

1           OVERSIGHT OF THE ADMINISTRATION'S MISDIRECTED  
2           IMMIGRATION ENFORCEMENT POLICIES:   EXAMINING  
3           THE IMPACT ON PUBLIC SAFETY AND  
4           HONORING THE VICTIMS

5                           - - -

6                   TUESDAY, JULY 21, 2015

7                                   United States Senate,  
8                                   Committee on the Judiciary,  
9                                   Washington, D.C.

10           The Committee met, pursuant to notice, at 10:00 a.m.,  
11   in room SD-106, Dirksen Senate Office Building, Hon. Chuck  
12   Grassley, Chairman of the Committee, presiding.

13           Present:   Senators Grassley, Hatch, Sessions, Cornyn,  
14   Lee, Cruz, Flake, Vitter, Perdue, Tillis, Feinstein,  
15   Schumer, Durbin, Whitehouse, Klobuchar, and Franken.

16           OPENING STATEMENT OF HON. CHUCK GRASSLEY, A U.S. SENATOR  
17                                   FROM THE STATE OF IOWA

18           Chairman Grassley.   For the benefit of the audience and  
19   the witnesses, generally, and in this case, too, Senator  
20   Feinstein is the Ranking Member for this hearing, and she  
21   and I will make opening comments; then we will go to our  
22   first panel.

23           This Committee continues to honor its pledge to conduct  
24   oversight over the implementation of the laws Congress has  
25   passed as well as the policies and practices of the

1 executive branch. Today we will focus on how this  
2 administration's immigration policies and practices are  
3 hurting American families. The Committee will hear powerful  
4 testimony from a number of relatives who have lost loved  
5 ones as a direct result of the administration's failure to  
6 deport aliens or its tolerance of sanctuary policies.

7 I will begin by extending a special welcome to our  
8 witnesses, especially family members of victims. I hope you  
9 will accept our deepest sympathies for the losses each of  
10 you have suffered. Thank you very much for your willingness  
11 to share your stories under difficult circumstances and to  
12 pay tribute to those who, though no longer with us in body,  
13 are surely with us in spirit.

14 Today we will honor Josh, Kate, Dennis, Danny, Grant,  
15 and many others whose lives were tragically cut short  
16 because of the administration's lax immigration policies.  
17 We had many families and relatives who wanted to testify  
18 today, but, unfortunately, we had to turn them away because  
19 we were limited on time and space. However, we welcome all  
20 testimony for the record and encourage them to commemorate  
21 their loved ones with stories and written letters to this  
22 Committee.

23 We will examine the administration's policies from the  
24 top down. We will look at how Federal benefits are being  
25 granted to deportable criminals by U.S. Citizenship and

1 Immigration Services, why criminals are being released by  
2 U.S. Immigration and Customs Enforcement, and how  
3 enforcement of the laws can be better achieved.

4 We will look at how we can improve cooperation between  
5 Government agencies, and we will look into how we can  
6 improve cooperation between the Federal Government and  
7 States and local law enforcement agencies. After all, we  
8 all work for the same taxpayers. We ought to be  
9 cooperating.

10 We will look at sanctuary jurisdictions and try to  
11 understand why policies protecting criminal aliens are in  
12 place.

13 In the past few weeks, we have learned that there are  
14 thousands of detainers placed each year by Federal agents on  
15 undocumented immigrants with criminal records that are  
16 ignored.

17 According to Government data, between January and  
18 September 2014, there were 8,811 declined detainers in 276  
19 counties in 43 States, including the District of Columbia.

20 Of the 8,811 declined detainers, 62 percent were  
21 associated with over 5,000 individuals who were previously  
22 charged or convicted of a crime or presented some other  
23 public safety concern.

24 And nearly 1,900 of the released offenders were  
25 arrested for another crime after being released by a

1 sanctuary jurisdiction.

2 This is obviously disturbing--not only to me, but to  
3 most Americans. There is no good rationale for non-  
4 cooperation between the Federal level and State and local  
5 law enforcement. Public safety is needlessly and recklessly  
6 put at risk when State and local officials provide sanctuary  
7 to lawbreaking immigrants just to make a political point.

8 This administration in too many cases has turned a  
9 blind eye to enforcement, even releasing thousands of  
10 criminals at its own discretion, many of whom have gone on  
11 to commit serious crimes, including murder.

12 The administration has also granted deferred action to  
13 criminal aliens who have committed heinous crimes after  
14 receiving this relief from deportation. I have written to  
15 Secretary Johnson about four specific cases in which such  
16 individuals have received President Obama's Deferred Action  
17 for Childhood Arrivals, and that is referred to as "DACA" in  
18 this town.

19 One of these beneficiaries was a known gang member when  
20 he applied and received DACA, then went on to kill four  
21 people in North Carolina. Another DACA recipient used his  
22 work authorization to gain employment at a popular youth  
23 camp in California, where he was recently arrested for child  
24 molestation and distribution of child pornography. I am  
25 still waiting for responses on some of these cases.

1           Further, the administration has completely failed to do  
2   anything about sanctuary cities, all while challenging  
3   States that took a more aggressive approach to enforcing the  
4   immigration laws.

5           I recently sent a letter to Attorney General Lynch and  
6   Homeland Security Secretary Johnson about sanctuary cities.  
7   I urged them to take control of the situation to ensure  
8   detainers are not ignored and undocumented individuals are  
9   safely transferred to Federal custody and put into  
10   deportation proceedings. I implored them to take a more  
11   direct role in the matter, and on those letters I have not  
12   received a response.

13          But this is not a new issue for this administration. I  
14   wrote to then-Secretary Napolitano and then-Attorney General  
15   Holder in 2012 and asked them to intervene in Cook County,  
16   Illinois, another sanctuary jurisdiction. Nothing happened.  
17   In fact, since then, administration officials have publicly  
18   stated that they neither believe detainers have to be  
19   honored, nor that they even want them to be mandatory.

20          Enforcing the immigration laws in this country is not a  
21   voluntary or trivial matter. Real lives are at stake.  
22   Things cannot continue this way. We are Nation based upon  
23   the rule of law, and if that rule of law is not respected,  
24   only chaos will succeed.

25          That is why I am introducing legislation today that

1 will hold sanctuary jurisdictions accountable. It will  
2 require the executive branch to withhold certain Federal  
3 funding if States or local law enforcement refuse to  
4 cooperate with the Federal Government in holding or  
5 transferring criminal aliens.

6 My bill will require that State and locals cooperate on  
7 criminal aliens or risk losing law enforcement-related  
8 grants that are distributed by Homeland Security and DOJ.

9 My bill will also require a mandatory minimum 5-year  
10 prison sentence in addition to a possible fine for  
11 individuals who enter the United States after having been  
12 deported. Current law does not require prison time and caps  
13 the possible prison sentence at 2 years. This section of my  
14 bill is aimed at individuals who ignore our laws time and  
15 again.

16 No more people should die at the hands of those who  
17 break our laws just by being here. No more families should  
18 have to go through what these families and others have gone  
19 through.

20 Again, I would like to thank our witnesses for taking  
21 the time to be with us today. Your strength and  
22 determination to change the unacceptable status quo will not  
23 go unnoticed.

24 I will now turn to Senator Feinstein, and after she  
25 goes, I will introduce the witnesses.

1           OPENING STATEMENT OF HON. DIANNE FEINSTEIN, A U.S.  
2           SENATOR FROM THE STATE OF CALIFORNIA

3           Senator Feinstein. Thank you very much, Chairman  
4   Grassley.

5           I want to say that our Ranking Member, Patrick Leahy,  
6   would be here, but there is an urgent family appointment  
7   that he had to keep this morning, and so I sit in in his  
8   stead. And I know this is a hearing that he very much would  
9   have wanted to have attended.

10          Yesterday, I had occasion to meet with the Steinle  
11   family, and Jim Steinle is sitting front and center at the  
12   dock. And what I saw was a very hurt family, but very  
13   resolute and very concerned about doing the right thing,  
14   whatever that may be in a case like this.

15          So I want to voice my very clear sympathy and  
16   condolences to the family members that are here today. I  
17   cannot think of anything that is harder to do than what you  
18   are going to do today. And I think your strength in doing  
19   it is noted and very much appreciated.

20          It is very clear to me that we have to improve  
21   cooperation between local, State, and Federal law  
22   enforcement. The overriding concern and a deep belief of  
23   mine is that convicted felons should not be removed from the  
24   country--should be removed from the country, but not  
25   released onto our streets.

1           When immigration authorities ask that a State or local  
2   law enforcement agency notify them of an impending release  
3   of an alien with a serious felony record, that request  
4   should be honored. I strongly believe that local law  
5   enforcement should have notified the immigration authorities  
6   in the case of the accused murderer of Kate Steinle. The  
7   man who killed Kate is a classic case of multiple felonies  
8   and prior deportations, and a simple phone call would have  
9   been enough.

10          But that did not happen. In fact, the San Francisco  
11   County sheriff adopted his own policy in March of 2015, just  
12   4 months ago. The memo states, "SFSD staff shall not  
13   provide the following information or access to ICE  
14   representatives." One of the items listed in the  
15   department's memo is "release dates and times."

16          In other words, the sheriff's department barred its own  
17   deputies from informing ICE about an individual's release  
18   date and time. That, I believe, is wrong. I believe it is  
19   not required by San Francisco's ordinance as the mayor has  
20   made clear to the sheriff in a letter dated July 14th. And,  
21   Mr. Chairman, I would like to put that letter in the record,  
22   if I may.

23          Chairman Grassley. Without objection, so ordered.

24          [The letter follows:]

25          / COMMITTEE INSERT



1           Senator Feinstein. Thank you.

2           I agree with the mayor, and to prevent a similar  
3   tragedy, I hope and expect that my home State of California,  
4   and the city of San Francisco in particular, will agree to  
5   take part in the Department of Homeland Security Priority  
6   Enforcement Program, known as "PEP." This program focuses  
7   on felons and others who are high priorities for removal  
8   from the country.

9           Under PEP, ICE can request notification of an alien's  
10   release date from State or local custody so that they would  
11   have the opportunity, if the circumstances warranted, to  
12   take custody of that individual itself.

13          In some instances, PEP also allows for ICE to lodge a  
14   detainer request with local law enforcement, asking that  
15   they hold an alien for up to 48 hours. It seems to me that  
16   a simple notification to ICE could have prevented Kate  
17   Steinle's death.

18          I have urged Mayor Lee and the Board of Supervisors to  
19   participate in this new program, which the Secretary  
20   announced late last year. This program prioritizes those  
21   who threaten our Nation's national security. I am pleased  
22   that Mayor Lee is taking this request seriously and is in  
23   the process of communicating with the Department of Homeland  
24   Security about participating.

25          We all know that most undocumented immigrants are

1 otherwise law-abiding, hardworking, and just want to provide  
2 for their families. I believe that deeply. But that is not  
3 the element of the undocumented population we are talking  
4 about today.

5 I am currently working on a bill, as is our Chairman  
6 and I think others in this Committee, that would require  
7 State and local law enforcement to notify Immigration and  
8 Customs Enforcement of the impending release from a  
9 detention center of an illegal alien who has previously been  
10 convicted of a felony if ICE requests such notification.  
11 This bill is a work in progress, and, Mr. Chairman, I look  
12 forward to hearing the testimony today and to working with  
13 other members of this Committee so that we might produce a  
14 bill that is worthy of consideration and passage.

15 I thank the Chair.

16 Chairman Grassley. Thank you, Senator Feinstein.

17 Our first witness is Ms. Susan Oliver. Ms. Oliver is  
18 the widow of Deputy Danny Oliver, a police officer in  
19 Sacramento. Danny was killed while on duty by an  
20 undocumented immigrant who was previously arrested on two  
21 separate occasions on drug-related charges and twice  
22 deported. Ms. Oliver has established a foundation in her  
23 husband's name to help kids in school.

24 Our second witness is Ms. Grace Huang. She is public  
25 policy program coordinator for Washington State Coalition

1     Against Domestic Violence, a nonprofit network of domestic  
2     violence programs founded in 1990.

3             Our third witness is Mr. Michael Ronnebeck, the uncle  
4     of Grant Ronnebeck. He was a 21-year-old convenience store  
5     clerk who was gunned down earlier this year by an  
6     undocumented immigrant. U.S. Immigration and Customs  
7     Enforcement released Grant's alleged murderer who was  
8     awaiting deportation. Grant was born in Iowa but resided in  
9     Arizona and had two brothers and a sister.

10            Our fourth witness is The Reverend Gabriel Salguero.  
11     Reverend Salguero and his wife are the co-lead pastors of  
12     Lamb's Church of the Nazarene, New York City. He is also  
13     founder of the National Latino Evangelical Coalition.

14            Our fifth witness is Mr. Jim Steinle of Pleasanton,  
15     California, the father of Kate Steinle, who was gunned down  
16     20 days ago while walking on a pier in San Francisco  
17     alongside this father. Her alleged killer had seven prior  
18     felony convictions and had been deported five times.  
19     Sanchez was shielded by San Francisco's sanctuary policy  
20     which allowed for his release in March despite an ICE  
21     detainer placed on him.

22            The sixth witness is Chief J. Thomas Manger. Chief  
23     Manger has been the chief of police, Montgomery County,  
24     since February 2004. Chief Manger also serves as president  
25     of the Major Cities Chiefs Association.

1           Our seventh witness is Mr. Brian McCann. Mr. McCann's  
2 brother, Dennis, was killed in 2011 by a drunk driver who  
3 was in the country illegally and driving without a license.  
4 U.S. Immigration and Customs Enforcement had placed a  
5 detainer on the drunk driver, but he was released under Cook  
6 County, Illinois, sanctuary city policies.

7           Our final witness is Ms. Laura Wilkerson of Pearland,  
8 Texas. She is the mother of Josh Wilkerson. Josh was 18  
9 years old when he was kidnapped and murdered by his high  
10 school classmate, an illegal immigrant, after offering his  
11 classmate a ride from school. Josh's murderer was sentenced  
12 to life in prison and will be eligible for parole in 30  
13 years.

14           I want to thank all of you for being here, and as I  
15 expressed to you privately our condolences, I say so now  
16 publicly, and you are very brave to come forward and  
17 testify, and we welcome that very much.

18           We will start with Ms. Oliver. I know you folks have  
19 been told about a 4-minute rule. The red light comes on.  
20 If you have a longer statement, it will be put in the  
21 record. That does not mean that just exactly when the red  
22 light comes on I am going to gavel you down, but please cut  
23 it short, because this is a very important hearing, and we  
24 want to get the witnesses in. But the most important thing  
25 after you tell your stories is for us to hear from the

1 administration and to question the administration.

2 Will you start, Ms. Oliver?

1                   STATEMENT OF SUSAN OLIVER, WIFE OF DEPUTY SHERIFF  
2                   DANNY OLIVER, GARDEN VALLEY, CALIFORNIA

3           Ms. Oliver. Good morning. I just want to first state  
4   that I am honored that the bill has been named after my  
5   husband, Deputy Oliver, as well as Detective Davis, who were  
6   killed on October 24, 2014.

7           Over the past 9 months, my life has changed  
8   dramatically because of the loss of my husband, Sacramento  
9   County Sheriff Deputy Danny Oliver. Danny Oliver was a  
10   special person that knew that treating people with dignity  
11   and kindness resulted in stronger, healthier, and safer  
12   communities, and he worked every day to help make that a  
13   reality for communities that needed it the most.

14          As a 15-year veteran of the Sacramento County Sheriff's  
15   Office, Danny Oliver was not a man to boast or gloat of his  
16   professional accomplishments. In fact, when he was given a  
17   standing ovation at a community meeting, he felt unsure of  
18   how to handle this overwhelming approval. Danny simply felt  
19   he was doing his job, and that was all that was needed to  
20   feel accomplished.

21          My husband's last shift with the Sacramento County  
22   Sheriff's Office ended by doing something he had done  
23   countless times before in his career. He was policing his  
24   community and trying to make a difference. Danny was a POP  
25   officer, also known as a "Problem Oriented Policing"

1 officer. His job was to identify possible community  
2 challenges and try to get ahead of them. He put himself  
3 into harm's way every day that he put his uniform on, and on  
4 Friday, October 24, 2014, my husband and father of two  
5 approached a car on his beat. But this time it was the last  
6 time.

7 The last thing my husband attempted to do as a POP  
8 officer was to ask the man inside the car how his day was  
9 going. But he never made it to the driver's window. At  
10 about 10:30 a.m., that man was in the country illegally and  
11 armed with numerous illegal weapons. He aimed one outside  
12 the car from the parking lot of Motel 6 in Sacramento and  
13 opened fire, killing my husband with a shot to the forehead.

14 I can honestly say that not a day goes by that this has  
15 not affected me. It may not be visible always.

16 It may not be written in bold for all to see.

17 It may not even be recognized, but it is always in the  
18 background of my mind. Sorry.

19 It is there daily, sometimes moment by moment, as it  
20 should be. Many people ask if I have gotten past that  
21 terrible day, and the answer is no. Honestly, I do not  
22 think I will ever get past that day. I lost the man I was  
23 married to for 25 years.

24 Each day I look for parental backup for rearing my  
25 child, who is 12 years old, and I feel that loss.

1           Each day my children reach milestones. My daughter  
2   recently got engaged, and there will be a marriage that he  
3   will not be at. There will be school graduations and even  
4   our weekly family brunches that we held. I am reminded that  
5   I no longer have my husband by my side. I was with him  
6   since I graduated high school 25 years ago, and we watched  
7   each other grow up. We made careers together, and we raised  
8   two children. We could just look at each other and know  
9   what we needed. Perhaps it was support, a loving smile, or  
10   even an "I will talk to you when we get home" look. It is  
11   hard to build this trust and understanding, but we had it  
12   mastered with ease.

