



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION'S  
OPEN-BORDERS POLICIES: THE CASE OF THE ILLEGAL ALIENS  
WHO ATTACKED NEW YORK CITY POLICE OFFICERS**

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 America’s borders, 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); 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 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.”<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 four criminal illegal aliens and highlights how the open-borders policies of the Biden-Harris Administration ensured their entry into the United States. According to new, nonpublic information uncovered by the Committee, the Biden-Harris Administration allowed Darwin Gomez Izquier, Wilson Juarez-Aguilarte, Kelvin Servita Arocha, and Yorman Yoel Riveron-Rivero to enter the country in 2022 and 2023.<sup>11</sup> The illegal aliens, at least two of whom are members of the dangerous Venezuelan prison gang Tren de Aragua, went on to be involved in the assault of two New York City police officers

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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 26-28, 35, 43, 49, 55, 58, 67-68.

in January 2024.<sup>12</sup> Two of the illegal aliens were initially encountered at the northern border and were released by Border Patrol into the United States.<sup>13</sup>

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<sup>12</sup> See *infra* notes 19-20, 53, 64.

<sup>13</sup> See *infra* notes 49-51, 56-57.

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## THE CASE OF CRIMINAL ILLEGAL ALIENS WHO ASSAULTED NEW YORK CITY POLICE OFFICERS

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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>14</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>15</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>16</sup> Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.<sup>17</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 border because “[c]rimes committed by a foreign national outside the U.S. rarely appear in [U.S.] databases.”<sup>18</sup>

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<sup>14</sup> See *supra* notes 1-2.

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

<sup>16</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>17</sup> *Id.*

<sup>18</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).

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: Darwin Gomez Izquier, Wilson Juarez-Aguilarte, Kelvin Servita Arocha, and Yorman Yoel Riveron-Rivero.

### ***Illegal Alien Mob Attacked New York City Police Officers in January 2024.***

According to press reports, on January 27, 2024, a group of illegal aliens brutally attacked two New York City police officers near a migrant shelter in Times Square.<sup>19</sup> Seven of the attackers were eventually indicted.<sup>20</sup> Based on these reports, on February 7, 2024, Chairman Jim Jordan and Subcommittee on Immigration Integrity, Security, and Enforcement Chairman Tom McClintock launched an investigation into the attackers and their release into the United States.<sup>21</sup> Specifically, the Committee sent a letter to the Department of Homeland Security requesting all case history information for the aliens, including their alien files (A-files).<sup>22</sup>

DHS failed to produce the documents and on April 11, 2024, the Committee reiterated its outstanding request for the alleged attackers' A-files, among other outstanding requests for A-files.<sup>23</sup> DHS failed to produce the documents for all the alleged attackers and, accordingly, on June 28, 2024, the Committee subpoenaed DHS Secretary Alejandro Mayorkas for the outstanding A-files.<sup>24</sup> Pursuant to the Committee's subpoena, on July 31, 2024, DHS produced A-files for Gomez Izquier, Juarez-Aguilarte, Servita Arocha, and Riveron-Rivero.<sup>25</sup>

### ***Border Patrol Apprehended Illegal Alien Gomez Izquier in 2023.***

The Committee's review of Darwin Gomez Izquier's A-file reveals that the Venezuelan national illegally entered the United States on August 21, 2023, near Brownsville, Texas.<sup>26</sup> Gomez Izquier entered the United States "[o]n a raft across the Rio Grande river from Mexico"

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<sup>19</sup> Marcia Kramer et al., *Calls grow to deport migrants who attacked NYPD officers in Times Square*, CBS NEWS (Feb. 1, 2024, 11:50 PM), <https://www.cbsnews.com/newyork/news/nypd-officers-attacked-times-square-migrant-shelter-arrests/>.

<sup>20</sup> Antonio Planas, *7 indicted in attack on 2 NYPD officers in Times Square*, NBC NEWS (Feb. 9, 2024, 7:17 PM), <https://www.nbcnews.com/news/us-news/7-indicted-attack-2-nypd-officers-square-rcna138018>.

<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. (Feb. 7, 2024) (on file with Comm.).

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

<sup>23</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>24</sup> Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (June 28, 2024).

