



EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER NUMBER JML 24-05

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***IDENTIFYING, QUANTIFYING, AND  
MITIGATING THE ADVERSE EFFECTS OF ILLEGAL  
IMMIGRATION ON LOUISIANA***

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**WHEREAS**, the United States, as every other nation, has the sovereign right to determine the number and character of aliens permitted to cross its border and the time, place, and manner of their entry.

**WHEREAS**, consistent with this timeless principle, Congress has exercised its constitutional authority to enact laws to prevent the entry of aliens without lawful authorization to protect the health, safety, welfare, and prosperity of Americans.

**WHEREAS**, illegal entry and reentry to the United States, as well as the encouragement and inducement of illegal entry and the transport of illegal aliens within the United States, are criminal offenses under federal law, and those who aid and abet these offenses also commit a criminal act.

**WHEREAS**, the Biden Administration, since its inception, has failed to prevent the illicit entry of aliens and has, furthermore, enacted policies designed to undermine the rule of law and encourage and induce the illegal entry of historic numbers of aliens contrary to law.

**WHEREAS**, President Joe Biden has thus failed to fulfill his constitutional duties to preserve, protect, and defend the Constitution to the best of his ability and take care that the laws be faithfully executed.

**WHEREAS**, the Biden Administration has systematically dismantled every institution provided by Congress and established by previous administrations to prevent illegal immigration, thereby aiding and abetting the illegal entry into the United States of millions of aliens at the southern border.

**WHEREAS**, from January 20, 2021, to the present, the Biden Administration has overseen the largest wave of illegal immigration in this Nation's history, with more than 3.8 million aliens illegally entering and remaining in the United States.

**WHEREAS**, Congressional reporting estimates that the border crisis created by the Biden Administration costs American taxpayers approximately \$451 billion annually.

**WHEREAS**, the Biden Administration's abandonment of any semblance of border security and immigration enforcement has created historic public safety and humanitarian crises affecting states in the southern border region and beyond.

**WHEREAS**, the United States Supreme Court has recognized that States "bear[] many of the consequences of unlawful immigration." *Arizona v. United States*, 567 U.S. 387, 397 (2012).

**WHEREAS**, Congressional reporting estimates the illegal alien population in the United States is between 16.8 million and 29 million persons.

**WHEREAS**, the population of illegal aliens in Louisiana was estimated at 97,000 as of 2021, although the current number is likely far greater.

**WHEREAS**, the overwhelming majority of crimes perpetrated by illegal aliens are for violations of state law, which require substantial state and local resources to investigate, prosecute, adjudicate, incarcerate, and supervise criminal offenders.

**WHEREAS**, as a result of the Biden Administration's non-enforcement policies, large numbers of criminal aliens are released into communities across the United States rather than being detained or removed, allowing these criminal aliens to commit additional crimes and increase the number of victims.

**WHEREAS**, Congressional reporting found that the Biden Administration has abandoned its duty to remove criminal aliens from the United States, resulting in approximately 90,000 more criminal aliens, who are responsible for 300,000 criminal offenses, remaining in American communities than in the Trump Administration.

**WHEREAS**, states are financially burdened by the cost of incarcerating illegal aliens in their prison systems. Although the U.S. Department of Justice provides limited funding to the states to offset some of these costs through the State Criminal Alien Assistance Program (SCAAP), including \$244 million to states in fiscal year 2022, congressional reporting found that SCAAP reimbursements are usually less than one percent of the total cost of incarcerating illegal aliens, leaving the states to pay the balance.

**WHEREAS**, the destabilization of the southern border region due to the Biden Administration's failure to secure the border has led to a surge in fentanyl smuggling into the United States by Mexican drug cartels. Fentanyl poisoning is now the leading cause of death for Americans between the ages of 18-45. More than 72,000 persons died as a result of fentanyl overdoses in 2022, an increase from the previous year. Congressional reporting found that the opioid crisis cost American taxpayers nearly \$1.5 trillion in 2020.

**WHEREAS**, Congressional reporting found that the approximate cost for illegal alien births in the United States costs taxpayers \$2.53 billion, with states responsible for \$937 million of that amount.

**WHEREAS**, Congressional reporting found that the estimated cost of Medicaid fraud attributable to illegal aliens in fiscal year 2022 was \$8 billion.