13           But because of the actions of one criminal, this all  
14   ended on October 24th. My life will never be the same.

15           Unlike law enforcement, there are few professions that  
16   consistently send our loved ones into harm's way. It is  
17   frightening, always knowing that each time they walk out the  
18   door it could be the last time that you see them. At the  
19   same time, not many professions consciously or intentionally  
20   give the order to take a life through the use of deadly  
21   force in order to protect others who cannot protect  
22   themselves, an awesome responsibility that my husband  
23   understood clearly. And this continues to create a lot of  
24   ongoing dialogue within communities throughout the country  
25   as we see a lack of continuity among law enforcement groups



1 and communities that they serve.

2 Every single day, law officers at the State, local, and  
3 Federal level put themselves, their loved ones, and their  
4 communities that they serve at risk when they are forced to  
5 release criminals who are illegal, who pose a threat to  
6 community safety--all in violation of current laws that  
7 require deportation. In just the last 2 years, ICE released  
8 back onto the Nation's streets 76,000 convicted criminals  
9 who are in this country illegally. There are 169,000  
10 criminals in the United States who are here illegally right  
11 now. That means there are 169,000 people on our streets who  
12 have criminal convictions and were formally and lawfully  
13 ordered deported, but who remain here to commit other  
14 crimes, to possibly kill someone else's loved one.

15 The administration's tolerance of sanctuary cities has  
16 also resulted in another 10,000 potentially deportable  
17 illegal immigrant criminals being released by local law  
18 agencies since January of last year. And 121 of these  
19 criminals have been ordered deported in the last few years  
20 and yet were released by ICE and have now been charged with  
21 additional homicide offenses. The man that killed my  
22 husband, Danny Oliver, was deported several times for  
23 various felonies before killing my husband on October 24,  
24 2014. However, due to the lack of coordination between law  
25 enforcement agencies, he was allowed back into the country

1 and in one day he committed another crime, only this time  
2 his illegal crime status impacted many in a direct and  
3 profound way when he shot and killed my husband.

4 I would be remiss if I did not also mention that it was  
5 not my life that--it was not just my life that was changed  
6 that day. That same criminal eluded hundreds of officers  
7 from Sacramento to Auburn, California, during a 6-hour crime  
8 spree that also left Placer County Sheriff Detective Michael  
9 David Davis, Jr., dead, Placer County Sheriff Deputy Jeff  
10 Davis wounded, and a motorist in serious condition from a  
11 gunshot to the head.

12 Many lives changed on October 24th. Today I honor my  
13 husband, Sacramento County Sheriff Deputy Danny Oliver, and  
14 the other fallen heroes throughout this Nation, who are  
15 always with us, in our hearts and in our memories. I wonder  
16 if I would even be here today talking to you about my loss  
17 if the Government better enforced immigration law.  
18 Unfortunately, this is now my reality.

19 Thank you for honoring Danny and the others who have  
20 made the ultimate sacrifice. I hope by being here today and  
21 telling you about the grief my family has unnecessarily  
22 endured I can help save the life of someone else's friend,  
23 husband, or father. I hope that my husband's death will not  
24 be in vain. I hope that I can be here to make a difference.  
25 My life is forever changed and saddened. Please help put

1 policy in place to make sure that criminal immigrants who  
2 are in this country illegally are never allowed to dictate  
3 the life of a true humanitarian like my husband, Deputy  
4 Danny Oliver.

5 [The prepared statement of Ms. Oliver follows:]

- 1 Chairman Grassley. Thank you, Ms. Oliver.
- 2 Ms. Huang?

1                   STATEMENT OF GRACE HUANG, PUBLIC POLICY  
2                   COORDINATOR, WASHINGTON STATE COALITION AGAINST  
3                   DOMESTIC VIOLENCE, SEATTLE, WASHINGTON

4           Ms. Huang. Thank you, Chairman Grassley and  
5 distinguished members of the Committee. My name is Grace  
6 Huang from the Washington State Coalition Against Domestic  
7 Violence. I am deeply honored to be here to comment on the  
8 impact of local law enforcement policies regarding Federal  
9 immigration enforcement on victims of domestic violence.

10          The issue of violence in our communities is  
11 challenging, complex, and deeply emotional. As someone who  
12 has worked with survivors of violent crimes for over 22  
13 years, I know how important it is for people to feel that  
14 they can prevent future tragedies, and I want to extend my  
15 heartfelt condolences to the families here today.

16          Over the years in my work at the coalition, I have had  
17 the honor to work in helping families make it--work in the  
18 advocacy process in advancing effective policy solutions.  
19 Through open and honest dialogue, I hope that we can work to  
20 find solutions that make our communities safer for everyone.

21          One crucial thing we can do is to build strong police  
22 and community relationships, which means establishing an  
23 environment of trust. If victims and witnesses do not feel  
24 safe coming forward, the police cannot do their jobs, and we  
25 are all less safe. Congress has affirmed the principle that

1 immigrant victims and witnesses should feel safe to come  
2 forward by creating the U-visa for victims of crime in 2000  
3 and the Violence Against Women Act, which was recently  
4 reauthorized. I thank you all for everything you have done  
5 to make women and our communities as a whole more safe. I  
6 ask that you remember these lessons as you work to address  
7 this new challenge.

8 As a victim advocate, I am deeply concerned that  
9 mandating local police cooperation with immigration  
10 enforcement will strengthen the hand of violent  
11 perpetrators, helping them silence their victims and  
12 witnesses. I am also concerned that vulnerable immigrant  
13 victims brave enough to step forward will face detention,  
14 separation from their children, and swift deportation. This  
15 was what many communities encountered with Secure  
16 Communities, and the chilling effect it had on police-  
17 community relations was dramatic and counterproductive.

18 One example of this chilling effect is the case of  
19 Cecilia, a young Guatemalan girl living in Colorado.  
20 Cecilia was sexually abused by a family friend at the age of  
21 5. Her parents, who were undocumented, were terrified of  
22 reporting the crime to the police after having been told by  
23 friends and family that they would be reported to  
24 immigration if they stepped forward. A year later, that  
25 same perpetrator sexually abused another child. In the end,

1 after the father of that child contacted Cecilia's parents,  
2 they went to the police together, and the perpetrator was  
3 caught and prosecuted. But because of their initial fear to  
4 report, another child was harmed. When immigrants are  
5 afraid to come forward with information about a crime, the  
6 entire community is less safe

7 When reaching out to police to address domestic  
8 violence may end up in deportation, law enforcement is  
9 effectively removed as an option for safety, which has life-  
10 threatening impacts. For example, one client, Maria, so  
11 distrusted the police that when her abuser tracked her down  
12 after she fled to another State, she tried to call her  
13 lawyer instead of calling 911. It was midnight, he was  
14 pounding on the door, and she was frantically calling over  
15 and over the closed office of her attorney, who was, of  
16 course, not at work. For Maria, the idea of calling the  
17 police was simply not an option that put her life in danger.  
18 Imagine being so fearful that even though somebody is trying  
19 to break into your house, you cannot turn to the police.

20 As victim advocates, we are also concerned that  
21 immigrant survivors will be caught up in deportation cases  
22 when there are mandates for local police cooperation with  
23 ICE. It is not unusual for immigrant victims to be  
24 convicted of crimes stemming from their victimization. For  
25 example, in California, Cindy, a Taiwanese woman on a

1 student visa, was arrested and convicted of felony domestic  
2 violence charges and spent nearly a month in jail before she  
3 was able to speak to somebody in her own language. She had  
4 bitten her abuser while fighting him off when he tried to  
5 rape her. Although the jury determined that she had acted  
6 to defend herself, she was convicted of felony domestic  
7 violence because the jury determined that the force she used  
8 to defend herself was greater than the assault. Because  
9 Cindy was not automatically referred to ICE, she was able to  
10 complete her studies, expunge her criminal record, and  
11 become a productive member of society.

12 Policies limiting local police cooperation with ICE may  
13 provide just enough respite for victims like Cindy to access  
14 the resources they need. Again, I want to say that we in  
15 the domestic violence advocacy field greatly appreciate the  
16 work that Congress has done and many members of this  
17 Committee in particular have done to support a coordinated  
18 community response to domestic violence.

19 Proposals that are under consideration now to limit  
20 funds to so-called sanctuary cities will allow violent  
21 crimes to go uninvestigated and leave victims without  
22 redress. Federal funding of law enforcement supports  
23 critical training, equipment, and staff that assists victims  
24 all over the country every day. Without such funding, there  
25 will be cases that go uninvestigated, protection orders that



1 will not be served or enforced, rape kits that will not be  
2 tested, child abuse and sexual abuse victims that will not  
3 have trained interviewers.

4       These victims are not limited to immigrants. We  
5 recognize the fact that there are victims both with lawful  
6 status and those without that are harmed by some immigrants.  
7 We all want justice for victims and to prevent future  
8 crimes. We urge Congress to proceed with measured,  
9 thoughtful policies in order to enhance the safety of all of  
10 our communities.

11       Thank you.

12       [The prepared statement of Ms. Huang follows:]

- 1 Chairman Grassley. Thank you, Ms. Huang.
- 2 Now, Mr. Ronnebeck.

1                   STATEMENT OF MICHAEL RONNEBECK, UNCLE OF GRANT  
2                   RONNEBECK, SACRAMENTO, CALIFORNIA

3           Mr. Ronnebeck. Good morning, distinguished Committee  
4 members. Grant Ronnebeck was a 21-year-old son, brother,  
5 nephew, and grandson. He was a bright young man with an  
6 infectious smile and love of life. He had a positive  
7 outlook on life, and everyone he met knew it. Grant had no  
8 enemies; he was a friendly, outgoing lovable guy.

9           As a 21-year-old American, he was just starting out in  
10 life, starting to realize his dreams, starting to follow his  
11 heart in matters of career choices, and just discovering his  
12 life's opportunities. His desire was to work his way up at  
13 the job he loved, working for the QuikTrip Corporation as he  
14 had for the previous 5 years, or possibly later to become a  
15 member of the law enforcement community.

16           He loved four-wheeling in the desert around his home  
17 near Mesa, Arizona, spending time with friends and family,  
18 and watching the Broncos play during the football season.  
19 He was a pretty typical young American man, but to us he was  
20 a very special family and community member.

21           At 4:00 a.m. on January 22, 2015, just 6 months ago,  
22 while working the overnight shift at his Quiktrip store,  
23 Grant assisted a man buying cigarettes. The man dumped a  
24 jar of coins on the counter and demanded those cigarettes.  
25 Grant tried to explain that he needed to count the coins

1 before he could give the man the cigarettes. The man pulled  
2 a gun and said, "you're not gonna take my money," and  
3 "you're not gonna give me my cigarettes." Grant immediately  
4 offered up the cigarettes to the man, who shot him in the  
5 point-blank in the face, killing him. Seemingly unaffected,  
6 the man coldly and callously stepped over Grant's dying  
7 body, grabbed a couple of packs of cigarettes, and then left  
8 the store.

9 After a 30-minute high-speed pursuit through the  
10 streets of Mesa and Phoenix, Arizona, the man was taken into  
11 custody. Inside his car were the cigarettes and two  
12 handguns, one of which was believed to have been used to  
13 kill Grant.

14 Apolinar Altamirano, the alleged murderer, is an  
15 illegal alien. According to a news article detailing his  
16 2012 arrest, he was a self-proclaimed member of the Mexican  
17 mafia and says he has ties to the Sinaloa drug cartel.

18 The news article states that in August of 2012, he was  
19 arrested with two others after kidnapping and sexually  
20 assaulting a woman and burglarizing her apartment. She was  
21 allegedly held naked and against her will for a full week  
22 prior to escaping. He took a plea deal and pled guilty to a  
23 charge of felony burglary for that incident. He was  
24 sentenced to 2 years' probation and turned over to the  
25 Immigration and Customs Enforcement agency due to his

1 undocumented status in the United States. He never served  
2 any time in custody related to that offense.

3 ICE, the Immigration and Customs Enforcement agency,  
4 released the now convicted felon Altamirano on a \$10,000  
5 bond pending a deportation hearing.

6 In the 2 years since then, while awaiting his  
7 deportation hearing, Altamirano has had two orders of  
8 protection filed against him, including one from a woman who  
9 claimed he threatened to kill her and pointed a gun at her  
10 boyfriend. ICE was reportedly notified of the protection  
11 orders by a Mesa Superior Court judge. Altamirano was still  
12 allowed to remain free in our country.

13 In addition to Altamirano, ICE reported that they  
14 released 66,564 other criminal aliens back onto the streets  
15 of our country in 2013 and 2014 and another 10,246 as of  
16 March 2015. This group included aliens convicted of violent  
17 and serious crimes, including homicide, sexual assault,  
18 kidnapping, and aggravated assault. At least 123 American  
19 citizens have been murdered by one of those released  
20 criminal aliens, including my nephew Grant Ronnebeck.

21 There are a number of immigration bills that have been  
22 introduced in the last several months, among those: Grant's  
23 Law, for my nephew; Kate's Law, for Kate Steinle; The Davis-  
24 Oliver Act for law enforcement officers Danny Oliver and  
25 Michael Davis; and Jamiel's Law, for Jamiel Shaw--all

1 Americans killed by illegal immigrants. Each of these  
2 potential laws have a specific component that would help  
3 protect American lives. I ask that each of you give  
4 consideration and priority to passing these important bills  
5 into laws.

6 It is my family's greatest desire that Grant  
7 Ronnebeck's legacy will be more than a fading obituary, a  
8 cemetery plot, or a fond memory. Instead, we want Grant's  
9 death to be a force for change and reform in the immigration  
10 policies of this great Nation.

11 In closing, I am asking you, our elected leaders,  
12 scholars, lawyers, to make these changes, to rise above your  
13 political differences, to set aside your personal interests,  
14 and to use your resources to make sensible immigration  
15 reform a reality in the coming months, with the safety and  
16 security of American citizens first and foremost in mind.

17 [The prepared statement of Mr. Ronnebeck follows:]

1 Chairman Grassley. Thank you, Mr. Ronnebeck.

2 Now, Reverend Salguero.

1                   STATEMENT OF REVEREND GABRIEL SALGUERO, THE LAMB'S  
2                   CHURCH OF THE NAZARENE, NEW YORK, NEW YORK

3           Rev. Salguero. My name is Gabriel Salguero. Together  
4 with my wife, Jeanette, I am the pastor of the multiethnic  
5 Lamb's Church of the Nazarene where immigrants, police  
6 officers, whites, African Americans, and nations worship  
7 together. I am also the founder of the National Latino  
8 Evangelical Coalition which represents some of the 8 million  
9 Hispanic evangelicals living in the United States. I offer  
10 my sincere thanks to Chairman Grassley, Ranking Member  
11 Feinstein, and the other members of the Committee. I am  
12 honored to be here today.

13           I want to begin by saying that I am heartbroken by the  
14 senseless violence and tragedy that we are discussing here  
15 today. I have prayed and asked the Lord to bless these  
16 families and provide grace and comfort to each family member  
17 here today. I can only imagine that every family member,  
18 friend, and community member continues to reel from the  
19 shock, loss, and grief at the remembrance of these lost  
20 loved ones. My prayers and sincere condolences go to each  
21 of you and your families. Nothing I can do here today will  
22 heal that grief, but your families will remain in my  
23 prayers. I pray for an end to violent acts such as these,  
24 and I pray that those who would commit such acts face just  
25 consequences and redemption.



1           I am here to speak about my belief that we should take  
2   care to ensure that while we work to prevent these tragedies  
3   from occurring in the future we do not harm entire  
4   communities in the process. Faith organizations, including  
5   my evangelical community, have historically played a  
6   critical role in promoting community trust and providing  
7   safe haven to refugees, those fleeing violence, and other  
8   immigrants facing the daunting challenges of opportunity in  
9   the United States. I do not believe that the tragedies we  
10   discuss here today are the result of policies that seek to  
11   promote trust and cooperation with immigrant communities.  
12   The values of the sanctuary churches in the United States  
13   are deeply rooted in safety, family unity, and trust. These  
14   values are critical in the promotion of healthy, vibrant,  
15   and nonviolent communities. And they are the foundation for  
16   hundreds of communities across the country who have chosen  
17   to embrace local law enforcement policies that foster and  
18   protect trust. These policies should be designed to prevent  
19   dangerous crimes, not encourage them.

20           In the midst of our collective grief, I pray we avoid  
21   criminalizing or casting collective blame on entire  
22   communities for the actions committed by one or even a small  
23   number of individuals. In order to uphold our criminal  
24   justice system, we must ensure that our communities feel  
25   safe enough to come forward and interact with law

1 enforcement. Cities across the United States need to work  
2 on their role in collaborating with Federal immigration  
3 authorities and on the use of immigration detainers in an  
4 effort to ensure that survivors of domestic violence, human  
5 trafficking, and other serious crimes will cooperate with  
6 law enforcement and come forward. If we fail to create  
7 smart policies that promote trust, victims and witnesses  
8 will remain silent due to their fear that they or their  
9 loved ones face deportation after seeking protection from  
10 the police. Silence can create fear and expose all  
11 communities to greater risks.