<sup>25</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>26</sup> Alien File of Darwin Gomez Izquier at 2, provided to H. Comm. on the Judiciary Staff by U.S. Dep't of Homeland Sec. (on file with Comm.) [hereinafter Gomez Izquier A-File].

and was apprehended by Border Patrol.<sup>27</sup> He was then “transported to the Donna Holding Facility in Donna, Texas[,] for further processing.”<sup>28</sup>

Gomez Izquier claimed that he entered the United States “[t]o seek asylum in order to obtain employment to assist [his] family financially and to obtain an education.”<sup>29</sup> After Gomez Izquier’s arrest by Border Patrol, a National Crime Information Center query returned no criminal history for the illegal alien.<sup>30</sup> He listed an uncle in Mississippi as his point of contact in the United States<sup>31</sup> and said Mississippi was his intended destination.<sup>32</sup> According to his A-file, Gomez Izquier “was offered and accepted to withdraw [his] application for admission to the United States and return to Mexico instead of being placed in removal proceedings.”<sup>33</sup> Although DHS records indicate Gomez Izquier’s “voluntary return” to Mexico,<sup>34</sup> at some point he was either released into the United States or reentered as one of the at least 1.9 million “gotaways” who have escaped into the country during the Biden-Harris Administration.<sup>35</sup>

Five months after his initial apprehension by Border Patrol, Gomez Izquier joined a mob of other illegal aliens in attacking two New York City police officers.<sup>36</sup> Gomez Izquier was “charged with assault and released without bail.”<sup>37</sup> Days later, and still not detained by ICE, the illegal alien “was part of a group that robbed a Macy’s in Queens Center Mall and assaulted an employee.”<sup>38</sup> Gomez Izquier “acted as a lookout with a group of three unapprehended others, who concealed merchandise from inside the store and passed all points of sale without paying.”<sup>39</sup>

In late July 2024, Gomez Izquier accepted a plea deal for the Times Square assault.<sup>40</sup> At the same time Manhattan District Attorney Alvin Bragg’s office offered a plea deal to a violent illegal alien, Bragg himself was engaged in lawfare against the Biden-Harris Administration’s main political opponent: President Donald J. Trump. As the Committee has highlighted, Bragg has abused his office to target President Trump for political prosecution, using a novel and convoluted legal theory to turn an otherwise misdemeanor record-keeping infraction into dozens

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<sup>27</sup> *Id.* at 2, 44.

<sup>28</sup> *Id.* at 3.

<sup>29</sup> *Id.* at 44, 46.

<sup>30</sup> *Id.* at 21.

<sup>31</sup> *Id.* at 33.

<sup>32</sup> *Id.* at 44.

<sup>33</sup> *Id.* at 4.

<sup>34</sup> *Id.* at 1-2.

<sup>35</sup> See generally Harper et al., *supra* note 2.

<sup>36</sup> See Planas, *supra* note 20.

<sup>37</sup> Joe Marino & Jorge Fitz-Gibbon, *Cops allegedly beaten by rowdy migrant mob near Times Square — with suspects later freed without bail: horrifying video*, N.Y. POST (Jan. 30, 2024, 6:56 PM), <https://nypost.com/2024/01/30/metro/cops-beaten-by-rowdy-migrant-mob-in-caught-on-video-assault-near-times-square-and-suspects-later-freed-without-bail/>.

<sup>38</sup> The National Desk, *Migrant involved in Times Square police attack arrested for Queens store robbery*, CBS AUSTIN (Feb. 14, 2024, 7:29 AM), <https://cbsaustin.com/news/nation-world/migrant-involved-darwin-andres-gomez-izquier-in-times-square-police-attack-now-wanted-for-queens-store-robbery-new-york-police-department-nypd-macys>.

<sup>39</sup> *Id.* (internal quotation marks omitted).

<sup>40</sup> Zoe Hussain, *Migrant who kicked NYPD cop in Times Square brawl takes plea deal that could land him in jail for one year*, N.Y. POST (July 29, 2024, 4:58 PM), <https://nypost.com/2024/07/29/us-news/migrant-who-kicked-nypd-cop-in-times-square-brawl-takes-plea-deal-could-land-him-one-year-in-jail/>.

of felony counts.<sup>41</sup> Although Bragg succeeded in returning a guilty verdict from a sympathetic Manhattan jury and a friendly judge, legal experts have called into the question the constitutionality of the proceedings.<sup>42</sup>

