

Weaponization of Immigration: The Biden Years

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It is one thing to argue that foreign governments have weaponized immigration – and there are clear examples that one can point to, including Cuba, Belarus, and Venezuela, which were referenced in the recent International Network for Immigration Research panel held in Washington, D.C. on April 4, 2025.¹ The case can also be made that NGOs and interest groups have also played a role within immigrant-receiving countries in Western Europe and the United States. As have judges who effectively legislated from the bench, to facilitate illegal immigration, or to prevent governments from effecting enforcement against individuals who are residing illegally within their borders.

The point I will argue here is that from 2021 to 2025, the United States government weaponized immigration against the American people. Some will find this to be a controversial statement. It is a provocative argument without a doubt, but one that I believe is defensible.

What occurred during the four years of the Biden Administration wasn't due to circumstances beyond its control. It wasn't due to incompetence. It was the result of deliberate and willful decision-making. Who was ultimately making those decisions is not known at this point, at least not to the general public. It's likely that we will find out a lot more about that in the years to come.

One obvious architect of the Biden Administration's immigration policies is Alejandro Mayorkas, the Department of Homeland Security (DHS) Secretary under President Biden. A man whose previous performance as a public servant, notably his Directorship of the U.S. Citizenship and Immigration Service (USCIS) under President Obama indicated what we might expect when he was put in charge of DHS.²

In February of 2021, Mayorkas declared that he would decide who is and who is not subject to immigration law – it turned out those not subject to the law included basically every foreign national.³ In May of 2023, DHS finalized a rule which created new “lawful, safe, and orderly pathways to enter the United States.” In the DHS press release, Mayorkas said. “This Administration has led the largest expansion of legal pathways for protection in decades.”⁴

Mayorkas knew that it was his job, acting on behalf of the President to “faithfully execute” immigration laws, and that the executive branch cannot create new lawful pathways of admission.⁵ Why did Mayorkas carry out these policies? Because he banked on the fact that he would get away with it. As he in fact did get away with it.

Two weeks after the House of Representatives impeached Mayorkas, it voted to fully fund the “new lawful pathways” put in place by Mayorkas that had no statutory authorization— one of the reasons for which they had impeached him. In effect, Congress sanctioned Mayorkas' declaration that, “I am the immigration law.”

Of course, Mayorkas knew that his policies were enabling, emboldening, and enriching the Mexican cartels and international smuggling syndicates; and causing great suffering and many deaths of migrants journeying to the U.S.-Mexico border. Mayorkas knew

about the trafficking of children; he knew that children were being rented out by the cartels to create “so-called family units.” He stopped DNA testing of these family units because he didn’t want to know if these individuals were related. He just wanted them released, and Mayorkas did release millions of illegal aliens into the country understanding full well what the results would be.

This isn’t to pin everything on Mayorkas. This isn’t to defend him in any way either. It is to put forward the proposition that Mayorkas and those he was working for did weaponize the U.S. immigration system.

A Colony of the World

A 1992 book by Eugene McCarthy, former senator from Minnesota and Democratic presidential candidate in 1968, may shed some light on *why* the Biden Administration decided to weaponize immigration. In *A Colony of the World*, McCarthy argued that the problem with our current immigration system is that it is based on an ideology that was divorced from historical context and practical realities.⁶

McCarthy was a co-sponsor of the 1965 Hart-Celler Act, who came to very much regret the effects this bill had on the United States. A man who in his time was very much on the left – he was staunch opponent of the Vietnam War – McCarthy believed that America should be an open society. He didn’t believe that meant it should have open borders.

The Immigration Act of 1965 led to a significant increase in immigration, as well as instituting the family-based system, which in effect outsourced U.S. immigration policy, putting previous immigrants in charge of choosing future ones. In the 1970s, there was also an increase in illegal immigration, which, in 1986, our government promised would cease in exchange for a one-time amnesty.

McCarthy’s overall thesis was that the interest of the American people was subsumed by the United States government’s battle to save the free world – to demonstrate to the world that America was the “good guys” – which somehow also meant allowing U.S. businesses to hire illegal workers to displace American workers and drive down wages. Further, as McCarthy pointed out, it turned the refugee and asylum programs into an instrument of foreign policy, with little concern about how these programs affected the domestic affairs of the American people.

