Congress of the United States
Washington, DC 20515

October 16, 2015

Via Electronic Transmission

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

Dear Secretary Johnson:

We write today regarding a report indicating that U.S. Customs and Border Protection (CBP) released a fugitive alien, Luis Golberto-Molina, after the Yuma County, Colorado, Sheriff's Office had informed CBP that it intended to take custody of Golberto-Molina in connection with a 14-year-old felony warrant. We are concerned that your Department would release a fugitive alien when there is an outstanding warrant for his arrest.

The Yuma County Sheriff's Office stated that it had issued a warrant in 2001 for the arrest of Golberto-Molina who violated his felony probation related to a 1998 residential burglary case.[1] According to the Sheriff, on September 15, CBP informed them that it apprehended Golberto-Molina while he was attempting to re-enter the country illegally. In response to this notification, the Sheriff's Office told CBP that it would extradite the fugitive for his 14-year-old felony warrant. However, CBP released Golberto-Molina when the U.S. Attorney's Office declined to prosecute him for his illegal reentry. It is unclear from this report whether Golberto-Molina was released back into the public, or removed from the U.S.

According to the Sheriff's Office, Golberto-Molina has an extensive criminal history, including charges for nine felonies and eleven misdemeanors. Those charges include, but are not limited to, burglary, possession of a forged instrument, aggravated assault, illegal possession of a weapon, use of a deadly weapon in the commission of a felony, and terroristic threats. Further, Golberto-Molina has been removed from the country five times. Based on these allegations, Golberto-Molina appears to be a threat to public safety and a danger to the community.

The Sheriff's Office reported that the only explanation CBP offered for its release of this fugitive alien was "We'll get him next time."[2]

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[1] Press Release, Yuma County Sheriff, Yuma County Fugitive of 14 Years Captured by U.S. Border Patrol in Arizona.... Then Released!!??, (Sept. 21, 2015) *available at* http://www.yumacountysheriff.net/yuma-county-fugitive-of-14-years-captured-by-u-s-border-patrol-in-arizona-then-released/.

[2] *Id.*

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This case shows the serious problem of criminal aliens who reenter this country repeatedly. As was the case in Kate Steinle's murder, this fugitive alien reentered the country five times, but was subsequently released. We are concerned about this administration's apparent lack of desire to prosecute illegal reentry.

In order to better understand Golberto-Molina's immigration and criminal history, please provide the following information:

1. Immigration history;
2. Each encounter with immigration authorities to include time, place, and manner of entry;
3. An executive summary;
4. Criminal history;
5. Information regarding the decision to release Golberto-Molina, including the reasons justifying release, and the actors involved with making that decision;
6. Current immigration disposition, including whether or not he is currently in the U.S.;
7. Any immigration benefits sought by Golberto-Molina including but not limited to prosecutorial discretion and deferred action and current disposition of such applications;
8. An explanation as to whether or not Golberto-Molina fell under any of the immigration enforcement priorities;
9. A copy of the alien registration file;
10. Was Golberto-Molina subject to expedited removal? If so, was any such order effectuated?;
11. If Golberto-Molina had a prior order of removal, was the removal order reinstated?; and
12. How many other individuals similar to Golberto-Molina have been released by CBP, despite a long criminal history, or despite the fact that a local jurisdiction is seeking custody of them based on an outstanding warrant?

Please provide this information to the House and Senate Judiciary Committees by November 2, 2015. Should you have any questions, please contact Kathy Nuebel Kovarik at (202) 224-5225 or Andrea Loving at (202) 225-3926. Thank you for your cooperation.

Sincerely,

Charles E. Grassley
Chairman
Senate Committee on the Judiciary

Bob Goodlatte
Chairman
House Committee on the Judiciary