



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION'S
OPEN-BORDERS POLICIES: THE CASE OF THE ILLEGAL ALIEN WHO
BRUTALLY ASSAULTED A TEENAGE GIRL IN ALABAMA**

Interim Staff Report of the

Committee on the Judiciary
and
Subcommittee on Immigration Integrity, Security, and Enforcement

U.S. House of Representatives



August 28, 2024

EXECUTIVE SUMMARY

In less than four years, the Biden-Harris Administration's open-borders, no-consequence immigration policies have allowed millions of illegal aliens to pour into the United States, including more than 5.6 million illegal aliens that the Administration has released into American communities.¹ At the same time, according to publicly available information, at least 1.9 million illegal alien known "gotaways" have escaped into the country.² In other words, in addition to the 5.6 million illegal aliens that the Administration has knowingly let into the country, almost two million more illegal aliens have evaded authorities and slipped in unseen.

Since 2021, under the Biden-Harris Administration, the Department of Homeland Security (DHS) has discontinued its practice of providing estimates of unknown "gotaways," despite the fact that current law requires the annual public reporting of such estimates.³ The Committee on the Judiciary has repeatedly asked DHS for the number of known and unknown "gotaways" during the Biden-Harris Administration, but DHS has failed to produce the total number. When questioned regarding the number of illegal alien "gotaways" during testimony before Congress, former Chief of the Border Patrol Raul Ortiz stated that the actual number of "gotaways" is "between 10 and 20 percent" percent higher than the total "gotaways" reported.⁴ Therefore, the Committee estimates the total number of "gotaways" could be as high as 2.2 million under the Biden-Harris Administration.⁵

The stark number of "gotaways" evading Border Patrol during the last three-and-a-half years is also alarming given the Biden-Harris Administration's open-borders policies that facilitate record-high numbers of illegal alien releases. Describing the threat and potential motivations of illegal alien "gotaways," former Chief of the Border Patrol Rodney Scott testified before the Committee:

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 See 6 U.S.C. § 223(b)(1)(A).

⁴ *Failure By Design: Examining Secretary Mayorkas' Border Crisis: Hearing Before the H. Comm. on Homeland Sec.*, 118th Cong. (2023) (statement of Raul Ortiz, ret. Chief, U.S. Border Patrol).

⁵ Information produced to the Committee by DHS shows that between fiscal years 2021 and 2023, there have been 1,664,203 known "gotaways." See information provided to the H. Comm. on the Judiciary by U.S. Dep't of Homeland Sec. (May 6, 2024) (on file with Comm.). Press reports further indicate that there have been at least 194,067 known illegal alien "gotaways" in fiscal year 2024 as of June 20, 2024, for a total of 1,858,270 known "gotaways" during the Biden Administration. See Melugin, *supra* note 2. Accordingly, Committee estimates show that as many as 2,229,924 illegal alien "gotaways" may have occurred during the Biden-Harris Administration if unknown "gotaways" are accounted for.

Cartels use illegal aliens to overwhelm law enforcement [and] create controllable gaps in border security that they then exploit to bring in anything they want. To think [] well-resourced terrorist networks and hostile nations are not exploiting this same vulnerability is naive.

Prioritizing immigration processing over enforcement also means that the agents are spread so thin when they are deployed that even when they detect an illegal entry they are not always able to interdict it. These events are reported by the Border Patrol as known [“]gotaways[”]. But it is also important to know that this does not encompass the total [“]gotaways[”]. The hundreds of miles of border that are left unpatrolled on a daily or weekly basis now and that lack persistent surveillance we have no idea [who or] what is cross[ing] in those areas.⁶

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.

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, U.S. Immigration and Customs Enforcement (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.⁷ Consequently, the Biden-Harris 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.”⁸ 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.⁹

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

⁶ *Biden Border Crisis Part III: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, before the H. Comm. on the Judiciary*, 118th Cong. (2023) at 25 (statement of Rodney Scott, ret. Chief, U.S. Border Patrol).

⁷ 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).

⁸ 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).

⁹ *Id.* at 9.

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”¹⁰ and mocked any plans to remove illegal aliens from the United States.¹¹ 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, Grevi Rivera Zavala, and highlights the open-borders policies of the Biden-Harris Administration that allowed him to escape into the United States. Rivera Zavala attempted to enter the United States at least once in 2021 but was expelled to Mexico.¹² He later entered the country without apprehension, as one of the roughly two million known “gotaways” who have crossed into the United States due to the Biden-Harris Administration's chaos at the southwest border.¹³ Although ICE lodged a detainer against the illegal alien following his arrest by police in Prattville, Alabama, on May 13, 2023, it was only after the Committee's May 24, 2023, letter that ICE confirmed with the U.S. embassy in Honduras that Rivera Zavala had a prior criminal record in his country of origin—a domestic violence arrest in December 2020.¹⁴

¹⁰ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:38 PM), <https://x.com/KamalaHarris/status/855566507526565888>.

