<sup>24</sup> *Id.* at 22.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 24.

in determining his admissibility, such as whether or not Emile had a “[r]elationship to a U.S. employer or resident” or has “[m]inor children accompanying or already in the United States.”<sup>27</sup> Although CBP officials

8) Other Factors to Consider:		
Legitimate reason for entering the United States:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Documentary (Passport / Visa) deficiency only:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Credible claim of official misinformation:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Relationship to a U.S. employer or resident:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Intent to circumvent admissibility requirements:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Misrepresentations made during processing:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor children accompanying or already in the United States:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Unaware of visa avoidance or consequences of VWP overstay:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Relief available through the parole or waiver process:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

determined that he was “Likely to Add to [the United States’] Illegal Population,” immigration officials subsequently released Emile.<sup>28</sup>

7) Threat posed to the United States:		
Terrorist Affiliations or Ties:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Criminal History	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Recent/Significant Criminal Threat:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Likely to Add to Illegal Population:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other Credible Threat:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

*Left: A form in Emile’s A-file shows that CBP officials determined Emile posed a limited threat to the United States.*

Documents show that Emile was processed as a “[t]itle 42 Exception,” provided a “Notice to Appear (NTA) in immigration court] and paroled into the U.S. for one year” pending his removal proceedings.<sup>29</sup> According to his A-File, the “CBP process” by which Emile was evaluated and released was “NTA/Vaccinated.”<sup>30</sup>

**Disposition: Subject was processed for an NTA and paroled into the U.S. for one year pending 240 hearing.**

*Above: Emile’s A-file reveals he was paroled into the United States pending removal proceedings in immigration court.*

While the Trump Administration’s use of Title 42 expulsion authority successfully deterred illegal aliens from attempting to enter the country,<sup>31</sup> the Biden-Harris Administration modified the Title 42 order several times to exempt large groups of aliens from expulsion, including by carving out a “humanitarian exception” on May 12, 2021.<sup>32</sup> Four months later, on September 24, 2021, Secretary Mayorkas laid out three broad humanitarian reasons that an

<sup>27</sup> Emile A-File, *supra* note 23, at 24.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 21-22.

<sup>30</sup> *Id.* at 27.

<sup>31</sup> See generally U.S. Customs and Border Protection, *Southwest Land Border Encounters*, U.S. DEP’T OF HOMELAND SECURITY (last accessed July 8, 2024), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>32</sup> Press Release, U.S. Dept. of Homeland Sec., DHS Improves Process for Humanitarian Exceptions to Title 42 (May 12, 2021), <https://www.dhs.gov/news/2021/05/12/dhs-improves-process-humanitarian-exceptions-title-42>.

individual would not be subject to Title 42 expulsion: (1) acute vulnerability; (2) operational capacity limitations; and (3) the Convention Against Torture.<sup>33</sup> From March 2021 through February 20, 2023, the Biden-Harris Administration applied these broad exceptions to 176,362 aliens, with 102,327 such exceptions in just the first five months of fiscal year 2023.<sup>34</sup> Pierre Lucard Emile was the beneficiary of one of those exceptions, with the Biden-Harris Administration releasing him into the United States.<sup>35</sup>

Less than one year later, in September 2023, police in Boston, Massachusetts, arrested Emile in connection with a vicious “assault and battery on a developmentally disabled person.”<sup>36</sup> The details of his alleged criminal activity are heinous. According to police documents contained in his A-file, Emile was a family friend of the victim’s stepfather who had been living with the family in their home.<sup>37</sup> According to the police report, the victim “has developmental delays and cognitively presents at a middle school age level educationally.”<sup>38</sup> The police documented how Emile viciously assaulted her in her home “more than five times,”<sup>39</sup> which she reported to counselors at her high school, who later notified police.<sup>40</sup> According to the report, Emile sent the victim text messages “enticing the victim” to meet him “in different rooms in the house” to engage in abusive acts,<sup>41</sup> and later asked the victim to “delete all the messages between them.”<sup>42</sup>

On September 29, 2023, ICE lodged a detainer against Emile with the Boston, Massachusetts, police department.<sup>43</sup> According to ICE, however, the Dorchester District Court did not honor their detainer.<sup>44</sup> Instead, on November 8, after posting \$7,500 bail,<sup>45</sup> Emile was released from court custody “on GPS electronic monitoring despite an active detainer in place.”<sup>46</sup>