***The Biden-Harris Administration Released Wilson Juarez-Aguilarte into the United States in 2022 and again in 2023.***

The Committee’s review of Wilson Juarez-Aguilarte’s A-file reveals that the Venezuelan national first entered the United States near Eagle Pass, Texas, on July 31, 2022.<sup>43</sup> He listed a point of contact in Houston, Texas.<sup>44</sup> When asked about why he left Venezuela, Juarez-Aguilarte refused to answer.<sup>45</sup> Nonetheless, the Biden-Harris Administration released Juarez-Aguilarte into the United States in August 2022, with instructions to report to an ICE office in Houston, Texas, more than a month later.<sup>46</sup> At some point, Juarez-Aguilarte departed the United States.<sup>47</sup> On February 23, 2023, an immigration judge ordered Juarez-Aguilarte removed from the United States, although his A-file is unclear as to whether Juarez-Aguilarte was present at his immigration court hearing or whether he was ordered removed from the country after failing to appear at the hearing.<sup>48</sup>

Roughly 10 months after he first entered the United States, Juarez-Aguilarte was again apprehended by Border Patrol after entering the country on June 2, 2023, near Champlain, New York.<sup>49</sup> According to DHS records, after receiving notification that a group of individuals was captured on camera near the U.S.-Canadian border, a Border Patrol agent used a K9 “to conduct an open field search near the subjects[’] last known location.”<sup>50</sup> The agent encountered 15 individuals, 14 of whom were Venezuelan nationals, who crossed the border illegally.<sup>51</sup> Despite Border Patrol discovering that Juarez-Aguilarte was previously encountered in El Paso, Texas, in 2022, the Biden-Harris Administration released him into the country yet again.<sup>52</sup>

Within months of re-entering the United States, Juarez-Aguilarte, a suspected Tren de Aragua gang member, was involved in the assault of two New York City police officers.<sup>53</sup> In February 2024, a Manhattan judge “set his bail at \$1 because the charges against him involved

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<sup>41</sup> See H. Comm. on the Judiciary & Select Subcomm. on the Weaponization of the Federal Gov’t, Interim Staff Rep., *Lawfare: How the Manhattan District Att’y’s Off. and a New York State Judge Violated the Constitution and Legal Rights of President Donald J. Trump* (July 9, 2024).

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

<sup>43</sup> Alien File of Wilson Juarez-Aguilarte at 14, 19, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Juarez-Aguilarte A-File].

<sup>44</sup> *Id.* at 20.

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

<sup>46</sup> *Id.* at 47.

<sup>47</sup> *Id.* at 4.

<sup>48</sup> *Id.* at 13.

<sup>49</sup> Juarez-Aguilarte A-File, *supra* note 43, at 2.

<sup>50</sup> *Id.* at 3.

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

<sup>52</sup> *Id.* at 4, 12.

<sup>53</sup> See Michael Ruiz, *NYPD migrant attack: Alvin Bragg folds on catch-and-release, but judge gives \$1 bail to suspected gang member*, FOX NEWS (Feb. 16, 2024, 1:21 PM), <https://www.foxnews.com/us/nypd-migrant-attack-alvin-bragg-folds-catch-release-judge-gives-1-bail-suspected-gang-member>.



evidence tampering for allegedly swapping clothes after the fact with [two other illegal aliens involved in the assault] and not participating in the attack.”<sup>54</sup>

*Below: DHS records reveal that Juarez-Aguilarte was encountered by Border Patrol a second time in June 2023 – at the U.S.-Canadian border.*

**ENCOUNTER:**

June 2, 2023, at approximately 10:20 P.M., Swanton Sector Communications (KAD 640) contacted Champlain Border Patrol Agents and notified them that they had images of multiple subjects headed Southbound near the "gas plant" located in Champlain, NY. Champlain Border Patrol Agent (BPA) along with BPA responded to the area. Border Patrol Agent (BPA) deployed his K9 partner and began to conduct an open field search near the subjects last known location.

K9 is certified in the detection of concealed humans, and the odors of Cocaine and its derivatives, Marijuana and its derivatives, Heroin and its derivatives, Methamphetamine and its derivatives, and Ecstasy and its derivatives.

Agent deployed K9 and started walking along a dirt road that leads to the gas plant along with BPA. As Agent was walking westbound along the dirt road K9 began displaying alert behavior to the open field west of the road. Agent followed K9 until she indicated to fifteen subjects walking just inside the tree line along the western edge of the field. Agent approached the individuals and identified himself as an Agent with the United States Border Patrol and conducted immigration inspections. Fourteen of the subjects freely admitted to being citizens and nationals of Venezuela with one subject being a citizen and national of Canada. All fifteen subjects were not in possession of any documents that would allow them to remain in the United States legally. The subjects were taken into custody and transported to the Champlain Border Patrol Station for processing.

