Congress of the United States
Washington, DC 20515

October 6, 2015

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Johnson:

It has been 97 days since Kate Steinle was murdered by an illegal immigrant while innocently walking along a San Francisco pier. In that time, sanctuary policies that allowed this murder to happen have not changed and the American public is still at risk.

Consider the following cases:

On July 24, 2015, Marilyn Pharis was brutally raped, tortured, and murdered in her home in Santa Maria, California, by an illegal immigrant who was released from custody because the county sheriff does not honor detainers.

On July 27, 2015, an illegal immigrant was arrested and accused of killing 60-year-old Margaret Kostelnik in Ravenna Road, Ohio. Before murdering Ms. Kostelnik, the man allegedly attempted to rape a 14-year-old girl and shoot a woman in a nearby park. The suspect was also previously in the custody of law enforcement but released because your Department refused to issue a detainer and take custody of the suspect.

On July 30, a two-year old girl was brutally beaten by an illegal immigrant in San Luis Obisbo County, California. He was released from local custody despite a U.S. Immigration and Customs Enforcement (ICE) detainer and extensive criminal history.

These are just a few examples that highlight the need for changes to sanctuary policies.

Last month, you stated the following: "It is counterproductive to public safety to have this level of resistance to working with our immigration enforcement personnel. It is simply, in my judgment, not acceptable to have no policy of cooperation with immigration enforcement. We're all interested in getting criminals off the streets." While your words are encouraging, the lack of action does not instill confidence that the administration is serious about the problem. In fact, your Department continues to employ the Priority Enforcement Program, and a policy of requesting cooperation from states and locals only when an individual is convicted of a serious crime. The administration is intent on issuing fewer detainers, even on individuals who may pose a threat but do not have a criminal conviction.

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Such policies have allowed illegal immigrants to commit crimes and, in the case of the two-year old victim mentioned above, to roam free in our communities. According to news reports, Francisco Javier Chavez allegedly beat his girlfriend's two-year-old daughter, resulting in both arms being broken, a broken femur, a compressed spine, a urinary tract infection and a fever of 107 degrees. Chavez skipped his court date on August 18 and is allegedly currently at large.

In order to better understand how Mr. Chavez evaded immigration authorities and removal from the country, we are seeking answers about his entry to and residency in the United States. Please provide both Committees on the Judiciary, no later than October 20, with the immigration history and status, executive summary, criminal history and any other information that may be readily available surrounding Mr. Chavez.

Furthermore, please provide the Committees with the following documents and answers to the below questions as soon as possible, but not later than October 20:

1. Has Customs and Border Protection (CBP) or ICE ever encountered Mr. Chavez? If so, please provide details.
2. Were any detainers or requests for notification about the release of Mr. Chavez issued by the Department of Homeland Security to any state, local or federal jurisdiction or agency?
3. Did Mr. Chavez ever apply for any immigration benefit, including deferred action? If so, was any application approved? Please provide copies of any applications that Mr. Chavez may have submitted.
4. Please provide a copy of the alien file for Mr. Chavez.
5. Please provide any information collected or maintained by ICE regarding Mr. Chavez.
6. Please provide any information collected or maintained by CBP regarding Mr. Chavez.
7. Please provide any other information collected or maintained by DHS regarding Mr. Chavez.
8. If Mr. Chavez had been encountered by DHS enforcement officials prior to his arrest in connection with the brutal beating of a two-year-old girl, would he have met the requirements to be considered a priority for removal under the Administration's new Priority Enforcement Program? If so, please provide the exact reason for such consideration. If not, why not?

Additionally, your previous response to Senator Grassley on August 27th about sanctuary jurisdictions did not detail the progress made by the Department on this issue. We would appreciate an update on the Department's efforts to engage state and local law enforcement on immigration enforcement. Your previous response also failed to comply with Senator Grassley's request to provide any copies of emails or other communication with state and local officials to understand how the administration is rectifying the problem.

Sanctuary policies have allowed thousands of people with criminal records to be released into our communities. Last year, more than 12,000 detainers issued by your Department were ignored by state and local law enforcement agencies. If last year's number of declined detainers are any indication, there have been as many as 3,000 detainers ignored since Kate Steinle's murder. On average, that is over thirty per day.

It is time to make it clear to sanctuary jurisdictions that people in the country illegally do not deserve safe harbor. For every day that passes, the potential for another tragedy only increases. Therefore, we reiterate our concern about the administration's Priority Enforcement Program because it allows criminal aliens who have evaded conviction to be released to commit additional crimes. We encourage you to reconsider this policy and make it clear that sanctuary policies will no longer be tolerated.

We await a more thorough response on this issue as well as answers to the new questions we have posed with regard to Mr. Chavez. We appreciate your cooperation to ensure that we do more to protect the American people and do everything we can to prevent other families from losing loved ones to criminal aliens.

Sincerely,

Charles E. Grassley
Chairman
Senate Committee on the Judiciary

Bob Goodlatte
Chairman
House Committee on the Judiciary