12 We as a Nation should focus on solutions that will make  
13 our communities more integrated and, yes, more safe. I  
14 believe that legislation targeting immigrant communities  
15 will just lead to more crime as it may silence many of the  
16 more than 11 million immigrants who will fear cooperation  
17 with police at the risk of deportation. I urge Congress to  
18 resist politicizing the murders and the grief of these  
19 families with sweeping measures and to instead work with  
20 local communities and churches and others to ensure  
21 community safety.

22 Let us work together to reform our immigration laws.  
23 The faith community should work to keep families safe, to  
24 keep families together, and to keep children with their  
25 parents. The faith community should not permit our grief to

1 turn us against each other or against entire communities.

2 Yes, our immigration system is broken, and it needs  
3 reform. But we should not move forward with reactionary  
4 legislation that does not address the real issues at hand.  
5 The real solution to our immigration challenges is broad,  
6 just, and humane immigration reform which would placed  
7 undocumented immigrants on an earned path to citizenship,  
8 get many people on the rolls--that way we know who the  
9 criminals are and who is not--allowing also those  
10 hardworking immigrants to contribute to their families,  
11 communities, and country.

12 As a pastor, I want to avoid scapegoating entire  
13 communities by passing legislation that focuses solely on  
14 deportation and not on integrating hardworking families in  
15 the United States. So let us work together to promote  
16 community safety. We can and should look at State and local  
17 policies carefully. I encourage communities to carefully  
18 tailor their policies to keep people safe. I encourage the  
19 Federal Government to carefully review its own policies and  
20 work with these localities across the country to ensure that  
21 our systems appropriately meet the goals of violence  
22 prevention against all community members. But I do not  
23 encourage us to force States and localities to pursue one-  
24 size-fits-all policies.

25 As we continue to mourn and pray for these families,

1 let us work together to find real solutions that promote  
2 peace and security, not fear and not collective punishment.  
3 I pray for an end to senseless acts of violence. I pray for  
4 every policymaker here and beyond to make rational and  
5 deliberate decisions. I pray for reform that promotes  
6 thoughtful community safety policies, immigrant integration,  
7 and common-sense comprehensive immigration reform. I pray  
8 for the comfort of each of the families speaking here today  
9 and those who are not here.

10 I thank you again for inviting me here today.

11 [The prepared statement of Rev. Salguero follows:]

- 1 Chairman Grassley. Thank you, Reverend Salguero.
- 2 Now, Mr. Steinle.

1                   STATEMENT OF JIM STEINLE, FATHER OF KATHRYN  
2                   STEINLE, PLEASANTON, CALIFORNIA

3           Mr. Steinle. First of all, on behalf of my family, I  
4 would like to thank the members of this Committee for the  
5 honor to speak to you about our daughter, Kate.

6           All children are special in their own way. Kate was  
7 special in the way she connected with people. We call it  
8 the "Kate Effect."

9           Kate was beautiful, kind, happy, caring, loving, and  
10 deep in faith. Kate had a special soul, a kind and giving  
11 heart, the most contagious laugh, and a smile that would  
12 light up a room. Kate loved to travel, spend time with her  
13 friends, and most of all spend time with her family. In  
14 fact, the day she was killed, we were walking arm in arm on  
15 Pier 14 in San Francisco, enjoying a wonderful day together.  
16 Suddenly a shot rang out, Kate fell, and looked at me and  
17 said, "Help me, Dad." Those are the last words I will ever  
18 hear from my daughter.

19           The day Kate died, she changed her Facebook cover photo  
20 to a saying that said, "Whatever is good for your soul, do  
21 it." This truly describes Kate's spirit. After graduating  
22 from Cal Poly San Luis Obispo, she went to work for a title  
23 company and saved her money so she could see the world. She  
24 traveled to Spain, Thailand, Amsterdam, Dubai, and South  
25 Africa, just to mention a few. She even made her way to the

1 slums of Mumbai, India, to reach out to her friend's  
2 mother's nanny. She spent time there with the woman's  
3 family and came back a changed person. Everywhere Kate went  
4 throughout the world, she shined the light of a good citizen  
5 of the United States of America. Unfortunately, due to  
6 disjointed laws and basic incompetence on many levels, the  
7 U.S. has suffered a self-inflicted wound in the murder of  
8 our daughter by the hand of a person that should have never  
9 been on the streets of this country. I say this because the  
10 alleged murderer is an undocumented immigrant who has been  
11 convicted of seven felonies in the U.S. and already deported  
12 five times. Yet, in March of this year, he was released  
13 from jail and allowed to stay here freely because of those  
14 legal loopholes.

15       It is unbelievable to see that so many innocent  
16 Americans have been killed by undocumented immigrant felons  
17 in recent years. In fact, we recently came across a  
18 statistic that says between 2010 and 2014, 121 criminal  
19 aliens who had an active deportation case at the time of  
20 release were subsequently charged with homicide-related  
21 offenses. Think about that: 121 times over the past 4  
22 years, an illegal immigrant with prior criminal convictions  
23 that later went on to be charged with a murder when they  
24 should have been deported. That is 1 every 12 days.

25       Our family realizes the complexities of immigration

1 laws; however, we feel strongly that some legislation should  
2 be discussed, enacted, or changed to take these undocumented  
3 immigrant felons off our streets for good. We would be  
4 proud to see Kate's name associated with some of this new  
5 legislation. We feel that if Kate's Law saves one daughter,  
6 one son, a mother, or a father, Kate's death will not be in  
7 vain.

8 [The prepared statement of Mr. Steinle follows:]



- 1 Chairman Grassley. Thank you, Mr. Steinle.
- 2 Now, Chief Manger.

1           STATEMENT OF J. THOMAS MANGER, CHIEF OF POLICE,  
2           MONTGOMERY COUNTY POLICE DEPARTMENT, GAITHERSBURG,  
3           MARYLAND, AND PRESIDENT, MAJOR CITIES CHIEFS  
4           ASSOCIATION

5           Chief Manger. Chairman Grassley, thank you for giving  
6           me the opportunity to testify. I come to you this morning  
7           as the president of the Major Cities Chiefs Association,  
8           which represents the largest cities in the United States.

9           As cops, we see the good and the bad every day. We are  
10          witnesses to the immense benefits that immigration brings to  
11          our Nation, but we also see the sinister side. Our priority  
12          in local law enforcement is exactly what I think you would  
13          want and expect--the safety of our communities across the  
14          Nation--and our priority should be the prevention of crime  
15          and the protection of the public that we are sworn to serve.  
16          And that is every resident of our community.

17          In order to do our job, local law enforcement has to  
18          have the trust and confidence of the communities that we  
19          serve. We fail if the public or any segment of the public  
20          does not trust the police and will not come forward when we  
21          need them or when they need us.

22          I want to talk to you this morning about the Major  
23          Cities Chiefs Association's policy with regard to  
24          immigration. I want to start by making a statement, and I  
25          want to be very clear.

1           While we do not believe that local law enforcement  
2   should be saddled with the responsibility of immigration  
3   enforcement, we do believe that it is our duty to cooperate  
4   with ICE in a manner that is consistent with our duty to  
5   protect the public. To this end, we have developed a policy  
6   which I think strikes the right balance, and I am pleased to  
7   share some of the aspects of that policy this morning.

8           First and foremost, immigration is a Federal  
9   responsibility. It is today and has always been. Local  
10   agencies cannot be expected to take on these additional  
11   duties.

12           Second, we must secure our borders. Immigration is a  
13   national issue, and the Federal Government should first act  
14   to secure the national borders preventing any further  
15   illegal entry into the United States.

16           Federal agents must consistently enforce existing laws  
17   prohibition employers from hiring undocumented workers.

18           Our member agencies are united in their commitment to  
19   continue arresting anyone who violates criminal laws of our  
20   jurisdictions regardless of their immigration status. Those  
21   individuals who commit criminal acts will find no safe  
22   harbor or sanctuary from their criminal violations of law  
23   within any major city but will instead face the full force  
24   of criminal prosecution.

25           The decisions related to how law enforcement agencies

1 allocate their resources, direct their workforce, and define  
2 their duties to best serve and protect their communities  
3 must be left in the control of local governments. The  
4 decision to have local police officers perform the functions  
5 and duties of immigration agents should be left to the local  
6 government. This shall not be mandated or forced upon them  
7 by the Federal Government through the threat of sanctions or  
8 the withholding of existing police assistance funding.

9 The Major Cities Chiefs Association supports the  
10 Priority Enforcement Program that has been developed by the  
11 U.S. Department of Homeland Security. DHS listened to our  
12 concerns, and they have included us in the development of  
13 this new program that includes procedures for notification  
14 to ICE by local police agencies.

15 My own jurisdiction, Montgomery County, Maryland,  
16 serves as an example of how the new program works well.  
17 While it is not our policy to inquire or investigate  
18 immigration status, we provide electronic notification to  
19 DHS whenever we make an arrest. Likewise, we provide  
20 notification if such a person in our custody is to be  
21 released. This is the model policy of the Major Cities  
22 Chiefs and the policy of Montgomery County. Local law  
23 enforcement is cooperating with DHS through the notification  
24 process, but not engaged in routine immigration enforcement.  
25 In our view, this notification policy represents a balance

1     that the Judiciary Committee should consider.

2             With recognition of immigration enforcement as a  
3     Federal responsibility, we ask the Committee to resist  
4     initiatives that would seek to force routine aspects of  
5     Federal responsibility upon local police.

6             Finally, regarding Federal funding, Federal assistance  
7     programs at the Justice Department and Homeland Security  
8     were established to strengthen criminal justice and domestic  
9     security, not to compel local agencies to perform Federal  
10    duties. Their purpose was to help local police and  
11    sheriffs, not to require that we take over the job of  
12    Federal agencies. It is right to call upon us for actions  
13    to protect the public from crime and violence, but it is  
14    wrong to demand that we engage in matters related solely to  
15    immigration enforcement by withholding Federal funds to  
16    coerce performance of Federal duties by local police. This  
17    is not why these programs were established.

18            We welcome this dialogue and commit to a partnership  
19    with this Committee. Thank you.

20            [The prepared statement of Chief Manger follows:]

1 Chairman Grassley. Thank you, Chief Manger.

2 And now, Mr. McCann.

1                   STATEMENT OF BRIAN McCANN, BROTHER OF DENNIS  
2                   MCCANN, CHICAGO, ILLINOIS

3           Mr. McCann. On behalf of the McCann family, I want to  
4   thank you, Senator Grassley, and the other members of the  
5   Committee for this opportunity to share with you my efforts  
6   to return justice to our family after the violent death of  
7   my brother 4 years and about 6 weeks ago.

8           Denny was crossing Kedzie Avenue on Chicago's North  
9   Side to visit with a client of his. He was a commercial  
10   insurance broker. The restaurant was named El Cid's, and he  
11   and the owner would frequently dine together in the evening.  
12   And as he was crossing a walk at that international market,  
13   this kid Chavez came by, drunk as a skunk, and dragged him  
14   for about a block and a half and killed him.

15          Chavez was charged with aggravated DUI, and 2 days  
16   later ICE issued a detainer, and we went to court, a bunch  
17   of us in the family, I guess a week later for the  
18   arraignment, and they assured us--see, I did not know  
19   anything about detainers, but they assured us that the  
20   Federal Government had these holds and detainers and that no  
21   way would he be able to post bond and leave. His bond was  
22   \$250,000, so we were comforted, if you can use that word,  
23   that he would be prosecuted, and a few people in the  
24   neighborhood, one of them a retired judge, told me he would  
25   probably get 6 to 8 years. So that is some measure of

1 comfort that we were assured of.

2 Well, unbeknownst to us, that summer, members of the  
3 Cook County Board--in Cook County, they are the  
4 administrators of justice in my hometown, Chicago. They  
5 worked tirelessly, without my knowledge--you know, we have  
6 this witness notification system in Illinois that is in the  
7 Constitution. Well, nobody notified me what they were  
8 doing. And they ran through an ordinance after the August  
9 recess in September without going to committee. Now, you  
10 all know how important committee work is. Well, Cook County  
11 apparently did not in this case, and they got it passed 10-  
12 5. Well, we were not even notified of that, nor was the  
13 prosecutor. She was not even aware of it. So somehow there  
14 is this lack of communication that the county passes this  
15 very important ordinance, and they do not even tell the 400,  
16 500 assistant State's attorneys, because the lady who was  
17 prosecuting my brother's killer was never notified. So here  
18 I am sitting at home the Sunday before Thanksgiving, and I  
19 get a recorded message from some kid at the jail who said  
20 that Chavez left. He posted bond and ran. And who do I  
21 call on a Sunday? You know, nobody is working. I could not  
22 get a hold of the prosecutor. So I got a hold of my niece,  
23 who is a deputy sheriff in the county, and she verified  
24 that, in fact, he did get released. But I was not able to  
25 call the prosecutor until the next day.



1           Well, she immediately runs to her supervisor, and they  
2   send out a couple of cops to look for him. Well, he is  
3   gone. You know, the brother said that he never sees him and  
4   that he lives in the basement. Lies were everywhere, you  
5   know.

6           So, anyhow, long story short, we also learned--and I  
7   failed to mention this kid was prosecuted for a prior felony  
8   2 years earlier, and he was put on probation. And ICE was  
9   never notified because Secure Communities had just, I guess,  
10  gotten off the ground in 2008 or something, and so the  
11  notification, that system that police use, an electronic  
12  system, was--oh, I am going way over time here.

13          So, anyhow, long story short, we have been fighting for  
14  the last couple years. We got a lawsuit pending. Judicial  
15  Watch is here, and they have helped us. We are before the  
16  Illinois Supreme Court currently. We worked with the prior  
17  ICE guy, Morton. He was very helpful. And it has just been  
18  a pathetic miscarriage of justice visited upon my family and  
19  hundreds of other families across the country, and I am so  
20  glad you all were able to spend some time listening to this.

21          All eyes are on both the Senate and the House Judiciary  
22  Committee. I am convinced this is where resolution rests  
23  because the sanctuary jurisdictions, they are going to get  
24  away with literally murder passing these policies, and you  
25  guys got to do it.

1           I regret that my Senator had to leave and could not  
2   hear my testimony. But maybe I will talk to him later.

3           All right. Thanks.

4           [The prepared statement of Mr. McCann follows:]

1 Chairman Grassley. Thank you, Mr. McCann.  
2 Ms. Wilkerson?

1                   STATEMENT OF LAURA WILKERSON, MOTHER OF JOSH  
2                   WILKERSON, PEARLAND, TEXAS

3           Ms. Wilkerson. Thank you for allowing me to tell the  
4 story of my son, Josh, and his murder.

5           My son's name was Joshua Wilkerson. On November 16,  
6 2010, he was beaten, strangled, tortured until he died. He  
7 was tied up, thrown in a field, and set on fire. His  
8 killer, Hermilo Morales, was brought here illegally by his  
9 illegal parents when he was 10 years old. So he fit the  
10 DREAM kid description. He was sentenced to life in prison,  
11 which means it will be 30 years before he is up for parole.  
12 He will be a 49-year-old man who I do not expect to be  
13 deported, and I just hope he does not come to live in your  
14 city.

15           We had to hear this kid from the stand muttering about,  
16 "In my country, in my country," never to finish that  
17 sentence. He went on to tell--we listened to him tell us  
18 repeatedly that his killing skills took over, that Josh had  
19 kicked his dog, his killing skills took over.

20           His parents somehow managed to provide lessons so that  
21 he acquired a black belt in mixed martial arts. Joshua had  
22 never been in a fight in his life, very quiet, old soul. He  
23 did not speak a lot, but when he did, you listened to him.

24           Like I said, he had never been in a fight in his life.  
25 So his killing skills were those martial arts that somehow

1 his parents provided here for him.

2 Instead of getting Joshua home that day from school, we  
3 got an autopsy report that reads in part:

4 This body is received in a grey body bag. There is a  
5 tag on his toe that bears the name Joshua Wilkerson. He is  
6 a white male weighing 100 pounds. He is tied up with  
7 braided rope, 13 loops around his neck with a slip knot. It  
8 goes behind his back through his back belt loop. It goes to  
9 his hands and his feet behind his body. He has multiple  
10 fractures in his face and nasal cavity. His throat and his  
11 voice box are crushed. He was kicked so hard in the stomach  
12 that it sent his spleen into his spine and sliced it in two.  
13 So it was painful. The medical examiner said it was  
14 torture. This body has significant skin loss on his  
15 buttocks, his abdomen, his penis, his hands, and his face.  
16 He has one stick of gum and a tardy slip in his pocket.

17 This was our family's 9/11 terrorist attack by foreign  
18 a foreign invader, whether you want to recognize it or  
19 whether you do not. This Government continues to fail to  
20 even recognize that we have an issue. Americans are dying  
21 daily at the hands of criminals that we do not even know are  
22 here.

23 You are officially notified today there is a problem  
24 when this happens. You cannot deny it any longer. You  
25 cannot stand by and ignore our families, our American

1 families. You are elected by Americans, not any other  
2 country. You should be for Americans. If you want to sit  
3 quietly on the sidelines, you have thrown your hat into the  
4 ring already. Your silence speaks volumes. You are either  
5 for Americans or you are not.

6 I will not give up control--another one of my children  
7 so that a foreign person can have a nicer life. I am not  
8 going to do it. You do not understand the pain. It is so  
9 deep in a soul in a place that you do not even recognize you  
10 have. There are not words to describe the pain to someone  
11 who has not gone through it.

