

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

January 16, 2015

VIA ELECTRONIC TRANSMISSION

Sarah Saldaña
Assistant Secretary
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
Washington, D.C. 20536

Dear Assistant Secretary Saldaña:

This past November, in announcing his unilateral action to defer deportations for millions of individuals in the country illegally, the President vowed to “focus[] enforcement resources on actual threats to our security,” such as felons, criminals, and gang members.¹ According to a new Department of Homeland Security (DHS) memorandum:

In general, [the Department’s] enforcement and removal policies should continue to prioritize threats to national security, public safety, and border security. . . . [Aliens in this category] represent [Priority 1,] the highest priority to which enforcement resources should be directed.²

On December 1, 2014, your predecessor responded to my August 26, 2014 letter concerning the 36,007 convicted criminal immigrants whom ICE failed to deport and instead released from its custody in Fiscal Year 2013. According to that response:

- 1,000 of these aliens have since been convicted of additional crimes.
- 1,589 of these aliens have since been re-booked into ICE custody.
- Of those who participated in the Alternatives to Detention (ATD) program, 630 aliens violated a condition of their supervised release that resulted in termination from the program.

Given that ICE failed to deport these recidivists in FY 2013, there is a concern that ICE may repeat this mistake despite the clear threat they pose to our security. Accordingly, please provide written responses to the following by February 6, 2015:

¹ The White House, Office of the Press Secretary, *Remarks by the President in Address to the Nation on Immigration*, November 20, 2014, <http://www.whitehouse.gov/the-press-office/2014/11/20/remarks-president-address-nation-immigration>, last accessed January 2, 2015.

² U.S. Department of Homeland Security, Jeh Johnson, Secretary, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*, November 20, 2014, http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf, last accessed January 2, 2015, at 1, 3.

1. Regarding the 1,000 aliens who have been convicted of additional crimes following their release from ICE custody in FY 2013:
 - a. Please specify by NCIC Code the precise offense for which each alien was convicted following his or her release from ICE custody in FY 2013.
 - b. Were any of these post-release convictions for offenses committed *prior to* their release in FY 2013? If so, how many?
 - c. How many of these 1,000 aliens have been deported?
 - d. How many of these 1,000 aliens have been released—again—from ICE custody?
 - e. How many of these 1,000 aliens are *not* Priority 1 for removal under the policy announced in Secretary Johnson's November 20, 2014 memorandum?

2. Regarding the 1,589 aliens who have been rebooked into ICE custody following their release from ICE custody in FY 2013:
 - a. How many of these 1,589 aliens have been deported?
 - b. How many of these 1,589 aliens has ICE released again from its custody?
 - c. How many of these 1,589 aliens are *not* Priority 1 for removal under the policy announced in Secretary Johnson's November 20, 2014 memorandum?

3. Regarding the 630 aliens who violated a condition of their supervised release that resulted in termination from the ATD program:
 - a. How many of these 630 aliens were rebooked into ICE custody?
 - b. Do violations of a condition of release always result in termination from the ATD program? If not, please provide the number of all aliens released in FY 2013 who violated a condition of their release under the ATD program.

4. Is ATD the only form of supervised release under which detainees were released from ICE custody in FY 2013? If not:
 - a. Please provide an exhaustive list of all forms of supervised release under which detainees were released from ICE custody in FY 2013.
 - b. For each form of supervised release, please provide the number of all detainees who violated a condition of his or her supervised release, regardless of whether those violations resulted in termination.

Please number your responses according to their corresponding questions. If you have any questions, please contact Jay Lim of my Committee staff at (202) 224-5225. Thank you.

Sincerely,



Charles E. Grassley
Chairman