



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION'S
OPEN-BORDERS POLICIES: THE CASE OF THE ILLEGAL ALIEN WHO
BLUDGEONED A TEXAS MAN TO DEATH**

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



August 23, 2024

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 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.”⁷ As a result, the number of criminal aliens free in the United States totaled more than 617,000 by December 2023—and is likely growing daily because of the border crisis.⁸

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

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

In 2017, then-Senator Kamala Harris asserted that “an undocumented immigrant is not a criminal”⁹ and mocked any plans to remove illegal aliens from the United States.¹⁰ Contrary to the border czar’s claims, many of the illegal aliens allowed to enter the United States under Vice President Harris’s watch are criminals who victimized Americans and terrorized U.S. communities. This interim staff report focuses on the case of just one criminal illegal alien, Roberto Emilio Vasquez-Santamaria, 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, Vasquez-Santamaria entered the United States on May 7, 2023, and was subsequently released on his own recognizance due to a lack of detention space.¹¹ As a condition of his release, Vasquez-Santamaria agreed not to commit any crimes.¹² Mere months later, however, Vasquez-Santamaria bludgeoned a man to death.¹³

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

⁸ *Id.* at 9.

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

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

¹¹ See *infra* notes 25-27.

¹² See *infra* notes 30-32.

¹³ See *infra* note 19.

THE CASE OF CRIMINAL ILLEGAL ALIEN ROBERTO EMILIO VASQUEZ-SANTAMARIA

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.¹⁴ 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.¹⁵

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.¹⁶ Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.¹⁷ 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.”¹⁸

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 one of the millions of illegal aliens released by the Biden-Harris Administration: Roberto Emilio Vasquez-Santamaria.

Illegal Alien Roberto Emilio Vasquez-Santamaria Bludgeoned a Man to Death.

¹⁴ See *supra* notes 1-2.

¹⁵ *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

¹⁶ *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).

¹⁷ *Id.*

¹⁸ *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).

On September 18, 2023, the Texas Rangers arrested Roberto Emilio Vasquez-Santamaria, a national of Peru, for the alleged murder of a man in Texas.¹⁹ Vasquez-Santamaria is accused of “bludgeon[ing] [the victim] to death in the backyard of a home.”²⁰ According to press reports, Vasquez-Santamaria entered the U.S. illegally and was released on May 9, 2023.²¹

Above: According to Vasquez-Santamaria’s A-file, the Biden-Harris Administration released him into the United States “due to lack of space.”

Following these reports, on October 30, 2023, the Committee on the Judiciary sent a letter to DHS requesting all case history information for the alien, including his alien file (A-file).²² DHS failed to produce the documents and, accordingly, on April 11, 2024, the Committee reiterated its outstanding request for Vasquez-Santamaria’s A-file, along with other outstanding requests for A-files.²³ Pursuant to the Committee’s follow-up letter, on May 7, 2024, DHS produced Vasquez-Santamaria’s A-file.²⁴

The Biden-Harris Administration Released Roberto Emilio Vasquez-Santamaria into the United States in 2023.

The Committee’s review of Vasquez-Santamaria’s A-file reveals that on May 7, 2023, Vasquez-Santamaria was encountered by Border Patrol in Eagle Pass, Texas.²⁵ Instead of being detained, Vasquez-Santamaria was subsequently released on an “Order of Release [O]wn Recognizance due to lack of space,”²⁶ enrolled in Alternatives to Detention (ATD),²⁷ and given instructions to report to ICE Enforcement and Removal Operations in Tampa, Florida, on July 3, 2023.²⁸

DISPOSITION:
Subject will be released by an Immigration Officer on Order of Release own Recognizance due to lack of space. Subject was served with ICE Form I-220A, with reporting instructions for the nearest ICE/ERO office in the local commuting area of their intended destination.

¹⁹ Randy Clark, *Exclusive: Migrant Released by Biden Admin Arrested for Texas Border Town Murder*, BREITBART (Sept. 19, 2023), <https://www.breitbart.com/border/2023/09/19/exclusive-migrant-released-by-biden-admin-arrested-for-texas-border-town-murder/>.

²⁰ *Id.*

²¹ *Id.*

²² Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Oct. 30, 2023).

²³ 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).

²⁴ Letter from Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. to Jim Jordan et al., Chairman, H. Comm. on the Judiciary (May 7, 2024).

²⁵ Alien File of Roberto Emilio Vasquez-Santamaria at 43-45, provided to H. Comm. on the Judiciary staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Vasquez-Santamaria A-File].

²⁶ *Id.*

²⁷ *Id.* at 47.

²⁸ *Id.* at 51.

According to this immigration records, Vasquez-Santamaria was also given a Notice to Appear in immigration court, with his initial appearance scheduled for June 4, 2025, in Orlando, Florida.²⁹ Pursuant to his order of release, the alien agreed to “not violate any local, State, or Federal laws or ordinances,”³⁰ “not associate with known gang members, criminal associates, or be associated with any such activity,”³¹ and “not commit any crimes.”³² Just months later, Vasquez-Santamaria blatantly violated the conditions of his release.

Press reports indicate that Texas Rangers arrested Vasquez-Santamaria in Eagle Pass, Texas, in September 2023 for an alleged murder.³³ Vasquez-Santamaria is accused of “bludgeon[ing] [the victim] to death in the backyard of a home.”³⁴ According to law enforcement sources, “the house where the victim was discovered had been used in the past in connection with migrant smuggling.”³⁵

Records found in Vasquez-Santamaria’s A-file fail to reveal much more than his encounter and release. Indeed, the DHS records produced to the Committee do not contain further details as to whether Vasquez-Santamaria ever checked in with ICE in Tampa, complied with ATD, applied for any immigration benefits, or was ever detained by ICE or removed from the country.

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 family of Vasquez-Santamaria’s victim will never be the same because the Biden-Harris Administration allowed Vasquez-Santamaria to enter the country. Tragically, the victim’s family is not alone.

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.

²⁹ Vasquez-Santamaria A-File, *supra* note 25, at 25.

³⁰ *Id.* at 51.

³¹ *Id.* at 53.

³² *Id.*

³³ Clark, *supra* note 19.

³⁴ *Id.*

³⁵ *Id.*