*The Biden-Harris Administration Released Kelvin Servita Arocha into the United States in January 2023.*

The Committee’s review of Kelvin Servita Arocha’s A-file reveals that the Venezuelan national first entered the United States in January 2023.<sup>55</sup> According to DHS records, on January 15, 2023, “a deputy from the Clinton County[, New York] Sheriff’s Office (CCSO) called the Champlain, New York[, Border Patrol Station regarding nine subjects they encountered walking north” on a road in Chazy, New York, roughly 10 miles from the U.S.-Canada border.<sup>56</sup> When Border Patrol encountered the group, the nine individuals identified themselves as Venezuelans who “wanted to go to Canada” and had “illegally entered the United States from Mexico through Texas” a week earlier.<sup>57</sup> If true, Servita Arocha potentially entered the country initially as one of the at least 1.9 million “gotaways” who have escaped into the United States during the Biden-Harris Administration, as Servita Arocha’s DHS records include no documentation of a Border Patrol encounter at the southwest border.<sup>58</sup> Border Patrol transported the illegal aliens “to the

<sup>54</sup> *Id.*

<sup>55</sup> Alien File of Kelvin Servita Arocha at 18-19, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Servita Arocha A-File].

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 19.

<sup>58</sup> See generally Harper et al., *supra* note 2.

Champlain Border Patrol Station for questioning and processing.”<sup>59</sup> The Biden-Harris Administration then gave Servita Arocha a list of pro bono legal service providers<sup>60</sup> and released him back into the United States.<sup>61</sup>

**ENCOUNTER:**

On January 15, 2023, at approximately 8:25AM, a deputy from the Clinton County Sheriff's Office (CCSO) called the Champlain, New York Border Patrol Station regarding nine subjects they encountered walking north on Stratton Hill Road in Chazy, NY. CCSO received a call from a concerned citizen about several people knocking on doors south of Stratton Hill Rd on State Route 9. CCSO found the group but was unable to communicate with them due to a language barrier and called the U.S. Border Patrol for assistance. At approximately 8:47AM, Border Patrol Agent (BPA) encountered the subjects walking north on Stratton Hill and identified himself as a United States Border Patrol Agent. BPA asked the subjects of what country they were citizens of, and they claimed to be from Venezuela. The subjects stated they wanted to go to Canada and that they illegally entered the United States from Mexico through Texas approximately seven days ago. All nine subjects were transported to the Champlain Border Patrol Station for questioning and processing.

*Above: Servita Arocha's A-file shows that Border Patrol encountered him in January 2023 near the U.S. border with Canada. Servita Arocha was apprehended with a group of other illegal aliens from Venezuela.*

One year later, police arrested Servita Arocha in connection with the Times Square assault of two New York City police officers.<sup>62</sup> He was one of four suspects released without bail.<sup>63</sup> Servita Arocha is also a member of the Tren de Aragua gang and has “tattoos that are highly associated” with the gang.<sup>64</sup> ICE arrested Servita-Arocha in the Bronx, New York, on February 13, 2024.<sup>65</sup> Despite his violent attack on police officers, in May 2024, Manhattan District Attorney Alvin Bragg offered Servita-Arocha a plea deal “to serve six months in prison for pleading guilty to obstructing a government administration.”<sup>66</sup>

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<sup>59</sup> *Id.*

<sup>60</sup> *See id.* at 60-68.

<sup>61</sup> *Id.* at 30, 32, 100.

<sup>62</sup> *Id.* at 43.

<sup>63</sup> Sarah Rumpf-Whitten, *NYC migrants arrested for assaulting police flee to California upon release: report*, FOX NEWS (Feb. 1, 2024, 6:12 PM), <https://www.foxnews.com/us/nyc-migrants-arrested-assaulting-police-flee-california-release>.

<sup>64</sup> Servita Arocha A-File, *supra* note 55, at 7.

<sup>65</sup> *Id.* at 18, 94.

<sup>66</sup> Desheania Andrews & Patrick Reilly, *Migrants charged in attack on NYPD cops in Times Square offered plea deals, including one who was rearrested*, N.Y. POST (May 14, 2024, 9:51 PM), <https://nypost.com/2024/05/14/us-news/migrants-charged-in-attack-on-nypd-cops-in-times-square-offered-plea-deals/>.