We now see an inversion of this, with similar results. A remnant of this post-World War II construction morphed after the collapse of the Soviet Union into the contention by some of our political leaders – certainly the leaders of the Democratic Party – that billions of people around the world have the right to enter and reside in the United States, because whatever is compelling people to come to the United States (poverty, gang violence, political instability, climate change) has ultimately been caused by the United States. Instead of saving the free world, America is the cause of all its suffering. The only fix going forward is to open the borders of the United States – which also somehow

means that U.S. businesses should be allowed to hire illegal workers to displace American workers and drive down wages.

As millions of illegal border crossers poured into the United States, Mayorkas repeatedly went in front of Congress and said that the border was secure. The Biden Administration reacted callously to tragic killings that were the direct result of their policies and refused to change course in the face of public backlash.

Phil Linderman, a fellow at the Ben Franklin Fellowship and a member of the board of directors of the Center for Immigration Studies, which is an INIR member, suggested to the author that the Biden Administration weaponized immigration policy against itself. He's right in that it was a political disaster for them from the very start, and the best response they ultimately came up with was that it was all Donald Trump's fault. Why would they tell us that the president of the United States, the most powerful man in the world was powerless to secure its borders, while blaming the man, who as president, had demonstrated that it could be done? And is doing so again.

When Senator Cory Booker (D-N.J.) spoke on the Senate floor last month for twenty-five straight hours, one notable aspect of the performance was his defense of what most political observers argue was the number one issue that led to Donald Trump's reelection to the presidency – the immigration policies of the Biden-Harris Administration.⁷

While Senator Booker's political savvy can be questioned, what is genuinely troubling is that one of the most powerful politicians in the country, and so many of his colleagues, show no interest in finding out why President Biden claimed that he had no authority to secure the border, and why when President Trump came into office he accomplished that almost immediately. So, people are left to speculate as to the motives.

It would have been preferable if Secretary Mayorkas had gone in front of Congress and said of course the border isn't secure. I'm not going to secure it and here's the reasons why. Then, the American people aren't left to speculate as to who made the decision to weaponized the U.S. immigration system and why.

¹ “The Weaponization of Immigration: Discussion of strategies, consequences, solutions,” April 4, 2025, <https://cis.org/Video/Panel-Video-Weaponization-Immigration>.

² Department of Homeland Security, Office of Inspector General, “IG investigation of employee complaints regarding management of USCIS’ EB-5 program,” March 24, 2015, <https://www.oig.dhs.gov/node/1858>, accessed on April 20, 2025.

³ Department of Homeland Security, Immigration and Customs Enforcement, Press Release, “ICE announces temporary guidelines for its enforcement and removal operations,” February 18, 2021, <https://www.ice.gov/news/releases/ice-announces-temporary-guidelines-its-enforcement-and-removal-operations>, accessed on April 20, 2025; Stephan Dinan, “DHS Secretary Mayorkas delays new deportation rules: Second missed deadline for Homeland Security chief,” *The Washington Times*, June 30, 2021, <https://www.washingtontimes.com/news/2021/jun/30/dhs-secretary-mayorkas-delays-new-deportation-rule/>.

⁴ Department of Homeland Security, Press Release, “DHS and DOJ Finalize Rule to Incentivize Use of Lawful Immigration Pathways,” May 10, 2023, <https://www.dhs.gov/archive/news/2023/05/10/dhs-and-doj-finalize-rule-incentivize-use-lawful-immigration-pathways>, accessed on April 20, 2025.

⁵ Ethan J. Leib, Jed Handelsman Shugerman, Andrew Kent, “Faithful Execution and Article II,” *Harvard Law Review*, vol. 132, no. 8 (June 2019): pp. 2112-2192, <https://harvardlawreview.org/print/vol-132/faithful-execution-and-article-ii/>.

⁶ Eugene McCarthy, *A Colony of the World: The United States Today: America's Senior Statesman Warns His Countrymen* (New York: Hippocrene Books, 1992).

⁷ Kate Nalepinski, “How Long Was Cory Booker's 'Filibuster'? Democrat Breaks Record,” *Newsweek*, April 1, 2025, <https://www.newsweek.com/cory-booker-filibuster-how-long-senate-speech-trump-2053960>.

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