¹¹ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:39 PM), <https://x.com/KamalaHarris/status/855566707729027072>.

¹² See *infra* notes 24-25.

¹³ See *infra* note 25.

¹⁴ See *infra* note 30.

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.¹⁵ 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.¹⁶

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.¹⁷ Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.¹⁸ 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.”¹⁹

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

¹⁵ See *supra* notes 1-2.

¹⁶ *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

¹⁷ *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).

¹⁸ *Id.*

¹⁹ *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 allowed entry into the United States by the Biden-Harris Administration: Grevi Geovanni Rivera Zavala.

Illegal Alien Grevi Geovanni Rivera Zavala Brutally Assaulted a Teenage Girl in Alabama.

According to press reports, Grevi Geovanni Rivera Zavala, an illegal alien from Honduras, assaulted a teenage girl in Prattville, Alabama, in May 2023.²⁰ Following these reports, on May 24, 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).²¹ DHS failed to produce the documents and, accordingly, on December 8, 2023, the Committee subpoenaed DHS Secretary Alejandro Mayorkas for Rivera Zavala's A-file, among other outstanding requests for A-files.²² Pursuant to the Committee's subpoena, on January 8, 2024, DHS produced the A-file.²³

The Biden-Harris Administration Failed to Prevent Rivera Zavala from Entering the United States as a "Gotaway."

The Committee's review of Rivera Zavala's A-file reveals that, on November 29, 2021, Border Patrol encountered Rivera Zavala in Eagle Pass, Texas, and subsequently expelled him to Mexico pursuant to Title 42 authority.²⁴ According to an ICE Enforcement and Removal Operations summary contained in his A-File, Rivera Zavala later entered the United States at an unknown time and place, presumably as a "gotaway."²⁵

Less than two years later, on May 13, 2023, the Prattville, Alabama, police department arrested Rivera Zavala for a vicious assault on a teenage girl.²⁶ According to a witness, the victim was "eating at a Prattville restaurant with relatives when she noticed a man, whom she later identified as Rivera Zavala, staring at her from across the restaurant."²⁷ Rivera Zavala later followed her into the restroom, locked the door, forced her into a stall, and brutally assaulted her as she attempted to kick and fight him off.²⁸ ICE issued a warrant for Rivera Zavala's arrest and lodged an immigration detainer against him the same day.²⁹ Although ICE lodged a detainer

²⁰ Marty Roney, *No bond in Prattville rape case against Honduran man who illegally entered U.S.*, MONTGOMERY ADVERTISER (May 15, 2023, 4:49 PM), <https://www.montgomeryadvertiser.com/story/news/crime/progress/2023/05/15/no-bond-in-prattville-rape-case-where-defendant-is-in-the-country-illegally/70219553007/>.

²¹ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (May 24, 2023).

²² Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Dec. 8, 2023).

²³ Letter from Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. to Jim Jordan et al., Chairman, H. Comm. on the Judiciary (Jan. 8, 2024).

²⁴ Alien File of Grevi Geovanni Rivera Zavala at 2, 11, provided to H. Comm. on the Judiciary Staff by U.S. Dep't of Homeland Sec. (on file with Comm.) [hereinafter Rivera Zavala A-File].

²⁵ *Id.*

²⁶ *Id.* at 11.

²⁷ See Roney, *supra* note 20; see also Rivera Zavala A-File, *supra* note 24, at 11.

²⁸ *Id.*

²⁹ Rivera Zavala A-File, *supra* note 24, at 5-6.

against the alien following his arrest by Prattville police on May 13, 2023, it was only after the Committee's May 24, 2023, letter that ICE confirmed with the U.S. embassy in Honduras that Rivera Zavala had a criminal record in his home country—a domestic violence arrest on December 17, 2020.³⁰ Rivera Zavala pleaded guilty in the Prattville, Alabama, assault case on April 3, 2024, and was sentenced to 10 years in prison, upon completion of which he will be released into ICE custody for removal from the United States.³¹

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. Rivera Zavala's victim suffered as a result of the Biden-Harris Administration's open-borders policies incentivized him to cross the border and allowed him to illegally enter the country. Tragically, Rivera Zavala's victim is not criminal illegal aliens' only victim.

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.

³⁰ Information provided by U.S. Dep't of Homeland Sec., Off. of Leg. Affs., to the Comm. (Aug. 28, 2023) (on file with Comm.).

³¹ Marty Roney, *Honduran man pleads guilty in Prattville rape of teenager in restaurant*, MONTGOMERY ADVERTISER (May 15, 2023), <https://www.montgomeryadvertiser.com/story/news/crime/progress/2024/04/03/honduran-man-pleads-guilty-in-prattville-rape-of-teenager-in-restaurant/73196756007/>.