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June 21, 2016

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

Dear Secretary Johnson:

On April 10, 2015, U.S. Immigration and Customs Enforcement (ICE) provided information to the Committee regarding the number of criminal aliens released by ICE in FY 2014. This information was made part of the record of the Committee's oversight hearing of ICE on April 14, 2015, at which Director Saldaña testified. According to the information, ICE released 30,558 criminal aliens in FY 2014 and those aliens had a combined total of 79,059 criminal convictions associated with them. ICE has reiterated that number of convictions to Congress – 79,059 – on multiple occasions, most recently in a letter from Director Saldaña to Senator Grassley on February 11, 2016.¹ In that letter, Director Saldaña asserted that 1,607 of those aliens were convicted of 2,560 additional criminal offenses after their release from ICE custody, as of July 25, 2015.

I was greatly disturbed to learn recently that the number of convictions associated with the 30,558 aliens released in FY 2014 was actually 92,347. ICE reported this information to the Immigration Reform Law Institute (IRLI) on April 5, 2016, in response to a request for information under the Freedom of Information Act. What is particularly troubling is that the data provided to IRLI was captured by ICE in March 2015, prior to ICE representing to the Committee that these criminal aliens had only 79,059 convictions. Despite subsequent appearances before congressional committees, neither you, nor the Director has ever attempted to correct this troubling underreporting of criminal activity to Congress – representing over 13,000 criminal convictions.

Based on the conviction data alone, the criminal conduct of these released aliens is nearly 17% higher than reported to the Committee in April 2015. This includes significantly more convictions for homicide-related offenses (17%), robberies (22%), sexual assaults (27%), aggravated assaults (17%), domestic violence assaults (11%), and driving under the influence (10%). This disparity demonstrates that these criminal aliens are even more of a threat to public safety than ICE represented to the Committee, and it raises serious questions about whether ICE knowingly misled Congress and the American public concerning the true extent of their danger.

¹ See [https://www.judiciary.senate.gov/imo/media/doc/2016-02-11%20ICE%20to%20CEG%20Flake%20Sessions%20\(Criminal%20Aliens\)_Redacted.pdf](https://www.judiciary.senate.gov/imo/media/doc/2016-02-11%20ICE%20to%20CEG%20Flake%20Sessions%20(Criminal%20Aliens)_Redacted.pdf).

To provide an accurate picture of the criminal aliens released by this Administration and the threat they pose to the public, please respond to the following questions no later than July 1, 2016:

For FY 2014, FY 2015, and FY 2016 YTD:

1. Please provide the total number of criminal aliens released for each FY.
2. Please provide the total number of criminal convictions for these aliens, categorized by FY and offense type, prior to their release by ICE.
3. Please provide the total number of criminal arrests for these aliens, categorized by FY and offense type, after their release by ICE.
4. Please provide the total number of criminal convictions for these aliens, categorized by FY and offense type, after their release by ICE.
5. Please provide the total number of aliens who were released in any of the referenced FYs and who were subsequently re-arrested by ICE. Please state whether each re-arrested alien is currently detained by ICE and, if not, provide an explanation.
6. For any alien who was re-arrested by ICE after the initial release, please provide the total number of times the alien was re-arrested by ICE.

Thank you for your prompt attention to this matter. Please direct any questions to Tracy Short, Counsel, Subcommittee on Immigration and Border Security, at (202) 225-3926.

Sincerely,



Bob Goodlatte
Chairman

cc: Hon. John Conyers, Jr.