12 I am not giving up another kid. Sanctuary city  
13 policies scream to the criminal element of all illegals in  
14 this country. There is a criminal element. It screams to  
15 them, "Come to our town, USA. We will protect you from our  
16 terrible police. We will protect you from these tough  
17 American laws that you, because you had a hard life, are not  
18 able to go through the same motions that an American is."  
19 They are buying into that fact.

20 It is going to take another life lost by a Senator, a  
21 Congressman, the President, even another of today's heroes,  
22 someone from Hollywood before someone in a position moves on  
23 this. I urge you, you are in a position to do something  
24 about this for Americans.

25 A thank you to Mr. Trump for getting a message out

1 about the Nation in 2 minutes that for 4-1/2 years solidly  
2 Maria Espinoza at the Remembrance Project and countless  
3 families like my own have been trying to say for 5 to 6  
4 years. It feels good to be heard. Whether you love him or  
5 whether you do not, I felt heard.

6 Our family is shattered. It is shattered. It will  
7 never be the same. We will manage. We will go on. We  
8 function. We put on that happy face. My kids have changed,  
9 the surviving kids. Everything about us has changed.

10 It is by the grace of God that in our broken hearts we  
11 have a stream of memories of the loving relationship that we  
12 had with Joshua. Joshua had a very deep, intense spiritual  
13 relationship, leaving us four or five Scriptures in the  
14 weeks before he died. I am okay with where Josh is at  
15 today. I do not--it is not just about missing Josh. It is  
16 about what you are doing to an entire family, not just our  
17 immediate family, his friends, the teachers, the community,  
18 our extended family. It is incredible. I cannot even  
19 explain it to you.

20 America lost that day. You lost a good citizen that  
21 was on the brink of becoming who knows what. He had  
22 mentioned going into the Air Force like his older brother,  
23 who had to come home for 2 weeks and bury--he was out  
24 defending this country, Americans, and we had to bring him  
25 home for 2 weeks to bury his little brother who was not

1 being defended right here at home. It is absurd to me.

2 Thank you for your time. I do want to say, too, in  
3 just a little bit of a rebuttal about--they are not scared  
4 to come here. We are inviting them. Sanctuary cities just  
5 say, "Come on down. You can have a pass in our city." You  
6 know, you are tying policemen's hands. I am not for  
7 mandating them to ask them where they are from, but if they  
8 pull somebody over for a reason, valid cause, and they are  
9 investigating them for something, they have a right to ask  
10 them. They have a right to ask me, stop me on the freeway,  
11 "Where are you going, Ms. Wilkerson? Where are you coming  
12 from? Do you have drugs?" I am going to answer those, and  
13 in about 15 minutes, hopefully, it will come out in the wash  
14 that I am okay to leave.

15 Why are you creating a class of people who seem to say  
16 we cannot do that? They are not afraid to come here. They  
17 are not afraid to traipse across the desert. I have been to  
18 the border. I have stood there with border agents and  
19 watched them come across from jet skis.

20 I will finish quickly. Sympathy has never trumped the  
21 law in this country, ever. You know, you sympathize with  
22 me. Can I go break a Federal law? Anyone? Anyone here  
23 like to let me do that?

24 Every one of them here threatened national security  
25 because we do not know who they are, so they are a threat.



1 We do not know them. They make a decision to come here.  
2 They are not scared. They are invited by sanctuary city  
3 policies. They are not scared to stand in line for a  
4 handout that every American here has paid into the system  
5 for our children if need be. You know, they mistrust police  
6 because they come from countries that mistrust police. You  
7 know, they are not scared here.

8 I want you to know that our family is broken forever.  
9 We are forever broken. I thank you for your time, and I do  
10 not want the sympathy. I want you to do something about it.  
11 Every one of you sitting here is in a position to do  
12 something. Just throw your hat into the ring for Americans.  
13 Quit sitting silent because it is going to help you get a  
14 vote. Throw your hat into the ring and take care of  
15 American families.

16 Thank you.

17 [Applause.]

18 [The prepared statement of Ms. Wilkerson follows:]

1 Chairman Grassley. Thank you. First of all, thank you  
2 for your testimony. I have heard frustration and anger  
3 about our immigration policies. We can learn a lot from you  
4 about how our immigration system needs to be fixed, and for  
5 me that starts with border security.

6 Can I ask my members, because we are here for oversight  
7 of the administration, how many of you have questions that  
8 you want to ask of this panel?

9 [No response.]

10 Chairman Grassley. If none of you want to ask  
11 questions of this panel, then I will dismiss them after  
12 thanking them.

13 Thank you all very much for coming and lending your  
14 expertise to this hearing, and I will call the next panel.

15 [Pause.]

16 [Audience outburst.]

17 Chairman Grassley. Could we have order?

18 Today's hearing deals with a very special issue. I  
19 trust that members of the public here will act accordingly.  
20 I want to note at the outset that the rules of the Senate  
21 outbursts, clapping, and demonstration of any kind. This  
22 includes blocking the view of people around you. Please be  
23 mindful of those rules as we conduct the hearing, and if it  
24 is not abided by, I of course would have to ask the Capitol  
25 Police to remove anyone who violates the rules.

1 Chairman Grassley. Before our next panel is seated, I  
2 would ask to deliver an oath. Ms. Saldana and Mr.  
3 Rodriguez, would you come, please? But before you sit and  
4 before I introduce you, I would like to ask you to affirm.

5 Do you affirm that the testimony you are about to give  
6 before the Committee will be the truth, the whole truth, and  
7 nothing but the truth, so help you God?

8 Mr. Rodriguez. I do.

9 Ms. Saldana. I do.

10 Chairman Grassley. Thank you very much.

11 Leon Rodriguez is Director of U.S. Citizenship And  
12 Immigration Services. He was confirmed by the Senate on  
13 June 24, 2014. Director Rodriguez was born in Brooklyn, New  
14 York, graduated from Brown University, and earned his J.D.  
15 degree, juris doctorate degree, from Boston College.

16 Sarah Saldana is Assistant Secretary for U.S.  
17 Immigration and Customs Enforcement. She was confirmed by  
18 the Senate December 16th last year. She was born in Corpus  
19 Christi, Texas, graduated from Texas A&M University A&I  
20 University and received her juris doctorate from Southern  
21 Methodist University.

22 Director Rodriguez, would you please begin? And then  
23 we will call the other Director.

1                   STATEMENT OF THE HONORABLE LEON RODRIGUEZ,  
2                   DIRECTOR, U.S. CITIZENSHIP AND IMMIGRATION  
3                   SERVICES, WASHINGTON, D.C.

4           Mr. Rodriguez. Thank you, Chairman, thank you, Ranking  
5 Member, thank you, members of the Committee.

6           In August of 1988, I was sworn in as an assistant  
7 district attorney in Brooklyn, New York, Kings County, New  
8 York. At the time that I was sworn in, New York City, like  
9 many other large jurisdictions throughout the country, was  
10 witnessing unprecedented crime rates: high homicide rates,  
11 high sexual assault rates, high robbery rates, high  
12 narcotics trafficking rates. It was into this environment  
13 that I started as a young, 26-year-old prosecutor.

14          Among my assignments as an assistant district attorney  
15 were homicide investigations, sex crimes, special victims  
16 prosecutions, organized crime investigations and  
17 prosecutions. During my tenure as an assistant district  
18 attorney, I sat by the side of many hundreds of victims of  
19 violent crime, family members of victims of violent crime,  
20 including homicides. I witnessed the same kind of grief  
21 without limit that I saw among the crime victims' families  
22 that you saw here this morning. I witnessed the sense of  
23 profound injustice that was felt by those families. I did  
24 everything I could as an assistant district attorney to  
25 honor the oath that I had taken in August of 1988, and I

1 have frequently remembered throughout my many years of  
2 Government service, frequently remembered and felt the grief  
3 and sense of injustice that I saw in those years in  
4 Brooklyn, New York.

5 I learned another lesson as an assistant district  
6 attorney, and that is that in law enforcement, one size does  
7 not fit all. One size fits all is the surest way to let  
8 violent criminals go free, to let the worst crimes go  
9 unaddressed. It is for that reason that there are homicide  
10 detectives who specialize in homicide. Those detectives are  
11 not asked to go and arrest the individuals who jumped the  
12 turnstile at the subway.

13 The DACA Program, the Deferred Action for Childhood  
14 Arrivals Program, provides a way to take young people who  
15 came to this country not of their own volition but were  
16 brought by their parents. It takes such young people who  
17 have not been convicted of a criminal offense, who do not  
18 present a threat to national security, who are not members  
19 of gangs, and who either are pursuing a course of study or  
20 have pursued a course of study, and does nothing more than  
21 to delay their deportation and to offer them work  
22 authorization.

23 Now, let me be clear about one of the points that I  
24 made here. Those individuals are not supposed to have  
25 committed and been convicted of a prior felony, significant

1   misdemeanors, or multiple misdemeanors, and they may not be  
2   or have been a member of a gang.

3           Now, as several of you are well aware, there were  
4   situations in my agency where that policy was not  
5   understood. And as a result, in a small number of cases,  
6   approximately 20, individuals who were identified in law  
7   enforcement databases as gang members were afforded deferred  
8   action nonetheless. That is unacceptable. We took decisive  
9   steps to correct our procedures, to retrain our staff, to  
10   ensure that that bedrock requirement of the Deferred Action  
11   for Childhood Arrivals Program was fully understood. As a  
12   result, a number of those individuals have had their  
13   deferred action terminated. In a small number of cases, we  
14   determined that the individuals actually were not gang  
15   members at all after thorough investigation. But you have  
16   my pledge that we will conduct our business at USCIS, at  
17   U.S. Citizenship and Immigration Service, in a way that  
18   prevents gang members from ever receiving deferred action.

19           Now, having said that, I realize the topics that we are  
20   here to talk about are important and grave ones, and I look  
21   forward to what I think is the very important dialogue that,  
22   Chairman, you have convened today.

23           Thank you.

24           [The prepared statement of Mr. Rodriguez follows:]

1 Chairman Grassley. Thank you, Mr. Rodriguez.

2 Now, Ms. Saldana?

1           STATEMENT OF THE HONORABLE SARAH R. SALDANA,  
2           ASSISTANT SECRETARY, U.S. IMMIGRATION AND CUSTOMS  
3           ENFORCEMENT, WASHINGTON, D.C.

4           Ms. Saldana. Thank you, Chairman Grassley, Ranking  
5 Member Feinstein, and other members of this distinguished  
6 Committee.

7           Like you all, and everyone actually in this country, I  
8 am greatly moved by the stories that I have heard this  
9 morning and the tragedies that have occurred and the pain,  
10 the very palpable pain that has been inflicted on the  
11 families that we heard from today.

12          To them I say I am so sorry for the loss each of you  
13 has experienced, and I know many of you have shared those  
14 condolences as well. And I say that not only as the  
15 Director of Immigration and Customs Enforcement, but I say  
16 it as a mother, a sister, an aunt, and a grandmother--one of  
17 my grandchildren being here today with me. I can only  
18 imagine what such a loss would be like.

19          And I want to say that for over a decade, first as a  
20 prosecutor, then as a United States Attorney for North  
21 Texas, and now as the head of Immigration and Customs  
22 Enforcement, the largest law enforcement agency in the  
23 Department of Homeland Security, I am committed to do all I  
24 can to prevent violent crime. I have been and I continue  
25 today to do so. I consider myself a law enforcement officer



1 and have for several years.

2 And while the things we did as prosecutors will not  
3 bring back the victims of any violent crime, there is some  
4 very small solace that I gained, at least, in bringing the  
5 perpetrators to justice. And I am very proud of that work.

6 As you know, the men and women of ICE play an integral  
7 role in public safety and in national security. Tragic  
8 situations like the ones that the family members find  
9 themselves in are deplorable and highlight the need to  
10 continue our work to focus on the apprehension and removal  
11 of convicted criminals who pose the greatest threat to  
12 public safety and national security.

13 This is exactly what our Priority Enforcement Program  
14 is designed to do. We spent months talking with all kinds  
15 of people from all of the stakeholders that are interested  
16 in our program in designing it, and our objective is to take  
17 custody of dangerous individuals before they commit further  
18 crimes and before they are released into the communities.

19 As has been said before, it is not a one size fits all.  
20 We have been working across the country to bring people to  
21 the table to work with them to reach their communities and  
22 the needs of the communities when it comes to public safety.

23 Just as Senator Feinstein has done in San Francisco, I  
24 am asking for the help of each one of you and those other  
25 members of the entire Senate to assist us in this effort to

1 try to have jurisdictions who have not cooperated with us in  
2 the past to start doing so now. Now. And I urge you, quite  
3 frankly, as a part of all that, to help with respect to a  
4 comprehensive change to immigration law. It is complex, it  
5 is broken. These are the statutes and the codes of  
6 regulations that our folks have to deal with every day, and  
7 I implore your help in that regard.

8 Secretary Johnson has made it clear that our borders  
9 are not open to illegal migration. As such, ICE in our  
10 Enforcement and Removal Operations Directorate, ERO, is  
11 dedicating our resources towards the removal of individuals  
12 considered enforcement priorities. We are making some  
13 progress.

14 Along the southwest border this year, apprehensions are  
15 down 110,000. That I see as a significant positive sign, 34  
16 percent from last year at this time.

17 Likewise, our interior enforcement efforts are also  
18 paying off. Of those people detained in our detention  
19 centers, 96 percent of them meet our top two priorities; 76  
20 percent of them meet our top priority. So I believe that  
21 our people are doing a good thing and focusing on where the  
22 focus should be with respect to these hardened criminals.

23 And you all know, of course, the enforcement work and  
24 the investigative work that our side of the house does,  
25 Homeland Security Investigations, very fine work with

1    respect to transnational crime with very good results, and  
2    one in particular I want to point out with respect to gang  
3    enforcement. We had an operation recently called "Operation  
4    Wildfire," which netted 32,000 criminal arrests and 1,000  
5    gang members in that particular group, some charged with  
6    criminal offenses of those 1,000, 913, and it is very  
7    meaningful work as well.

8           But I do know that we are going to focus on the  
9    enforcement and removal side, and I stand ready to take any  
10   questions of this Committee.

11           [The prepared statement of Ms. Saldana follows:]

1 Chairman Grassley. I thank both of you very much for  
2 being here, and most importantly, I want to thank you for  
3 coming and listening to the testimony of the first panel.

4 I am going to ask questions, then Senator Feinstein  
5 will. And then because the Finance Committee is meeting on  
6 taxes upstairs, I am going to have to turn over the meeting  
7 to Senator Sessions, if he will do that, please.

8 I will start with you, Mr. Rodriguez. You said that  
9 certain actions of people in your Department were  
10 unacceptable in regard to DACA, and so a natural follow-up  
11 of that is somebody did not do their job right. In this  
12 particular case, somebody probably did not do their job  
13 right, and we know that people have died as a result of it.

14 So then if it is unacceptable, who has been fired or  
15 disciplined for providing DACA to gang members?

16 Mr. Rodriguez. Senator, there was action taken to  
17 correct and counsel individuals who did not understand back  
18 in 2013 the proper manner in which to utilize the TeX  
19 database, which is the law enforcement database that  
20 identifies individuals as gang members. We have undertaken  
21 extensive efforts to ensure that both the policy that very  
22 clearly excludes gang members from deferred action and the  
23 processes of our agency are fully understood.

24 I would also add that we have run the entire population  
25 of deferred action DACA recipients back through the TeX

1 database to identify all those instances where gang  
2 membership was not handled appropriately by our officers.  
3 So there has been counseling in appropriate instances.

4 Chairman Grassley. Since there were 323, how many were  
5 changed after review?

6 Mr. Rodriguez. Actually, sir, as I indicated, of the  
7 600,000, nearly 700,000 DACA recipients, we identified 20  
8 cases in which an indication of gang membership appeared in  
9 the law enforcement databases for individuals who had  
10 previously received deferred action. Eight of those  
11 individuals have already been terminated. Others have been  
12 turned over to ICE for appropriate handling. Several others  
13 continue to be adjudicated. In a few cases, we actually  
14 determined that notwithstanding the identification as gang  
15 members in the database, they were not, after investigation,  
16 gang members.

17 Chairman Grassley. What process, if any, do you have  
18 in your agency in place to learn about DACA recipients'  
19 criminal activity in order to immediately terminate the  
20 benefit?

21 Mr. Rodriguez. We obviously have ongoing contacts and  
22 discussion above all with ICE. We are notified in  
23 situations where individuals have either been convicted of a  
24 crime or where information is discovered that they are gang  
25 members. When we receive that information, we act on it.

1           We are also in the middle of the DACA renewal process  
2   right now. Some individuals have been identified as being  
3   gang members during the course of that process and, of  
4   course, have been denied renewal and other appropriate  
5   action taken.

6           Chairman Grassley. Does your agency require an  
7   interview in every DACA applicant who has a criminal record?

8           Mr. Rodriguez. We do do interviews in those cases  
9   where in order to resolve an outstanding issue, for example,  
10   one related to either criminality or gang membership, we do  
11   utilize interviews in those cases to resolve those concerns.

12          Chairman Grassley. Ms. Saldana, in March, you told the  
13   House Judiciary Committee that you supported mandatory  
14   detainers. The following day, you changed your position.  
15   Sanctuary cities, as you have heard today, do very little to  
16   protect the public safety. They are in place to protect  
17   certain groups of law breakers, but there are real  
18   consequences. Can you tell the family members here today,  
19   including the Steinle family, that you do not think State  
20   and local law enforcement officials should have to abide by  
21   detainers of criminal aliens?