***The Biden-Harris Administration Released Yorman Yoel Riveron-Rivero into the United States in May 2023.***

The Committee’s review of Yorman Yoel Riveron-Rivero’s A-file reveals that the Venezuelan national entered the United States on a raft near Brownsville, Texas, on May 11, 2023.<sup>67</sup> The Biden-Harris Administration released Riveron-Rivero into the United States “under prosecutorial discretion and instructed [him] to report to the nearest ICE/ERO office for further processing within 60 days.”<sup>68</sup>

|   |             |                             |
|---|-------------|-----------------------------|
| Alien's Name<br><b>RIVERON-RIVERO, YORMAN YOEL</b>  | File Number | Date<br><b>May 12, 2023</b> |
| Event No:   |             |                             |
| <b>24. REMARK</b><br>-----<br>AS A CONDITION OF YOUR PAROLE, WITHIN 60 DAYS, YOU ARE TO SCHEDULE AN APPOINTMENT TO APPEAR TO THE IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) OFFICE NEAR YOUR FINAL DESTINATION OR REQUESTING SERVICE, VIA A DESIGNATED ONLINE LOCATION, OF A NOTICE TO APPEAR BY MAIL, OR FACE REMOVAL FROM THE UNITED STATES. VISIT ICE.GOV/CONTACT/FIELD-OFFICES# FOR ADDRESSES. |             |                             |

*Above: The Biden-Harris Administration released Riveron-Rivero into the United States in May 2023 with instructions to report to an ICE office within 60 days.*

On September 8, 2023, when Riveron-Rivero reported to an ICE office in New York City, ICE issued a warrant for his arrest but then ordered him released on his own recognizance.<sup>69</sup> In the release order, ICE instructed Riveron-Rivero not to “violate any local, State[,] or Federal laws or ordinances”<sup>70</sup> or “associate with known gang members, criminal associates, or be associated with any such activity.”<sup>71</sup> It took Riveron-Rivero just two months to ignore that warning. According to press reports, Riveron-Rivero “is accused of stealing pants from Nordstrom Rack and punching and biting a store employee there in late November [2023], and then helping to swipe a coat and suitcase from Macy’s in Herald Square, where he also allegedly punched a worker in the face, just before Christmas.”<sup>72</sup> He was released without bail after both arrests.<sup>73</sup> Roughly a month after his second arrest, he was involved in the assault of New York City police officers in Times Square.<sup>74</sup> Riveron-Rivero “allegedly grabbed, pulled[,] and threw

<sup>67</sup> Alien File of Yorman Yoel Riveron-Rivero at 1, 12, 25, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Riveron-Rivero A-File].

<sup>68</sup> *Id.* at 18.

<sup>69</sup> *Id.* at 4, 6.

<sup>70</sup> *Id.* at 7.

<sup>71</sup> *Id.* at 9.

<sup>72</sup> Kyle Schnitzer & Kate Sheehy, *NYC migrant accused of beating cops in Times Square, punching and biting store workers whines that he’s the one in danger as judge sets \$100K bail*, N.Y. POST (Feb. 16, 2024, 6:40 PM), <https://nypost.com/2024/02/16/us-news/nyc-migrant-accused-of-beating-cops-whines-as-judge-sets-100k-bail/>.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*



the two cops on the ground.”<sup>75</sup> Authorities have offered Riveron-Rivero “a deal of two years in prison in exchange for pleading guilty to second degree assault.”<sup>76</sup>

|   |  |
|---|--|
| Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be: |  |
| <input type="checkbox"/> Detained by the Department of Homeland Security.   |  |
| <input checked="" type="checkbox"/> Released (check all that apply):  |  |
| <input type="checkbox"/> Under bond in the amount of \$ _____   |  |
| <input checked="" type="checkbox"/> On your own recognizance.   |  |
| <input type="checkbox"/> Under other conditions. [Additional document(s) will be provided.]   |  |
| 09/08/2023 08:23 AM   |  |
| Name and Signature of Authorized Officer  | Date and Time of Custody Determination   |
| SDDO  | ICE BRO New York Field Office 26 FEDERAL PLAZA 9TH FLOOR NEW YORK, NY US 10278 |
| Title   | Office Location/Address  |

Above: The Biden-Harris Administration released Riveron-Rivero again after he checked in at an ICE office in New York City on September 8, 2023.

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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. New York City police officers were attacked because the Biden-Harris Administration allowed illegal aliens to enter the country. Tragically, the New York City police officers are not criminal illegal aliens’ only victims.

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>75</sup> Kamal Sultan, *Outrage as migrants who beat up cops in Times Square are offered plea deals that would land some in jail for less than a year*, DAILY MAIL (May 15, 2024, 8:35 AM), <https://www.dailymail.co.uk/news/article-13418463/Outrage-migrants-beat-cops-Times-Square-offered-plea-deals.html>.

<sup>76</sup> *Id.*