

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH  
JEFF SESSIONS, ALABAMA  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JEFF FLAKE, ARIZONA  
DAVID VITTER, LOUISIANA  
DAVID A. PERDUE, GEORGIA  
THOM TILLIS, NORTH CAROLINA

PATRICK J. LEAHY, VERMONT  
DIANNE FEINSTEIN, CALIFORNIA  
CHARLES E. SCHUMER, NEW YORK  
RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
AL FRANKEN, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT

## United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

May 3, 2016

### VIA ELECTRONIC TRANSMISSION

The Honorable Sarah R. Saldaña  
Assistant Secretary  
U.S. Immigration and Customs Enforcement  
500 12th Street SW  
Washington, D.C. 20536

Dear Assistant Secretary Saldaña:

In fiscal year 2015, your agency removed the fewest illegal immigrants in the past seven years. In the last three years alone, your agency released 86,288 individuals in the country illegally, of which 54% were discretionary releases not ordered by a court or because a country would not provide a travel document. You and others in the administration cite the lack of resources available to apprehend and detain more than 400,000 illegal immigrants per year. Yet, while funding has increased, the number of removals are down -- and well below total removals in previous years and the 400,000 benchmark that this administration has set.

Local law enforcement can assist the federal government in our efforts to protect the homeland and enforce the immigration law, and such collaboration can be achieved through 287(g) agreements. Created in 1996, the 287(g) program has the capacity to help our agents and removal officers protect the homeland from potential terrorists and to remove criminal immigrants from our streets.

In your testimony before the House Committee on Oversight and Government Reform on April 28, 2016, you said, "We have a 287(g) program that we enlist the help of local law enforcement in helping us with immigration enforcement. There are a number of jurisdictions, and I have asked our people to expand that program."

When asked about why the program was "shrinking," you said, "No, sir, it's not shrinking, other than maybe a jurisdiction withdrawing. That I can't control. We beg them to stay, but sometimes, they withdraw based on whatever considerations..."

The fact is that you *can* help and the agency *can* do more to prevent jurisdictions from withdrawing from the program. But changes made in recent years have made it difficult for law enforcement to participate, and the fact is, the Department has refused to approve applications for 287(g) authority.

The Department of Homeland Security should enter into more 287(g) agreements, under both the jail and task force models, and should, to the greatest extent possible, encourage jurisdictions to apply.

To better understand your commitment to the 287(g) program, I would like to know the following:

1. How, precisely, have you or other agency officials “begged” jurisdictions to stay in the 287(g) program? Please provide a list of jurisdictions that you have “begged,” including copies of any written communication with such jurisdictions.
2. Which jurisdictions have applied to participate in the 287(g) program in each year since 2009? Which jurisdictions’ applications have been approved and which have been denied?
3. According to the below chart provided to the Committee in response to hearing questions, at least ten jurisdictions had applied for 287(g) delegation of authority but were not yet approved or denied. How many of the ten listed have been approved? How many applications for 287(g) authority are pending today and for how long have they been pending?

State	Law Enforcement Agency Name	Date of Application	Office/Sub-Office/Area of Responsibility
AZ	Apache Junction PD	8/24/2010	Phoenix
GA	Rockdale County Sheriff’s Office	7/12/2010	Atlanta
GA	Cherokee County Sheriff’s Office	9/24/2008	Atlanta
MA	Essex County Sheriff’s Office	9/27/2011	Boston
MA	Plymouth County Sheriff’s Office	4/24/2012	Boston
NC	Forsyth County Sheriff’s Office	6/21/2010	Charlotte
NC	New Hanover County Sheriff’s Office	4/1/2011	Charlotte
OK	Oklahoma County Sheriff’s Office	7/1/2011	Oklahoma City
TN	Rutherford County Sheriff’s Office	9/6/2011	Nashville
VA	Rappahannock Regional Jail	6/6/2012	Washington D.C.

I request that ICE respond to this letter no later than May 17, 2016. Should you have any question, please contact Kathy Nuebel Kovarik of my Committee staff at (202) 224-5225.

Sincerely,

  
 Charles E. Grassley  
 Chairman

<sup>1</sup> Source: Responses of ICE Director Saldana to Questions for the Record, U.S. Senate Committee on the Judiciary Hearing “Oversight of the Administration’s Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims” (July 21, 2015), Question #3.