22          Ms. Saldana. I am not going to say that, Senator  
23   Grassley. What I am going to say is that we are working  
24   very hard--very hard--with respect to a whole host--there  
25   were about 200 last time I checked--of jurisdictions--and

1    when I say "jurisdictions," I am talking about counties,  
2    cities all over the country who have declined to cooperate  
3    with us in the past.

4           As the Secretary testified last week, Senator, we are  
5    making some progress. We have actually identified the top  
6    almost 50 jurisdictions that we have had little progress  
7    with in the past couple of--several months, and we are going  
8    and meeting with those local officials to try to engage them  
9    in why the PEP program is actually different from what their  
10   experience was with Secure Communities.

11          You heard from some of the witnesses this morning that  
12   there is some fear out there and some concerns about even  
13   the impact on local law enforcement if there is a feeling of  
14   distrust between a community and law enforcement. So my  
15   answer--the question to me was would it be helpful. Clarity  
16   is always helpful to law enforcement, but what I would like  
17   to do is, since we have just rolled out this program--we  
18   have been working on the design and implementation of it for  
19   months, but we just rolled out this program. I want us to  
20   be given a chance to work with folks.

21          As U.S. Attorney, my whole existence relied on  
22   relationships with State and local law enforcement. I had  
23   to work with sheriffs, DAs all across North Texas to try to  
24   get them to work with us, and it is a mutual cooperation.  
25   They help us and we help them, and I would like to continue

1 those efforts through PEP.

2 Chairman Grassley. Can you admit, yes or no, that  
3 sanctuary cities pose a problem to public safety?

4 Ms. Saldana. Well, I do not know exactly what  
5 "sanctuary cities" definition is, but I do know--and I have  
6 said this in the past, sir, and so has the Secretary--that  
7 not cooperating with us does expose our officers to greater  
8 risk because now they have to go out at large and try to  
9 recover some of these convicted criminals. And it is a  
10 resource expenditure much greater than it would be if we  
11 could just get these people from the jails directly into our  
12 custody and through the process.

13 Chairman Grassley. Senator Feinstein.

14 Senator Feinstein. [Presiding.] Thank you very much,  
15 Mr. Chairman. And let me thank the two witnesses and the  
16 very moving witnesses we heard in the prior panel.

17 I would like to put in the record the record of Lopez  
18 Sanchez because you see the felonies and you see the number  
19 of deportations, and you really see the failure of the  
20 system. So the question really comes what to do about it.

21 It is clear to me this man was convicted and served  
22 time in more than one State, deported five times, kept  
23 coming back, and this is how it ended. And it should not  
24 happen that way. And maybe the price on deportation is too  
25 low because it does not seem to be a deterrent at all, at



1     least in this case.

2             Mr. Ronnebeck said the following: "ICE reported that  
3     they released 66,564 other criminal aliens back onto the  
4     streets of our country in 2013 and 2014 and another 10,246  
5     as of March 2015. This group included aliens convicted of  
6     violent and serious crimes, including homicide, sexual  
7     assault, kidnapping, and aggravated assault." And then it  
8     goes on and says 123 [Americans have been murdered by one of  
9     those released criminal aliens, including Mr. Ronnebeck's  
10    nephew.

11            Are those numbers correct?

12            Ms. Saldana. They are.

13            Senator Feinstein. Okay.

14            Ms. Saldana. They are, Senator.

15            Senator Feinstein. Okay. Then how does it happen that  
16    of those numbers an additional 123 Americans have been  
17    murdered by them?

18            Ms. Saldana. How is it that happened? Or how is it  
19    that they came to be--

20            Senator Feinstein. Yes. It seems to me we have got  
21    one size fits all that you do for the worst felon what you  
22    do for someone without that kind of record.

23            Ms. Saldana. Well, and you have really struck on the  
24    heart of our efforts in talking to jurisdictions who have  
25    not been working with us in the recent past. We recently

1     tried to tell them, "Work with us. Let us look at your  
2     statutes. Let us look at what you have passed, and let us  
3     see if, one, we have to urge you to try to tweak it; or,  
4     two, if we can work within it in whatever ordinance or  
5     legislation there is."

6             I truly believe, in my heart of hearts, that we can  
7     bring reasonable minds to the table to work something out,  
8     and that is why we talk about one size not fitting all. It  
9     is because we are really trying to accommodate the needs of  
10    the communities that are so different--west coast, east  
11    coast, north and south. I come from Texas. Our problems  
12    there are not the same as the problems in California or New  
13    York, or in the heartland.

14            So that is one of the beauties of PEP, and, again, I  
15    need local and State law enforcement--

16            Senator Feinstein. Well, let me ask you what should  
17    happen to somebody convicted of seven felonies in this  
18    country in a number of different States and someone who has  
19    been deported five times and comes back to eventually commit  
20    a heinous crime.

21            Ms. Saldana. And, of course--

22            Senator Feinstein. What should--how should that be  
23    prevented?

24            Ms. Saldana. My belief is in developing those  
25    relationships and communication. Here there were--it was a

1 three-way law enforcement communication: the Bureau of  
2 Prisons, the sheriff's office, and Immigration and Customs  
3 Enforcement. So I am doing all I can to try to look into--  
4 and we actually have directed my senior staff to start  
5 opening doors, and there have been some conversations  
6 already with the Bureau of Prisons, which is overseen by my  
7 old Department, the Department of Justice--

8 Senator Feinstein. Right.

9 Ms. Saldana. --to try to talk about, at least with  
10 respect to Federal agency to Federal agency, what we can do  
11 better. I invite your thoughts.

12 Senator Feinstein. One last question. Supposing the  
13 sheriff did consult with you, the city did consult with you.  
14 The record is still there: seven felonies, five  
15 deportations, and he came back, and he has tried a number of  
16 different States and managed to commit felonies there, too.

17 What would happen to him? What would you do with him?

18 Ms. Saldana. Well, we would probably, with someone  
19 with that kind of a record, we would, if he came into our  
20 custody, present him to the U.S. Attorney's Office for  
21 prosecution.

22 Senator Feinstein. On what?

23 Ms. Saldana. On illegal reentry, and there are  
24 escalating punishments if you have--depending on your  
25 criminal record, and so we can do that. Right now it is up

1 to 20 years, depending on the nature of the person's  
2 background.

3 Senator Feinstein. Are there cases where you have done  
4 that?

5 Ms. Saldana. Oh, yes. Oh, yes.

6 Senator Feinstein. Can you tell me approximately how  
7 many where somebody with multiple deportations and multiple  
8 felonies actually goes, based on the last deportation, to  
9 jail, to Federal prison for a long time?

10 Ms. Saldana. We have presented on every occasion that  
11 those facts arise. Unfortunately, the prosecution decision  
12 is not up to us. It is up to the U.S. Attorney's Office.  
13 They have their own priorities. I cannot quibble with that.  
14 But we do present it every time we see those facts, ma'am.

15 Senator Feinstein. Well, let me ask you, there are  
16 members here who have bills that would like to put a minimum  
17 sentence on deportation that is violated; in other words,  
18 the individual comes back. What do you think of that?

19 Ms. Saldana. I have got to start with, quite frankly,  
20 I would like, rather than a piecemeal approach to this  
21 tremendous problem, a more comprehensive approach to reform.  
22 But if we are just looking at that, I would like to take a  
23 look at that language and what the statute provides. This  
24 fellow in Ms. Steinle's case actually had served several  
25 sentences for illegal reentry, and substantial--not

1 insubstantial sentences.

2 Senator Feinstein. Yes, I have--

3 Ms. Saldana. The average sentence is 18 months to 2  
4 years. In this case, we had 36, 56, 46 months that this  
5 individual served. Obviously, it did not deter him.

6 Senator Feinstein. Right. My time is up. I will put  
7 in the record two different copies of the criminal record of  
8 Mr. Lopez Sanchez.

9 [The information follows:]

10 / COMMITTEE INSERT

1           Senator Feinstein.   Senator Sessions?

2           Senator Sessions.   Thank you.   Thank you, Senator  
3   Feinstein.   You made some important points.

4           I would note that San Francisco proudly calls itself a  
5   sanctuary city.   They are not hiding it.   They are proud of  
6   it.   They have directed their police chiefs and product  
7   officers in that accord, too.   We are focused, I think, more  
8   today on the sheriff's department, who even the mayor has  
9   concluded acted improperly.

10          I would offer for the record a letter just a week ago  
11   on behalf of the San Francisco deputy sheriffs that work for  
12   the sheriff there, and that letter to the sheriffs says  
13   this:   "As evidenced by the tragic death of Kate Steinle on  
14   July 1st, the Department's refusal to coordinate much less  
15   cooperate with Federal law enforcement agencies recklessly  
16   compromises the safety of sworn personnel, citizens, and  
17   those who merely come to the San Francisco area.   This  
18   association hereby demands that the Department immediately  
19   rescind the directives and comply with the statutory and  
20   contractual obligations to meet and confer in good faith."  
21   And they go on to say, "Moreover, it is the association's  
22   sincere belief that any changes that the Department might  
23   pursue should honor Ms. Steinle's life by correcting the  
24   Department's flawed philosophy so that the people of San  
25   Francisco--citizens, visitors, employees alike--are safer in

1 the future.

2 Ms. Saldana, you are in charge of filing the detainers  
3 and dealing with these issues. Do you agree with that  
4 letter from the deputy sheriffs of San Francisco?

5 Ms. Saldana. I would agree certainly with the essence  
6 of what the question--

7 Senator Feinstein. Could you put on your microphone,  
8 please?

9 Ms. Saldana. Thank you, Senator.

10 Senator Feinstein. Thank you.

11 Ms. Saldana. Let us get cooperation, let us do all we  
12 can to do--because we are all in the same business, and that  
13 is, public safety.

14 Senator Sessions. Well, you are exactly right. What  
15 this is all about is protecting public safety. And isn't it  
16 a fact, Ms. Saldana, that everybody that would like to come  
17 to the United States should not--is not entitled to be  
18 admitted on their demand?

19 Ms. Saldana. That is why we have these statutes and  
20 the process, sir.

21 Senator Sessions. And you make evaluations based on  
22 people, and if they have certain risk factors or if they get  
23 here legally or illegally and they evidence dangerous  
24 tendencies, they can be deported?

25 Ms. Saldana. That is certainly laid out in the

1 statute.

2 Senator Sessions. And that is required in certain  
3 instances you the statute. It says they "shall be  
4 deported."

5 Ms. Saldana. There are mandatory provisions, yes, sir.

6 Senator Sessions. So I think that we have a serious  
7 problem here, and I believe it is directly from the top of  
8 this administration, and I believe you have been directed to  
9 carry out administration policies. And when you were asked  
10 about the sanctuary city reform, as Senator Grassley said,  
11 you said absolutely amen. And the next day, did you have a  
12 conversation with someone and decided to change your  
13 statement on that?

14 Ms. Saldana. As I said before, Senator, truly my  
15 response was a straight-out law enforcement response. What  
16 I did the next day was to clarify I am not going against  
17 what we have--all our efforts in establishing and now  
18 implementing the PEP program. We want to work with those  
19 jurisdictions. That is what I have always done, is try to  
20 set up relationship with State and--

21 Senator Sessions. I agree with you. You were a United  
22 States Attorney, and you gave a law enforcement response,  
23 which is this is unacceptable. Every jurisdiction in  
24 America that I know of participates in a detainer policy  
25 that honors detainers from other jurisdictions. They do not



1 ask whether the case is a good case or not. They do not  
2 retry the case. If a United States Federal, State, or local  
3 jurisdiction places a detainer hold on a prisoner, that is  
4 honored. Isn't it a historic and really unbelievable act  
5 that major cities in this country are refusing to comply  
6 with that basic requirement of law enforcement?

7 Ms. Saldana. This is why I needed the next day to  
8 clarify, sir, that yes, we need to get there, but we have  
9 got this program that we are about to roll out, and it is  
10 all hands on deck. We cannot afford not to work together in  
11 this area. It is too dangerous.

12 Senator Sessions. Well, what if they do not cooperate?  
13 What if they just refuse, as they refused before--didn't  
14 your predecessor, Mr. Morton, call on Chicago, Cook County,  
15 to stop its sanctuary policies?

16 Ms. Saldana. I am sorry, sir. I was not following  
17 that. I am not aware what Mr. Morton did.

18 Senator Sessions. Well, he made a clear statement  
19 about it, and it was a call on them to change. But now the  
20 administration apparently has changed and stopped pushing  
21 it, and now after these events that have achieved so much  
22 publicity, you are beginning to talk about it again.

23 Mr. Rodriguez, you represent the Citizenship and  
24 Immigration Service. Your council president has made a  
25 series of statements--Mr. Palinkas, he is the head official--

1    -saying, "USCIS adjudications officers are pressured to  
2    rubber-stamp applications instead of conducting diligent  
3    case review and investigation. The culture at USCIS  
4    encourages all applications to be approved, discouraging  
5    proper investigation into red flags, and discouraging the  
6    denial of any applications. USCIS has turned into an  
7    approval machine."

8           He goes on to say: "USCIS officers who identify  
9    illegal aliens that, in accordance with law, should be  
10   placed into immigration removal proceedings before a Federal  
11   judge are prevented from exercising their authority and  
12   responsibility."

13          He goes on to say--Ms. Saldana, the ICE officers' moral  
14   is reported to be the lowest in the entire Federal  
15   Government. They filed a lawsuit against your predecessor,  
16   the officers association did, claiming that they are being  
17   ordered to violate their oath to enforce the law.

18          What actions have you taken to end this and create--and  
19   meet with the officers to create a system in which they are  
20   encouraged to follow the law, not violate the law?

21          Ms. Saldana. I listen, Senator. I have been to  
22   several of our offices across the country. I wish I had  
23   time to do all of them in my first year on the job. But I  
24   do go there, and I do listen. I meet with union officers.  
25   I meet with employees top to bottom, and we discuss what our

1 mission is and how it is so important and how commonsensical  
2 it is to focus on the most heinous crimes and convicted  
3 criminals. And I get a very good response.

4 So I--and, by the way, I may now be a named defendant  
5 in that lawsuit. I think I have been replaced in there. So  
6 I take those allegations seriously, and I work with our  
7 employees across the country to discuss it.

8 Senator Sessions. Well, I have never seen the kind of  
9 morale problems that I see from Mr. Palinkas' statement to  
10 you, Mr. Rodriguez, in your official actions, and you, Ms.  
11 Saldana, and your predecessor really. This is not healthy.  
12 It is very bad, and it is a product of the trends we are  
13 seeing of non-enforcement rather than enforcement.

14 Senator Feinstein. Thank you, Senator Sessions.

15 Senator Durbin is not here. Senator--excuse me.

16 Senator Schumer is not here. Senator Durbin--

17 Senator Sessions. Senator Durbin is here.

18 Senator Feinstein. I will call on Senator Durbin.

19 Senator Durbin. Thank you very much, Madam Chair.

20 First, I was not able to stay at the hearing for Brian  
21 McCann's testimony. Brian McCann is from Chicago. I agreed  
22 to speak at an Alzheimer's Association research meeting,  
23 came back, got him on the phone. We are working with him  
24 through the FBI to try to help bring this fugitive to  
25 justice who is responsible for this terrible tragedy in his

1 family. I want to put that on the record.

2 Let me see if I can put some perspective on this for a  
3 minute. There seem to be two or three basic elements here  
4 that we ought to keep in mind. First is the belief of local  
5 law enforcement that if they are called on to enforce status  
6 crimes--that is, persons who are here undocumented--it could  
7 infringe on their ability to maintain order in a community.  
8 If every time a police car drove by, folks in a certain  
9 neighborhood thought they are looking for undocumented  
10 people, those folks are less likely to step up and cooperate  
11 with police to find real wrongdoers, real criminals, so that  
12 they would be brought to justice. That seems to be a  
13 starting point I have heard over and over again. Ms.  
14 Saldana?

15 Ms. Saldana. I agree. I have heard it also because I  
16 have met with quite a few officials, and they have a tough  
17 job. We all have a tough job. I recognize those arguments.

18 One jurisdiction in Oregon has been sued, and in other  
19 jurisdictions, and in these days of tough financial budgets,  
20 I can understand why people are concerned about being  
21 exposed to constitutional challenges like they have been in  
22 some of the law offices.

23 Senator Durbin. So what the President has proposed in  
24 both DACA and DAPA--DACA referring to young people, DREAMers  
25 who were brought here as children and are undocumented, and

1 DAPA for those millions who are here undocumented, working,  
2 raising families and such. In both instances, the President  
3 has insisted that there be a criminal background check  
4 before they are even given a temporary--a temporary--  
5 permission to stay, to either live, go to school, or work.  
6 Is that not true?

7 Ms. Saldana. Well, certainly--and my colleague,  
8 Director Rodriguez, can speak more clearly to this, but,  
9 yes, that is my understanding.

10 Senator Durbin. And, Director Rodriguez, out of  
11 680,000 who have successfully applied for DACA status,  
12 DREAMers who were able to stay on a temporary basis for a  
13 few years and not be deported, of that number, 680,000, I am  
14 told that roughly 323, about one-half of 1 percent, have  
15 either been engaged in crime or had a criminal record to the  
16 point where they were disqualified from the DACA Program.  
17 Is that close to what you have heard?

18 Mr. Rodriguez. That is correct. Most of those were as  
19 a result of criminal convictions. Some of them were because  
20 of information received that they either were gang members  
21 or presented threats to national security.