Emile was not apprehended by ICE until several months later, on January 9, 2024, in Dorchester, Massachusetts.<sup>47</sup> According to his A-file, an ICE Fugitive Operations Team established a “perimeter in the vicinity” of his “last known address.”<sup>48</sup> While ICE officers did not spot him there, they learned that he was scheduled to appear for a court arraignment that same

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<sup>33</sup> *Press Briefing by Press Secretary Jen Psaki and Secretary of Homeland Security Alejandro Mayorkas, September 24, 2021*, THE WHITE HOUSE (Sept. 24, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/09/24/press-briefing-by-press-secretary-jen-psaki-and-secretary-of-homeland-security-alejandromayorkas-september-24-2021/>.

<sup>34</sup> Title 42 Humanitarian Exceptions (on file with Comm.).

<sup>35</sup> Emile A-File, *supra* note 23, at 68.

<sup>36</sup> Adam Shaw & Bill Melugin, *Haitian illegal immigrant charged with rape released back onto streets in Boston despite ICE appeals*, FOX NEWS (Jan. 18, 2024), <https://www.foxnews.com/politics/haitian-illegal-immigrant-charged-with-rape-released-back-onto-streets-in-boston-despite-ice-appeals>.

<sup>37</sup> Emile A-File, *supra* note 23, at 35, 41.

<sup>38</sup> *Id.* at 36.

<sup>39</sup> *Id.* at 41.

<sup>40</sup> *Id.* at 35-36.

<sup>41</sup> *Id.* at 36.

<sup>42</sup> *Id.* at 41.

<sup>43</sup> *Id.* at 15.

<sup>44</sup> *Id.* at 14.

<sup>45</sup> *Id.* at 55.

<sup>46</sup> *Id.* at 13-14.

<sup>47</sup> *Id.* at 13.

<sup>48</sup> *Id.*

day.<sup>49</sup> A man matching his description was observed walking out of the court and departing in a vehicle.<sup>50</sup> ICE Fugitive Operations Team officers “followed the vehicle away from the courthouse” and subsequently arrested Emile in a public setting.<sup>51</sup> According to ICE, Emile remains detained pending his criminal and immigration proceedings.<sup>52</sup>

ICE agents were likely forced to arrest Emile in public, instead of in the secure setting at his arraignment, due to the Biden-Harris Administration’s April 2021 memorandum, “Civil Immigration Enforcement Actions in or near Courthouses,” which provides limited circumstances under which enforcement of civil immigration law may occur at courthouses.<sup>53</sup> Indeed, in transcribed interviews with the Committee, ICE officials have testified that they disagree with this policy out of concern that it may endanger officers,<sup>54</sup> as it is safer for both aliens and the ICE officers to make arrests in a courthouse rather than at-large in the community.<sup>55</sup> Every step of the way, the Biden-Harris Administration’s open-borders, no-consequence policies, coupled with local sanctuary jurisdiction policies, ensured Emile would be released after illegally entering the country and, even after committing heinous crimes, would not be detained for months on end.

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## CONCLUSION

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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. Emile’s victim will never be the same because the Biden-Harris Administration allowed Emile to enter the country. Tragically, his victim is not alone.

For 16 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.

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<sup>49</sup> Emile A-File, *supra* note 23, at 13.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Press Release, U.S. Immigr. & Customs Enf’t, *supra* note 19.

<sup>53</sup> U.S. Dep’t of Homeland Sec., “Civil Immigration Enforcement Actions in or near Courthouses” (Apr. 27, 2021), <https://www.cbp.gov/sites/default/files/assets/documents/2021-Apr/Enforcement-Actions-in-Courthouses-04-26-21.pdf>.

<sup>54</sup> Transcribed Interview of Immigr. and Customs Enf’t Executive Associate Director, Enf’t and Removal Operations, at 106 (May 3, 2024) (on file with Comm.).

<sup>55</sup> Transcribed Interview of Immigr. and Customs Enf’t Deputy San Antonio Field Off. Director, at 66-67 (Sept. 28, 2023) (on file with Comm.).