**WHEREAS**, more than 400,000 unaccompanied alien children (UAC) have entered the United States since January 20, 2021, many of whom have been the victims of human smuggling or trafficking. Federal officials in the Biden Administration released approximately 337,000 UACs to sponsors throughout the United States between fiscal years 2021 – 2023.

**WHEREAS**, the Biden Administration changed longstanding policies on vetting UAC sponsors, resulting in UACs being placed with non-family members and criminals, who trafficked, abused, and exploited the children placed in their care. Media reports from 2023 found that the Biden Administration had lost track of approximately 85,000 UACs.

**WHEREAS**, it is unclear how many UACs now reside in Louisiana who may be at risk of being trafficked, abused, or exploited after initially being placed with sponsors who had not been properly vetted by federal officials in the Biden Administration. The significant increase in the number of UACs placed with unvetted sponsors in Louisiana, who may be at greater risk of abuse or neglect, will place additional strains on the limited resources of the Department of Children and Family Services and other state agencies that provide welfare services and care for children.

**WHEREAS**, Congressional reporting estimates that at least 3.8 million illegal alien children at primary and secondary schools in the United States qualify as Limited English Proficiency (LEP) students, costing American taxpayers nearly \$59 billion. Those illegal alien children who entered in 2022 alone represent a \$7 billion burden on public education budgets. Louisiana spends more than \$10,000 per student at public primary and secondary schools.

**WHEREAS**, Louisiana has a compelling interest in preventing crime, promoting the health, safety, and education of its citizens, protecting children from abuse and exploitation, and conserving the financial resources of the State.

**WHEREAS**, illegal immigration causes substantial economic and societal harms to Louisiana and its citizens, including greater expenditures of non-reimbursable public funds in the areas of criminal justice, healthcare, education, welfare benefits and subsidized housing, and child protective services.

**WHEREAS**, the Louisiana Attorney General, along with attorneys general of several other states harmed by the adverse effects of unrestrained illegal immigration have filed numerous lawsuits against the Biden Administration and its agencies to end the illegality and prevent further harm to the states and their citizens.

**WHEREAS**, the United States Supreme Court and inferior federal courts have held that the states must establish, among other elements, that they have suffered a concrete, particularized, and actual or imminent injury in fact, that is fairly traceable to the unlawful conduct of the federal officials to satisfy the “case or controversy” requirement of Article III of the Constitution of the United States.

**WHEREAS**, Biden Administration officials routinely deny that their unlawful conduct or illegal immigration causes harm, and federal courts have generally required Louisiana and other states to offer proof that illegal immigrants are causing specific harms to those states or their citizens.

**WHEREAS**, because federal officials within the Biden Administration refuse requests by states to provide relevant information within their custody and control regarding the number and location of illegal immigrants and other crucial data concerning border security, the full nature and extent of the harms to Louisiana and its citizens as the result of illegal immigration have not been determined with a reasonable degree of accuracy.

**WHEREAS**, the refusal by federal officials to cooperate with the states in sharing information regarding their mutual interest in illegal immigration violates constitutional principles of federalism and statutory mandates on federal officials to respond in good faith to requests by states to provide information.

**WHEREAS**, the lack of transparency and failure by federal officials to provide crucial information on illegal immigrants in Louisiana, including their biographic information, relevant

details from their immigration history, criminal background, and last known residence presents an unreasonable risk to Louisiana and its citizens.

**WHEREAS**, Article I, Section 1 of the Louisiana Constitution declares that government is instituted by the people “to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people.”

**WHEREAS**, in furtherance of my duty to faithfully support the Constitution and laws of this State and the Constitution and laws of the United States, and to see that the laws are faithfully executed pursuant to Article IV, Section 5(A) of the Louisiana Constitution, it is and shall be my policy as Governor to take all lawful and reasonable measures to identify, quantify, and mitigate the direct and indirect harms to Louisiana and its citizens caused by illegal immigration.

**NOW THEREFORE, I, JEFF LANDRY**, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: The head of every executive branch agency, department, office, commission, board, or entity of the State of Louisiana shall, to the greatest extent authorized by law, consider the effects of illegal immigration on their respective agency, department, office, commission, board, or entity prior to issuing policies, procedures, and practices, and shall develop policies, procedures, practices, and methods to collect and analyze data that relates to the provision of public services or the expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens.