22 Senator Durbin. So they were disqualified from the  
23 program.

24 Mr. Rodriguez. Correct. And, by the way, Senator, I  
25 would cite that as an instance where we did not rubber-

1 stamp, as Mr. Palinkas, my union head, suggested. And we  
2 have certainly dug into those allegations.

3 Senator Durbin. And the President's proposal, when it  
4 comes to the millions who are here undocumented, they, too,  
5 will not only be subjected to a criminal background check  
6 before they are eligible to stay and work on a temporary  
7 basis, they are subject to review every time that permit  
8 comes up to see if they have committed a crime. Is that not  
9 true?

10 Mr. Rodriguez. That is correct, Senator. And it is a  
11 multi-step process of biographic and biometric checks that  
12 are conducted on all such individuals to eliminate  
13 criminals, eliminate threats to our national security,  
14 eliminate gang members from access to those--

15 Senator Durbin. For the record, on both of these  
16 programs, DACA and DAPA, proposed by President Obama, there  
17 has been general opposition from the other side of the  
18 aisle. What the President has proposed for regular criminal  
19 background checks about these people living who are  
20 undocumented in America has been resisted. But that has  
21 been a starting point in each of these proposals.

22 Yesterday, I spoke to Jeh Johnson, the Secretary of  
23 Homeland Security. He just visited in Chicago to meet with  
24 some of our political leaders to talk about the specific  
25 issue that brings us here today. What do we do about those

1 who are convicted of crimes and also undocumented? And they  
2 are working now to come to an agreement through the PEP  
3 program that there be an understanding that certain levels  
4 of crime will result in a reporting. They have not reached  
5 an agreement--do not get me wrong--but they are moving in  
6 that direction.

7 Can you explain to me the difference between a civil  
8 detainer and a criminal detainer and whether that is  
9 significant to our conversation here?

10 Mr. Rodriguez. Senator, I think I am a little--I do  
11 have some insight into those distinctions based on prior  
12 positions that I have held as a Federal prosecutor and also  
13 as county attorney in Montgomery County. But given that it  
14 is Director Saldana's portfolio, I think I may defer to her.

15 Ms. Saldana. Yes, quite frankly, I am not familiar  
16 with the distinction that way. More importantly, it seems  
17 to me that there are--when there is a criminal case that has  
18 been presented to the United States Attorney, they have  
19 accepted it. There will be a criminal warrant and a  
20 detainer notice sent to, if the person is in somebody's  
21 else's custody, and that has--it is a court order. It is  
22 not administrative, which is the large part of what our  
23 function is. Our function is civil and administrative.

24 There are some groups of illegal immigrants that we do  
25 refer to the U.S. Attorneys for criminal prosecution, but

1     that is only where the--that is the only place the criminal  
2     documentation would arise.

3             Senator Durbin. What I am trying to get to is this:  
4     If we are dealing with someone who is incarcerated and who  
5     has been found guilty of, let us say, a serious felony--no  
6     questions asked, it is over the line, serious felony--from  
7     your point what you are asking is that before they be  
8     released in their undocumented status there be a report to  
9     your agency?

10            Ms. Saldana. A notice.

11            Senator Durbin. A notice to your agency.

12            Ms. Saldana. Yes. Please advise us with respect to  
13     the notification part where there is not--we have not  
14     actually established probable cause, or where we have, a  
15     detainer.

16            Senator Durbin. But instead of dealing with the  
17     serious felon, we are dealing with a question of illegal  
18     reentry. An illegal reentry may occur, if I am not  
19     mistaken, someone who has been deported from the United  
20     States and attempts to return, even if there is no criminal  
21     history other than that action of returning after  
22     deportation. Is that correct?

23            Ms. Saldana. Yes, that is right, and the U.S.  
24     Attorneys across the country are not necessarily enforcing  
25     those because of their priorities. That is just too low



1 level an offense.

2 Senator Durbin. So the suggestion that we make a  
3 mandatory minimum 5-year sentence for people who have been  
4 deported and come back across the border, let us say, with  
5 no other criminal--no criminal history and no other history  
6 from the Government's point of view, that seems to me to be  
7 an invitation for a lot of prosecutions.

8 Ms. Saldana. We are stretched on our resources  
9 already, and we are focusing on convicted criminals. To  
10 expand it to just illegal entries or reentries would be a  
11 very big problem for us.

12 Senator Durbin. Thank you very much.

13 Senator Sessions. [Presiding.] Thank you.

14 I believe Senator Lee has yielded to Senator Cruz?  
15 Good. Senator Cruz?

16 Senator Cruz. Thank you, Mr. Chairman, and thank you  
17 to Senator Lee. Thank you to the witnesses for being here.  
18 The testimony we have heard today is powerful.

19 Ms. Saldana, you are a Texan. You were a prosecutor in  
20 our State. You had a good reputation as a prosecutor. But  
21 you are serving in an administration that consistently  
22 refuses to follow the law. And we heard this morning the  
23 very real consequences of that.

24 Now, in March, when you were testifying before the  
25 House, you were asked about sanctuary cities, cities like

1 San Francisco that defy Federal law, and because of their  
2 defiance of Federal law, Kate Steinle is no longer with us.  
3 She was murdered because of the refusal of local officials  
4 to recognize Federal law.

5 You were asked in that House hearing, Should Federal  
6 law compel State officials to comply with Federal law? And  
7 your answer, and I want to quote verbatim, was: "Thank you.  
8 Amen. Yes."

9 Now, in my view, that was the former Federal prosecutor  
10 speaking and giving an answer. And yet the next day, you  
11 issued a statement retracting what you had said and saying,  
12 in fact, although you had said "Amen," which is a pretty  
13 powerful statement from the heart, you did not, in fact,  
14 mean that Federal law should force local officials to comply  
15 with Federal laws.

16 I want to ask you what political officials pressured  
17 you to change your statement.

18 Ms. Saldana. Not a single one. This came from--the  
19 original statement came from my heart. The clarification  
20 came from my heart. And I do not mean to quibble with you,  
21 Senator. I respect you greatly. But I will say this: The  
22 question was not asked--the question was very specific:  
23 Would it be helpful for detainers to be mandatory? The law  
24 enforcement response there is clarity is always helpful.  
25 But I wanted to be sure that people were not reacting to

1     that as an indictment of PEP or working with communities,  
2     and that is what I am committed to do.

3             Senator Cruz. So let me make sure I understand your  
4     testimony correctly, then. You said then it would be  
5     helpful, as in presumably helpful is good, is beneficial, is  
6     something you support. So are you saying then that ICE  
7     supports making it mandatory to comply with Federal  
8     detainers?

9             Ms. Saldana. No.

10            Senator Cruz. So it is helpful, but you do not support  
11     it?

12            Ms. Saldana. Well, no, sir. I support what we have  
13     proposed and what we have been--

14            Senator Cruz. But you just said it is helpful--

15            Ms. Saldana. --hours on--yes, sir.

16            Senator Cruz. You just said it is--but you do not  
17     support it.

18            Ms. Saldana. Clarity is always helpful, but  
19     cooperation and working with our State and local partners,  
20     something I have always done, I will continue to do it, and  
21     I am committed to see it through with respect to these  
22     jurisdictions that have not been working with us.

23            Senator Cruz. It is difficult to work in an  
24     administration where you are required to take a position  
25     where, although something would be, in your own words,

1 helpful, you nonetheless do not support it.

2 Let me shift to a different topic. In the year 2013,  
3 how many criminal illegal aliens did the Obama  
4 administration release?

5 Ms. Saldana. In 2014, it was a little over 30,000.

6 Senator Cruz. How many murderers?

7 Ms. Saldana. In that year, sir, I cannot remember the  
8 number right now, but I know that we had--the statistic that  
9 was said earlier, the 4-year period from 2010 to 2014, there  
10 were 121 persons who committed crimes afterwards. But I  
11 cannot provide you the exact number.

12 Senator Cruz. How many rapists?

13 Ms. Saldana. I am not sure right now. I would have to  
14 pull that number.

15 Senator Cruz. How many drunk drivers?

16 Ms. Saldana. Same answer. I can certainly break that  
17 down for you. And, in fact, I think we are working on that  
18 right now. It has been requested before.

19 Senator Cruz. Yesterday, how many murderers did the  
20 Obama administration release?

21 Ms. Saldana. Now, Senator, I do not know the answer to  
22 that question, but I want the American people to understand  
23 our job and our mission, if I may. We do not release people  
24 willy-nilly. We release people pursuant to these statutes  
25 and regulations. There are only a limited number of crimes

1     that we are required to detain people. It is mandatory.  
2     They are spelled out here very clearly, many of them related  
3     to drug distribution and conspiracies.

4             With the rest of the people, as you know very well,  
5     Zadvydas requires us to release some. I think that is a  
6     small percentage of the total. Also, the immigration courts  
7     have a half-a-million-case backlog. They have the  
8     proceedings they go through; they will order release because  
9     many of these folks challenge their bond or their detention.

10            But in the rest--and I think it is like 49 percent this  
11     past year. In the rest, where ICE has discretion, where  
12     this statute has given us discretion, we have very well  
13     trained, very well experienced law enforcement officers who  
14     look at the entire case, just like a magistrate judge or a  
15     Federal judge does--

16            Senator Cruz. Ms. Saldana, I want to note that your  
17     testimony here, when I asked you how many criminals ICE  
18     released in 2013, you were off by a factor of three. You  
19     said 30,000. The correct answer is 104,000. There were  
20     68,000 criminals, criminal illegal aliens, that ICE declined  
21     to begin deportation proceedings against despite the fact,  
22     as Senator Sessions observed, the Federal law that you are  
23     holding up there says they shall be deported, the Obama  
24     administration refused to deport them. That is 68,000.

25            In addition to that, there were 36,000 in deportation

1 proceedings with criminal convictions that the Obama  
2 administration released. And I would note that among those  
3 were 193 murderers with homicide convictions, were 426  
4 people with sexual assault convictions, were over 16,000  
5 criminal illegal aliens with drunk-driving convictions,  
6 released by this administration because this administration  
7 refuses to follow the law.

8 Ms. Saldana. Sir, those numbers, I am looking straight  
9 at them. You asked me, I thought, about 2014. That is  
10 30,558. And the good news is at least that went down from  
11 2013, when it was 36,007.

12 Senator Cruz. But you are omitting the 68,000 criminal  
13 illegal aliens that ICE did not begin deportation  
14 proceedings against at all, and you have got to add both of  
15 those together. It is over 100,000.

16 Ms. Saldana. And, yes, sir, that is absolutely right,  
17 all done pursuant to this statute that the Congress has  
18 outlined.

19 Senator Cruz. Now, Ms. Saldana, you heard the  
20 testimony from the victims' families. I have introduced  
21 Kate's Law in the Senate, a mandatory minimum of 5 years in  
22 prison for anyone apprehended with an illegal reentry. Does  
23 ICE support Kate's Law?

24 Ms. Saldana. I sure would like to look at that. I  
25 have not had a chance to. I am not sure when it was

1 introduced, if it has been.

2 Senator Cruz. It was introduced last week.

3 Ms. Saldana. Okay. I have not had a chance to look at  
4 it. I am sorry, Senator. But I am certainly willing to  
5 look at any proposal along those lines and consider it and  
6 work with you if I find some objection to it.

7 Senator Cruz. Ms. Saldana, I will note in your opening  
8 statement here you said, after listening to the victims'  
9 families, that you were so sorry for their losses. And yet  
10 the Obama administration keeps doing it. When I asked you  
11 how many murderers were released yesterday, you do not know.  
12 There is a reason the American people are upset. If  
13 President Obama had the courage of his convictions, he would  
14 come and look in the eyes of these men and women who have  
15 lost their sons, their daughters, their mothers, their  
16 sisters, their brothers, and the administration would stop  
17 releasing murderers and rapists. It is within your power to  
18 follow Federal law, and this administration refuses to do  
19 so, and that is altogether unacceptable.

20 Thank you.

21 Senator Sessions. Senator Klobuchar?

22 Senator Klobuchar. Thank you very much, Senator  
23 Sessions, and thank you to both you, Director, and also to  
24 you, Assistant Secretary, for your work.

25 Also, I know Senator Grassley had to step out for

1 another hearing, but I wanted to thank him for bringing  
2 together the first panel of witnesses. I thought their  
3 testimony was moving, and I know from being a former  
4 prosecutor how difficult it can be for victims and their  
5 families to come forward. And I am sure some of the  
6 families are still in the room today, so I thank you for  
7 being willing to come forward today.

8 I also wanted to thank Senator Feinstein for her  
9 frankness in criticism of the sheriff in her own State.  
10 Clearly, there should have been cooperation, and they should  
11 have been working with ICE, and I think it is very important  
12 to remember that there are some of us that are willing to  
13 look at these policies and look at them in a way to figure  
14 out what best helps public safety. And, Deputy Secretary,  
15 you talked about some of the work that is being done to work  
16 with these local jurisdictions, and I listened to the head  
17 of the Major Cities Chiefs talk about their policy, which he  
18 made clear was cooperating with ICE. But, clearly, that did  
19 not happen in the case in San Francisco.

20 Are there other sheriffs and other law enforcement  
21 people who have taken that position and have policies where  
22 they are not going to--and I understand the mayor said that  
23 was not what happened in San Francisco, but where they are  
24 not going to work with you and notify you when a repeat  
25 felon is being released?



1           Ms. Saldana. Well, the last time I checked the number  
2 of communities that had passed some kind of ordinance or  
3 legislation, it was a little bit over 200, about 208.

4           Senator Klobuchar. But these vary. Is that correct?

5           Ms. Saldana. Excuse me?

6           Senator Klobuchar. Do they vary?

7           Ms. Saldana. Oh, tremendously.

8           Senator Klobuchar. Okay. So what I am talking here  
9 about is, I think, the most glaring thing, this idea that  
10 someone who has been deported several times, been convicted  
11 of lengthy felonies, that there was no notification to  
12 either try to deport him or, as you made the better point,  
13 for someone who is a repeat felon like that, bring them to  
14 the U.S. Attorney's Office. So do you know how many have  
15 that policy that was as severe as what the sheriff did in  
16 San Francisco?

17          Ms. Saldana. Maybe a handful. Maybe a handful. You  
18 know, we have identified, I think I said earlier, the top 49  
19 jurisdictions who have not been cooperating with us that  
20 would have the greatest impact with respect to their  
21 immigrant populations in their communities, and we have made  
22 real progress. As the Secretary testified last week, about  
23 33 of them have now said over the efforts of the Secretary,  
24 the Deputy, and quite a few officials, that they will work  
25 with us. In some manner, we are working with them.

1           Senator Klobuchar. It just seems like in a case like  
2 this it should be mandatory that something gets reported to  
3 ICE, and that is what I am trying to grapple with, and I  
4 know Senator Feinstein is.

5           Ms. Saldana. It is a very common-sense approach,  
6 Senator. I agree with you. And I think PEP covers that.  
7 These are severe, heinous, and dangerous criminals that we  
8 are targeting and that we are working--trying to work with  
9 these jurisdictions to say can't we all agree on this  
10 category of individual and this criminal history.

11          Senator Klobuchar. We used to have cases sometimes--in  
12 fact, I was just reading about one where we had convicted a  
13 man of murder. He had hacked up his wife into pieces, left  
14 her head in a bowling ball. It was a horrible case. And he  
15 was from Russia, and he has been making requests to go back  
16 to Russia, and my successor is saying no to that. And I  
17 remembered the pressure you would sometimes get, not  
18 necessarily from defendants--you would not care about that--  
19 but from sometimes family members, people say, "Oh, send  
20 them back to the other country." And I think it is an  
21 argument clearly for serving out sentences in the U.S. for  
22 public safety. But then, also, you brought up the U.S.  
23 Attorney's Office, and obviously they cannot handle all  
24 these cases. But when there are these serious ones with a  
25 number of felonies, I would think this should become more of

1 a priority when it comes to these prosecutions.

2 Has there been discussion about this with the Justice  
3 Department at all?

4 Ms. Saldana. Yes. I have actually met with the Deputy  
5 Attorney General and discussed where we can work together to  
6 strengthen this. I have met with the Border and Immigration  
7 Security Subcommittee of the Attorney General's Advisory  
8 Committee of U.S. Attorneys, and we have discussed  
9 specifically what can you do to help us make an impact with  
10 respect to some of these cases, and they seem very  
11 interested and cooperative.

12 Senator Klobuchar. I have been a supporter of  
13 comprehensive immigration reform, and I think there is a lot  
14 of focus on things that we need for our economy with that  
15 bill and allowing, you know, everyone from engineers on to  
16 be able to get green cards and to stop training our  
17 competition, and there are many important things in that  
18 bill. It is a bipartisan bill. But I think one of them, as  
19 you know, Director, is also more money for the border, more  
20 money for enforcement, those kinds of things. Do you think  
21 that that would be helpful as well to pass some kind of  
22 comprehensive immigration reform? Either of you can answer  
23 this.

24 Ms. Saldana. Essential. I mean--

25 Senator Klobuchar. And I am talking about from a

1 public safety perspective.

2 Ms. Saldana. Yes. It is like one of these very wise  
3 victims indicated this morning, when you hear something that  
4 simply stated, you wonder why do we get bogged down. And  
5 that was put aside political interests and let us get to  
6 work on a better immigration system, comprehensively.

7 Senator Klobuchar. Did you want to add to that?

8 Mr. Rodriguez. I would like to add to that. One of  
9 the issues that we have heard about this morning is the  
10 notion that individuals who are here illegally, we do not  
11 know who they are. They are not registered. They are off  
12 the grid, essentially. Both what the Deferred Action  
13 Programs and, more helpfully, comprehensive immigration  
14 reform provides is a way to know who those people are, to  
15 hold them accounts, to know who they are in those rare  
16 instances where they do commit crimes. So that is just one  
17 example of many where public safety would be promoted by  
18 immigration reform.

19 Senator Klobuchar. And the last thing I wanted to  
20 bring up is just a different issue to me, and I do not want  
21 it to get scrambled into it, and that is, the U-visa program  
22 for victims of crime and witnesses. We have worked hard on  
23 this. I had many experiences where people would be preyed  
24 upon because they thought they had power over them because a  
25 family member or something else could be deported. And the

1 U-visa program has been helpful in bringing cases, as one of  
2 the witnesses pointed out who worked in the domestic  
3 violence area. Could you speak to that?

4 Ms. Saldana. I can certainly. I prosecuted human-  
5 trafficking cases, and we often requested T-visas. And I am  
6 happy to say that many of the victims that were involved in  
7 some of these cases actually ended up staying in the country  
8 and applying for residency and ultimately, I am sure,  
9 citizenship and will make extraordinary American citizens if  
10 they get to that point.

11 Senator Klobuchar. All right. Thank you very much,  
12 and we look forward to working with you.

13 Senator Sessions. Senator Lee.

14 Senator Lee. Thank you, Mr. Chairman. Thanks to both  
15 of you for coming here, for your willingness to serve our  
16 country, and your willingness to talk to us today.

17 I believe that the great majority of those who have  
18 come to the United States in violation of our laws have  
19 probably done so for very sympathetic reasons and have  
20 probably been living their lives in a way that, aside from  
21 the illegal manner in which they chose to enter the country,  
22 are otherwise living good lives, respectable lives.

23 But this fact does not--and I do not think ever can--  
24 vest them with the right to citizenship, and it certainly  
25 cannot override the need that we have to ensure that U.S.

1 citizens are protected from violence, including the type of  
2 violence that might result from someone who came here who  
3 should not have come here, someone with a known criminal  
4 record who has been allowed to remain here in violation of  
5 our laws.

6 I have spoken at length in other hearings and on the  
7 floor of the Senate about some concerns I have about the use  
8 of a legal remedy known as "parole" within our immigration  
9 law. For those who are not steeped in immigration law,  
10 parole is a very narrow exception, one that allows a person  
11 to enter the country temporarily. And the law governing  
12 parole within the immigration context is fairly specific.  
13 It points out that this needs to be narrow, and it needs to  
14 be either for urgent humanitarian reasons on the one hand or  
15 a significant public benefit on the other hand.

16 This temporary parole is meant to allow people to enter  
17 the country for temporary, finite occasions, such as the  
18 need to get medical treatment. That would be an urgent  
19 humanitarian reason to allow someone to get parole. Or if  
20 we are talking about significant public benefit, we might  
21 add to that the hypothetical of someone needing to come in  
22 to testify as a witness at a trial.

23 But these things are temporary, and they are time  
24 sensitive. The temporary nature of parole and its narrow  
25 nature is very important because once you have been granted

1 parole, if you have been paroled into the country, you have  
2 removed an otherwise present and significant legal  
3 impediment to gaining access to citizenship. And so if  
4 parole is abused, if it is granted excessively,  
5 indiscriminately, or outside of the framework of what the  
6 law allows, this, you can understand, could really create a  
7 giant gaping hole in our immigration laws.

8       The President has cleverly and some might say  
9 surreptitiously spread the definition of "parole" wide  
10 enough to give DACA and DAPA recipients access to  
11 citizenship in circumstances in which citizenship would  
12 otherwise be not available to them. We are now seeing the  
13 President expanding that program again, expanding yet again  
14 the use of parole.

15       First, as Vice President Biden announced in November,  
16 the Department of Homeland Security and the Department of  
17 State are establishing a refugee parole program that would  
18 allow those who failed to get refugee status to enter the  
19 country under parole. I reiterate, parole is meant to be a  
20 temporary admission to get past the border on a case-by-case  
21 basis, either for urgent humanitarian reasons or for a  
22 significant public benefit. It is not a substitute for  
23 refugee status and should not be used to permanently  
24 relocate non-refugees to the United States where refugee  
25 status is not available.

1           Second, the President announced in a report released  
2   just last week that the Department of Homeland Security will  
3   propose an expanded parole program for entrepreneurs. Now,  
4   entrepreneurs are valuable. We all love entrepreneurs in  
5   this country. In fact, we have a lot of programs that are  
6   designed specifically to help encourage more entrepreneurs,  
7   not just within the United States but to come here from  
8   other countries, because we like entrepreneurs. But any  
9   program that encourages entrepreneurs to come into the  
10   United States, to this country, should be established by  
11   statute, by law, not shoehorned into a narrow exception that  
12   is meant to allow the administration to step outside the  
13   normal process only under extraordinary circumstances.

14           So, Mr. Rodriguez, we will start with you. Do you  
15   believe these programs are consistent with the limited  
16   intent and the temporary nature of statutory text regarding  
17   parole?

18           Mr. Rodriguez. Thank you, Senator, for that question.  
19   The short answer is yes, I do, and I do precisely for the  
20   point that you made, which is that these are programs that  
21   are meant to be limited; they are meant to either afford a  
22   permanent immigration benefit; nor are they meant to be  
23   utilized by everybody.

24           Senator Lee. So you agree with my characterization of  
25   the--



1           Mr. Rodriguez. I do not agree with your  
2     characterization of the programs. I agree with--

3           Senator Lee. You agree that they are limited?

4           Mr. Rodriguez. That is correct, that these programs  
5     are limited. So when we talk about the Central American  
6     Minors Program, it is a limited number of individuals who  
7     will be able to seek parole. There are very specific  
8     requirements, very specific circumstances which afford  
9     people that parole, and parole is, as you say, a temporary  
10    program.

11          Senator Lee. Okay. So you agree that it is intended  
12    to be temporary and limited. And yet when we look at--in  
13    the DACA application for advanced parole, there is a form  
14    called Form I-131, and it defines the statutory term  
15    "significant public benefit," again, which historically was  
16    understood to refer to something like the need for someone  
17    to come into the country to testify at a trial. It defines  
18    that to include semester-abroad programs and meetings with  
19    clients. Do you think that is a fair interpretation of the  
20    statute? Is it fair to shoehorn meetings with clients or  
21    semester-abroad programs into significant public benefit,  
22    something intended to give somebody the right to enter the  
23    country to testify at a trial?

24          Mr. Rodriguez. So understand what we are talking about  
25    when we talk about the advanced parole. These are

1 individuals who are participants in a deferred action, not a  
2 parole program, whose ability to temporarily remain in the  
3 United States is under a Deferred Action Program. They are--  
4 -

5 Senator Lee. Okay. So if it is not a parole program,  
6 then why are you using parole for them?

7 Mr. Rodriguez. That is basically the manner in which  
8 those individuals on either a humanitarian or significant  
9 public interest basis are able to then reenter the United  
10 States.

11 Senator Lee. Reenter the United States--

12 Mr. Rodriguez. It permits them to temporarily leave  
13 the United States and then return to the United States.

14 Senator Lee. And when they return, they have had a  
15 significant impediment that would otherwise exist to their  
16 pathway to citizenship lifted.

17 Mr. Rodriguez. Well, it does not make them qualify for  
18 either legal permanent resident status or for citizenship.  
19 In fact, like anybody else, they need to have an actual  
20 basis. There must be a family member--

21 Senator Lee. Correct--no, it is not independently  
22 adequate. But it removes an impediment that would otherwise  
23 be there, namely, by virtue of the fact that they entered  
24 illegally, that would impede them from getting a green card  
25 but for the use of parole. Isn't that right? Is that

1 correct?

2 Mr. Rodriguez. It is correct to a point, sir. The  
3 critical aspect is they need to qualify for whatever the  
4 basis is, be it for residence, for a visa, for citizenship.  
5 They need to qualify that. Advanced parole will not make  
6 them qualified.

7 Senator Lee. It will not make them qualified, but it  
8 is a condition precedent, a condition without which they  
9 could not otherwise have gotten there. You have distorted  
10 this law. You have manipulated it beyond what the statutory  
11 text would bear, and that does cause me great concern.

12 I see I am over my time. Thank you very much. Thank  
13 you, Mr. Chair.

14 Senator Sessions. Thank you, Senator Lee. That is a  
15 technical and important issue.

16 It will be Senators Vitter, Perdue, and Tillis, in that  
17 order. Senator Vitter?

18 Senator Vitter. Thank you, Mr. Chairman. I also want  
19 to thank the full Committee Chairman and Senator Flake for a  
20 lot of work and cooperation with me on legislation which we  
21 want to bring forward and will be bringing forward to stop  
22 sanctuary cities policy, to put teeth in existing Federal  
23 law which says that local law enforcement has to cooperate  
24 with immigration enforcement. So I thank you. You have  
25 been very active on that, and the full Committee Chairman

1 and Senator Flake and others who were working with me on  
2 that, and hopefully I think we are going to move that soon  
3 in Committee.

4 Thanks to you both for your service. Ms. Saldana, the  
5 White House, through the press secretary, recently suggested  
6 that the murder of Kate Steinle was made possible because  
7 Republicans refused to pass the large immigration bill,  
8 which included an amnesty, during the last Congress. Do you  
9 agree with that?

10 Ms. Saldana. Sir, I decline to engage in this  
11 political discussion. I am just interested in law  
12 enforcement and making sure that the immigration laws are  
13 enforced.

14 Senator Vitter. Okay. Do you agree or disagree with  
15 that suggestion?

16 Ms. Saldana. I have no opinion one way or the other.  
17 I am focused on a very important job under the immigration  
18 laws and really would prefer to work on that and answer  
19 questions related to that than political questions. That  
20 just does not advance the ball for--

21 Senator Vitter. I agree it does not advance the ball,  
22 and I agree Josh Earnest's statement was insulting to a lot  
23 of people, including the victims.

24 Let me ask you this: How is your action to block  
25 sanctuary city policy through the Priority Enforcement

1 Program going to be any more effective than it has been  
2 through the Secure Communities Program? Obviously, it has  
3 been completely ineffective through that.

4 Ms. Saldana. Lots of controversy, lots of litigation  
5 arising out of the Secure Communities. The differences are  
6 significant, particularly, I believe, as we talk to more  
7 jurisdictions, they will see this more clearly, the  
8 distinctions are material.

9 For example, one of the problems in that Clackamas  
10 County case was that there is no basis to detain someone at  
11 the State or local level beyond 48 hours, which is what our  
12 request was, to detain them 48 hours beyond what their  
13 underlying offense called for.

14 Under PEP, we will have--we are only asking for 48  
15 hours' notice before the release of an individual unless we  
16 have probable case, in which case we have got indications of  
17 a true violation with evidence that we can show the local  
18 jurisdiction. Then we ask for detaining that person the 48  
19 hours.

20 Senator Vitter. And so under this new policy to try to  
21 stop these abuses from happening, first of all, I am glad  
22 that we are finally doing this from the administration.  
23 Under this new policy, what is going to happen if and when  
24 the local jurisdiction does not comply?

25 Ms. Saldana. Well, this is one of the things I am

1 considering. I, along with the victims this morning, do not  
2 want to see their lives go--you know, without being--

3 Senator Vitter. I hope we can all agree about that,  
4 but the bottom line is there is no consequence now, there  
5 are no teeth now. Nothing happens to these local  
6 jurisdictions. So if this is a brand-new day brought on by  
7 these horrific incidents, what is going to happen to these  
8 local jurisdictions?

9 Ms. Saldana. I am in the middle of looking at that  
10 because, as you know, we just started implementing PEP  
11 within the last couple of weeks.

12 Senator Vitter. So you do not know that anything is  
13 going to happen to them.

14 Ms. Saldana. No. We are going to work towards that,  
15 sir. I want to talk to more jurisdictions to understand  
16 exactly what the problems are with respect to their  
17 accepting our--cooperating with us. And once I understand  
18 their local problems, I think I can help them better to help  
19 figure out a solution.

20 I do not want to be one of these people that comes in  
21 and says--

22 Senator Vitter. And after you say, "Pretty please"  
23 three times--

24 Ms. Saldana. --"I am the Federal Government, and I am  
25 here to help you."

1           Senator Vitter. And after you say, "Pretty please"  
2 three times and they do not comply, is there going to be any  
3 negative consequence?

4           Ms. Saldana. I am looking at that, sir, and working  
5 with the Secretary to see what we can do with respect to  
6 that.

7           Senator Vitter. So you have not determined yet that  
8 there will be any negative consequence?

9           Ms. Saldana. The program has been in effect for about  
10 3 weeks, sir. We just started. We asked for a chance.

11          Senator Vitter. Well, there were some victims'  
12 families here who asked for a chance, and their chance is  
13 gone in terms of their family member. Three weeks--this has  
14 been going on for years, and you still are not prepared to  
15 say that there is ever going to be any negative consequence  
16 to those jurisdictions. When is that going to change?

17          Ms. Saldana. I presume when you all address  
18 comprehensive immigration reform, perhaps it can be  
19 addressed there.

20          Senator Vitter. Oh, now we are going to the Josh  
21 Earnest line, right?

22          Ms. Saldana. The what, sir?

23          Senator Vitter. Ridiculous. Now we are going to the  
24 political line you just disavowed.

25          Ms. Saldana. Comprehensive immigration reform to me is

1 not political. It is an essential legislative effort to try  
2 to get--

3 Senator Vitter. And absent Congress passing that bill  
4 that you and the Obama administration prefer, you do not  
5 think right now we can stop sanctuary cities from flaunting  
6 Federal law? You do not think right now there can be any  
7 negative consequences when they do not properly cooperate  
8 under existing Federal law with immigration enforcement?

9 Ms. Saldana. And that is what I understand you all are  
10 working on.

11 Senator Vitter. Are you working on it? You have the  
12 authority to do that now.

13 Ms. Saldana. Sir, not according to certain  
14 jurisdictions. A court, a Federal district court in Oregon,  
15 for example, has ruled against us on mandatory detainers,  
16 even citing the language that says "shall." So I am looking  
17 forward to looking at the legislation that is being proposed  
18 to address these questions. I want a solution, too, sir.

19 Senator Vitter. Well, we have been asking for a  
20 solution to that about sanctuary cities for years. There  
21 has been absolutely no effort from the administration  
22 before. Now there is a promise of an effort, but still  
23 today after these tragedies, you are not prepared to say  
24 that you support any negative consequence to sanctuary city  
25 jurisdictions if they do not properly cooperate. I eagerly



1    await you all to finally say that, to finally say, yes,  
2    there needs to be some consequence, because that is the only  
3    way it is going to stop throughout hundreds of jurisdictions  
4    around the United States.

5           Ms. Saldana. And, Senator Vitter, I offer you my  
6    assurance if you would like my input with respect to any  
7    legislation you propose to try to resolve this or advance  
8    the ball.

9           Senator Vitter. I am asking for your input right now.  
10   What should the negative consequence be that you will  
11   support?

12          Ms. Saldana. Well, I am hopeful that I do not have to  
13   hit somebody over the head with a Federal hammer and work  
14   with these State and local jurisdictions, which have their  
15   own specific problems to address. I think you understand  
16   that, Senator, and that is why I would like to work with you  
17   to try to address it jurisdiction by jurisdiction.

18          Senator Vitter. Unfortunately, the biggest thing I  
19   understand is that you are not prepared today as we speak,  
20   even after these horrible tragedies, to support a single  
21   negative consequence against a sanctuary city jurisdiction  
22   if they do not properly cooperate with immigration  
23   enforcement. That is unfortunately the biggest thing I  
24   understand. If that is incorrect, please tell me how. I am  
25   eager to hear that.

1 Ms. Saldana. It is incorrect.

2 Senator Vitter. Okay. So what negative--

3 Ms. Saldana. I would love to see--

4 Senator Vitter. --consequence will you support?

5 Ms. Saldana. Whatever you all propose with respect to  
6 legislation, I would like to work with you on it to see what  
7 we can do to help our communities as opposed to put road  
8 blocks in their way in their community policing.

9 Senator Vitter. And will you tell us what you would  
10 support in that regard right now?

11 Ms. Saldana. You know, sir, I am so focused on trying  
12 to correct the problem through our PEP program that I would  
13 be happy to work with you with respect to any legislation  
14 you propose.

15 Senator Vitter. Thank you.

16 Senator Sessions. Thank you, Senator Vitter.

17 I would note there was nothing in the Gang of Eight  
18 comprehensive bill that fixed the sanctuary city problem.  
19 It was just one of the loopholes in that legislation.

20 Senator Perdue?

21 Senator Perdue. Thank you, Mr. Chairman, and thanks to  
22 both of you for being here today. This is a tremendously  
23 important crisis, as I would call it, not just an  
24 immigration crisis but a national security crisis. There  
25 are only 6 reasons why 13 colonies got together in the first

1 place--6 reasons--and one of those was to provide for the  
2 national defense. And we heard from six families this  
3 morning. There are many other thousands out there who have  
4 similar experiences, including in my home State, with  
5 similar tragedies. We both have got to work together and  
6 solve this thing.

7 We heard this morning that between 2000 and 2014, over  
8 100 convicted criminal aliens were released and then  
9 subsequently arrested again for murder after they had been  
10 released. Those convicted criminals were in our communities  
11 because the Government let them go free instead of deporting  
12 them.