Section 2: Within 60 days of the date of this Order, the head of every executive branch state agency, department, office, commission, board, or entity of the State of Louisiana shall conduct a review of their existing policies, procedures, and practices to ensure that they are consistent with the provisions of Section 1.

Section 3: Within 120 days of the date of this Order, the head of every executive branch state agency, department, office, commission, board, or entity of the State of Louisiana shall provide a written report to the Office of the Governor, stating the duties and responsibilities of such agency, department, office, commission, board, or entity relative to the provision of public services or the expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens, which reports shall contain one or more recommendations for collecting and analyzing data

related to the provision of public services or expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens.

Section 4: Within 90 days of the date of this Order, the Commissioner of the Department of Public Safety and Corrections and the Superintendent of the Louisiana State Police, utilizing the resources and expertise of the Bureau of Criminal Identification and Information and in consultation with sheriffs and other law enforcement agencies, shall jointly develop policies, procedures, practices, and methods to collect and analyze data, and report to the Office of the Governor on a monthly basis the number of aliens, in comparison with the total number of persons charged or convicted of a criminal offense, which reports shall include information regarding the citizenship or nationality and immigration status of the alien, whether the alien is lawfully or unlawfully present in the United States, the specific offense(s) for which the alien was charged or convicted, the alien's criminal history, any known or suspected gang affiliation, and the jurisdiction of arrest and/or conviction. In order to determine the citizenship or immigration status of an alien charged or convicted of a criminal offense, the Commissioner or Superintendent, or their designee, shall make a documented request for that information from the U.S. Department of Homeland Security pursuant to the provisions of 8 U.S.C. §§ 1373(c), 1644, 1226(d), and 1357(g)(10), which provisions require the Department of Homeland Security to provide assistance regarding the citizenship or immigration status of any person within the jurisdiction of the Department of Public Safety or Louisiana State Police, including reporting knowledge that a particular alien is not lawfully present in the United States.

Section 5: Within 180 days of the date of this Order, the Commissioner of the Department of Public Safety and Corrections and the Superintendent of the Louisiana State Police, utilizing the resources and expertise of the Bureau of Criminal Identification and Information and in consultation with sheriffs and local law enforcement agencies, shall jointly develop a method to regularly publish on one or more publicly accessible websites the data collected pursuant to Section 4 regarding criminal arrests and convictions of illegal aliens, which reports shall include information regarding the citizenship or nationality of the illegal alien, the specific offense(s) for which the alien was arrested, charged, or convicted, the criminal history of the illegal alien, any sentencing information, and the jurisdiction of arrest and/or conviction. Such information shall be disclosed with due consideration for the greatest degree of transparency, while consistent with



applicable privacy laws. Such website(s) shall be regularly and timely updated with the most current information regarding illegal alien arrests and convictions.

Section 6: All executive branch state agencies, departments, offices, commissions, boards, entities, officers, and employees of the State of Louisiana shall promptly respond to requests for information by the Louisiana Attorney General or her designee concerning matters of illegal immigration that are or may become the subject of litigation involving the State.

Section 7: For purposes of this Order and consistent with the definition adopted by the United States Court of Appeals for the Fifth Circuit, the term “illegal alien” is an “alien” described in 8 U.S.C. § 1101(a)(3), who is present in the United States without lawful immigration status and therefore subject to removal pursuant to federal law. *See Texas v. U.S.*, 809 F.3d 134, n.14 (5th Cir. 2015). An alien granted parole under 8 U.S.C. § 1182(d)(5), temporary protected status, deferred action, deferred enforced departure, or similar exercise of administrative grace or prosecutorial discretion shall not be deemed to have lawful immigration status.

Section 8: The term “unaccompanied alien child” has the meaning set forth in 6 U.S.C. § 279(g) (2).

Section 9: All executive branch state agencies, departments, offices, commissions, boards, entities, officers, and employees of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

Section 10: This Order is effective upon my signature and shall remain in effect until amended, modified, terminated, or rescinded.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 12<sup>th</sup> day of January, 2024.

  
JEFF LANDRY  
GOVERNOR OF LOUISIANA

ATTEST BY THE  
SECRETARY OF STATE

  
Nancy Landry  
SECRETARY OF STATE