13 In 2013 alone, ICE released over 36,000 criminal  
14 illegal immigrants into American communities. These illegal  
15 aliens had almost 90,000 convictions on their records,  
16 including 193 murder convictions and over 16,000 drunk-  
17 driving convictions.

18 All told--and I know this is a debatable number, but  
19 all told, according to the Center for Immigration Studies,  
20 there are over 340,000 criminal illegal immigrants walking  
21 the streets right now. I would argue that this is a  
22 national emergency. It is absolutely outrageous, in my  
23 opinion. I do not think there are innocent parties in this  
24 debate.

25 In 2000 in my home State, we had a 16-year-old kid

1 killed by an illegal immigrant. Today, 15 years later, the  
2 perpetrator of that crime is still at large. This is  
3 unconscionable when you hear the stories of these families.  
4 But we could bring thousands in here. It is time for us to  
5 do something.

6 I just have a real quick question, Director Saldana,  
7 and thank you for your service in Texas and now nationally.  
8 If you had this perpetrator in California in your custody--  
9 you had answered this question earlier. I jus want to ask  
10 it again for clarity. What is ICE's policy? What are you  
11 driving in your organization? How would you have treated  
12 this particular incident where they were released back to  
13 the custody of the authorities in San Francisco?

14 Ms. Saldana. As we mentioned earlier, the difference  
15 between a criminal warrant and a notice of detainer from  
16 ICE, we expect for other jurisdictions to respect the court  
17 orders that we get when we get a judicial warrant or a  
18 criminal warrant. And so we--

19 Senator Perdue. And what if they do not?

20 Ms. Saldana. Well, that is not an issue we have when  
21 it comes to court orders. We take them to court then and  
22 say this individual--this jurisdiction has failed to honor  
23 this court order. I mean, that has teeth--right?--when it  
24 is coming from a Federal judge or even a local judge. And  
25 then we ask other jurisdictions to honor our criminal

1 warrants that we get in our investigations. So to us it is  
2 a mutual benefit, and we would honor that criminal warrant  
3 typically.

4 Now, the Secretary testified last week on something I  
5 know he and I are going to have many more conversations  
6 about, and that is, what more could be done to try to ensure  
7 that where we have a jurisdiction that is not cooperating  
8 with us, that we work in this case with the Bureau of  
9 Prisons or someone else to try to ensure we get custody of  
10 that person.

11 Senator Perdue. I want to come back to the Bureau of  
12 Prisons in just a second, but in that particular case, I am  
13 a little confused because--and this is not a trick question,  
14 but I want to know that the policy is consistent in your  
15 organization about how you would have treated that  
16 particular perpetrator, because just last week one of your  
17 senior officials inside your staff told the Judiciary  
18 Committee staff that, in their opinion, ICE would have done  
19 exactly the same thing as the BOP did in that particular  
20 instance and would have released that individual back to the  
21 authorities in San Francisco. Is that pretty much correct?

22 Ms. Saldana. And that is correct, sir. Here is the  
23 deal. Here is how typically law enforcement works. We have  
24 a criminal warrant signed by a judge. We call the  
25 jurisdiction--or we see that, and we call the jurisdiction

1 and say, "Is this still a live warrant? And are you going  
2 to pursue prosecution?" And we work with that jurisdiction.  
3 If the answer--depending on what the answer is, we work with  
4 that jurisdiction to ensure where are we going to get the  
5 biggest bang for our buck? Is it the State prosecution or  
6 the Federal prosecution? And that is where that cooperation  
7 is so important and why I truly recommend against forcing  
8 these jurisdictions, because that breaks relationships.

9 Senator Perdue. I am not worried about relationships.  
10 I am worried about results, and right now we have got cities  
11 not adhering to Federal law. I just think that is a  
12 tremendous problem whether it is regarding immigration or  
13 highway issues.

14 Let me change topics. We just mentioned PEP earlier.  
15 You know, we sent a letter, several Senators sent a letter  
16 to Secretary Johnson a couple weeks ago. We still have not  
17 received a response yet, by the way, but we are concerned  
18 about PEP. I really believe that, as we said to the  
19 Secretary, it is pretty clear that PEP will lead to the  
20 release of additional, maybe thousands of additional  
21 criminal aliens from Federal custody. And I am really  
22 concerned about what effect that could have just like we  
23 heard this morning.

24 Let me ask you this: With regard to these communities  
25 and PEP, given that these communities did not previously

1 honor ICE detainers or cooperate with Federal immigration at  
2 all, why do we have confidence that they are going to work  
3 with us on PEP? Why do we think that is going to be a  
4 better approach?

5 Ms. Saldana. Because of the distinction, the  
6 differences that we have weaved into the new PEP program. I  
7 mentioned one earlier, and that is, we are removing the  
8 objection, the constitutional objection that we are  
9 detaining people or asking for them to hold people without a  
10 basis. They have already completed their State or local  
11 sentence, and so now we are saying, okay, do not hold them  
12 48 hours in the typical situation, just give us notice of 48  
13 hours before.

14 We have got some differences to communicate to them and  
15 to show them, and I think they make a difference in many  
16 cases. And I do not know--I do not remember if I shared  
17 with you, Senator. I would like you to know this. We have  
18 identified the top 49 jurisdictions that have the greatest  
19 impact based on their illegal populations, and 33 have  
20 already said they are going to work with us in one way or  
21 another. And 11 are still in the process of considering it.  
22 We are going to keep working that, and that will have a  
23 great impact.

24 Senator Perdue. Thank you.

25 Director Rodriguez, I am almost out of time, but I want

1 to talk about the Martinez case with regard to the exception  
2 relative to gang membership and the potential loophole. I  
3 mean, this seems pretty obvious to me. We talked about this  
4 in an earlier Committee hearing, but I would like to get  
5 your opinion on isn't this just another loophole for someone  
6 to falsely claim a threat that if they were to go back home,  
7 they are under threat, therefore they should get asylum  
8 here?

9 Mr. Rodriguez. It is certainly our view that, you  
10 know, you should not be able to use your prior criminality  
11 as a way to claim a particular social group. We do think  
12 that rulemaking is the right path to resolving the right way  
13 to handle this issue, and we can certainly meet, Senator,  
14 and talk more about solutions to the issue that you have  
15 presented.

16 Senator Perdue. Thank you, Mr. Chairman.

17 Senator Sessions. Senator Flake, are we going to  
18 Senator Tillis, or are you going next? Is that--Senator  
19 Tillis. All right. Thank you.

20 Senator Tillis. Thank you, Mr. Chair. Director  
21 Saldana and Director Rodriguez, thank you for your service.  
22 I know you have got a tough job.

23 A lot of people have quoted some numbers, but I want to  
24 make sure that we unify around what I think are very, very  
25 important numbers. The Center for Immigration Studies



1 estimates that there are some 347,000 criminal immigrants at  
2 large today. According to a March 2nd report, ICE Weekly  
3 Departures and Detentions Report, there are 168,000  
4 convicted criminal immigrants who had final orders of  
5 removal but are now at large in the United States.

6 Now, in 2013, I think that Senator Perdue mentioned  
7 there were some 36,000 aliens released. Now, they  
8 represented a total of 88,000 convictions: 193 homicide  
9 convictions, including one willful killing of a police  
10 officer with a gun; 426 sexual assault convictions; 303  
11 kidnapping convictions; 1,075 aggravated assault  
12 convictions; 1,160 stolen vehicles; 9,187 dangerous drug  
13 convictions; and 1,670 drunk- or drug-driving convictions.

14 After they were released--now, that is what they  
15 mounted. And, by the way, that is on average, if my back-  
16 of-the-napkin math is right, releasing someone who is  
17 convicted of a homicide some two or three times a week.

18 Now, after these people were released, 1,000 were  
19 convicted of another crime following their release. This is  
20 a significant problem. Those stats were only for 2013. We  
21 could quote stats before and after that. It is a serious  
22 problem, and I think that it is something that the sanctuary  
23 cities need to recognize.

24 Senator Saldana--or Director--

25 Ms. Saldana. Quite a promotion, sir. Thank you.

1 Senator Tillis. I am not sure.

2 [Laughter.]

3 Senator Tillis. But I guess I am a little bit confused  
4 with the PEP program. I understand that you are trying to  
5 work with local law enforcement, but to a certain extent it  
6 seems to me that we are really excusing the fact that they  
7 are not really reading at least the spirit of the law, and  
8 some would say the letter. We have talked about whether or  
9 not we should pass legislation to be very specific about the  
10 mandatory requirements, and you do not want to do it, and it  
11 seems to me that a part of that is because you are concerned  
12 with the relationship damage that could be done by forcing  
13 them. Is that accurate?

14 Ms. Saldana. Well, sir, as I said, our local law  
15 enforcement relationships are vital, not just to what we do  
16 in immigration. I mentioned Homeland Security  
17 Investigations earlier. We rely on our local law  
18 enforcement partners to assist us with crime that is part of  
19 the Homeland Security investigations--

20 Senator Tillis. I understand that, but shame on them  
21 if they all of a sudden are not going to cooperate on these  
22 other matters of homeland security, because we want to take  
23 a very specific direct stand that they should obey the law.  
24 I mean, that to me is like, well, we will do a favor here,  
25 cut them some slack so they will work with us. That is

1 their job. That is what they are sworn to do.

2 Ms. Saldana. Yes, and just because I have worked here  
3 in law enforcement over a decade, I just want to be sure you  
4 understand. Most of the jurisdictions work with us every  
5 day. Thank goodness they do. And let me set some context  
6 here. I think mentioned about a little over 200  
7 jurisdictions that are not, that have passed some kind of  
8 ordinance or other legislation not to work with us. There  
9 are thousands of jurisdictions that do already. I am very  
10 proud of my home State of Texas that has 254 jurisdictions  
11 in it, and we have very good relationships with 99.9 percent  
12 of those.

13 Please do not assume that these 208 represent the total  
14 number of--the vast majority of jurisdictions out there.

15 Senator Tillis. I understand. I do think, though,  
16 that we need to keep in mind that the numbers that I went  
17 through are significant, and each and every year there is  
18 roughly the same sorts of numbers. This is a significant  
19 challenge. And I do not feel like for the bad--what I would  
20 consider bad actor cities, sanctuary cities, shame on them.  
21 They need to cooperate with you all. You need to be able to  
22 do your job. And they need to help you do your job, not  
23 because it is some sort of favor or accommodation, but  
24 because that is their responsibility.

25 Now, the last question that I have relates to the DACA

1 program, and, Director Rodriguez, this may be appropriate  
2 for you. I asked the Secretary when he was here if he felt  
3 certain--you are probably familiar with the Rangel-Hernandez  
4 quadruple murder down in Charlotte, 20 minutes from where I  
5 live. That was someone who was granted deferred action,  
6 determined he did have some affiliation with gang violence,  
7 and he was one of the cases that I think spurred your review  
8 of the other actions.

9 Are you absolutely certain that we have scrubbed those  
10 who have received deferred action and that we do not have  
11 another Rangel-Hernandez out there waiting to happen?

12 Mr. Rodriguez. I will take that as really two  
13 questions. So the first is, am I absolutely certain? I am  
14 satisfied that my staff engaged in a very thorough process  
15 of running the entire DACA cohort back through the law  
16 enforcement databases that we use to identify gang  
17 membership. I do believe that the label of gang member in  
18 that database is a reliable label so that if the individual  
19 is identified, that gives us what we need to either deny  
20 them outright or to conduct further investigation. So that  
21 as we speak today, that does leave me with confidence that  
22 as of the date that we did that review, we were able to  
23 address all cases of gang membership.

24 If we have future cases where people either become gang  
25 members or commit crimes, we will address those, as we have.

1 We will terminate DACA in the manner that we have in other  
2 cases.

3 Senator Tillis. Thank you.

4 Thank you, Mr. Chair.

5 Senator Sessions. Senator Flake.

6 Senator Flake. Thank you, Mr. Chairman.

7 Ms. Saldana, in response to a letter that I sent to  
8 you, along with Chairman Grassley, you mentioned that in the  
9 Altamirano case, he "posted \$10,000 bond after his  
10 immigration hearing, which means that he became obligated to  
11 report to ICE upon demand, and that at the time of the most  
12 recent criminal offense, ICE had not triggered his  
13 obligation to report on demand."

14 Now, he was released from custody in January of 2013.  
15 He was arrested for murder January 22, 2015, over 2 years.  
16 Was there any contact with ICE during that period between  
17 ICE and Mr. Altamirano?

18 Ms. Saldana. He was in proceedings. He is involved  
19 with the court, with the immigration courts. Whether ICE  
20 had some communication with him in that 2-year period, I do  
21 not know, Senator.

22 Senator Flake. Do you know if the immigration court or  
23 anybody had any contact with him?

24 Ms. Saldana. You know, I have not looked at that  
25 specifically, sir.

1           Senator Flake. Is that typical for somebody to go 2  
2 full years with seemingly no contact at all?

3           Ms. Saldana. It can happen given the half-a-million-  
4 case backlog with the immigration courts.

5           Senator Flake. ICE's policy for triggering a convicted  
6 alien's obligation to report, you mentioned that you did not  
7 see him because there was nothing that triggered an  
8 obligation to report. Has that policy been changed in terms  
9 of triggers for reporting? In light of this case and  
10 others, has there been any change?

11          Ms. Saldana. Not that I am aware of, sir.

12          Senator Flake. How many times has ICE revoked bail for  
13 those that have been put out on bail like this?

14          Ms. Saldana. Oh, it happens with some regularity. I  
15 cannot give you a percentage, but I am happy to provide that  
16 to you for a specific period.

17          Senator Flake. One thing that was just striking about  
18 this is the lack of cooperation and coordination and even  
19 notification between Federal and local officials. And in  
20 response to the letter that Chairman Grassley and I sent to  
21 you, you mentioned that ICE is working to implement a new  
22 initiative called the "Law Enforcement Notification System,"  
23 or LENS. In your testimony, you mentioned that LENS has  
24 been deployed in 11 States, and full implementation is  
25 expected by the end of the year. What is stopping that from

1     being implemented in the other 39 States?

2           Ms. Saldana. Because we have to work with each State  
3     office that gets notices out to their counties and  
4     communities. Some, like mine, have a lot of counties. It  
5     is complex. We have to make our systems compatible to talk,  
6     and so we started with three States as test cases, Texas  
7     being one of them. And it worked pretty well there. We  
8     have expanded it now to a total of 11, and there is a period  
9     of time that you have to work out kinks, because we want to  
10    be sure to get this right, and that is what we have been  
11    going through right now, is just the test program. We  
12    passed that. We now have expanded it to the 11. We are  
13    liking what we are seeing, and I think we will be there by  
14    the end of the year.

15          Senator Flake. Is this being handled with a little  
16    more urgency now?

17          Ms. Saldana. I would like to see it done earlier than  
18    the end of the year, sir. I will stay on it, I assure you,  
19    to make sure it gets done as quickly as we possibly can.

20          Senator Flake. So by the end of the year, you believe  
21    that we will be able to say that in all 50 States we have  
22    better notification requirements?

23          Ms. Saldana. Yes, sir.

24          Senator Flake. Thank you. Ms. Saldana, in Director  
25    Rodriguez's testimony he mentioned that 43,375 new DACA

1 requests were denied; 414 renewal requests have been denied.  
2 Of these approximately 44,000 denied requests, how many have  
3 been deported?

4 Ms. Saldana. Of what requests? I am sorry, sir.

5 Senator Flake. There are 43,375 DACA requests that  
6 were denied, and then 414 renewal requests have been denied.  
7 If somebody is not able to access DACA, then they are still  
8 eligible for deportation, or that is demanded. How many of  
9 those have been deported?

10 Ms. Saldana. I cannot give you the specific number,  
11 but they go in--whether they are DACA or not eligible, we  
12 look at ours the same way we do anybody else. DACA does not  
13 get them a free pass. We have to look at them on a case-by-  
14 case basis as to what is the next step, whether we detain  
15 someone, you know, what level of bond we place if we release  
16 them, that kind of thing. So it is all done on the whole  
17 facts and circumstances surrounding that individual,  
18 including criminal history.

19 Senator Flake. But if they have done something or have  
20 an offense that makes them ineligible, you would assume that  
21 they are being looked at now. Can you give me any ball park  
22 of how many of those have been deported of the 44,000 DACA  
23 cases, that people who were not able to access DACA?

24 Ms. Saldana. I assure you I will get that to you, sir,  
25 as soon as I can get someone to look at it and get us an



1 accurate number for you. I would rather not throw out a  
2 ball park.

3 Senator Flake. All right. Thank you.

4 Mr. Rodriguez, in the case of the murder of Kate  
5 Steinle, the individual, Mr. Sanchez, was here in the  
6 country illegally, obviously. He had been deported five  
7 times. That means that he was able to come back across the  
8 border illegally five times. Obviously, border security is  
9 something that we are very concerned about in Arizona and  
10 this Committee is extremely concerned about.

11 There is one program that we have had, Operation  
12 Streamline, in Arizona, a secure or assure consequences  
13 program, and it has helped significantly in Yuma. We have  
14 been able to bring repeat crossings down significantly. Yet  
15 the Department of Justice seems to be now backing away from  
16 that program. What are your thoughts there?

17 Mr. Rodriguez. Well, Senator, as you know, I  
18 administer the immigration benefits structure. I do not  
19 operate border security--

20 Senator Flake. I understand that, but--

21 Mr. Rodriguez. I certainly support border security. I  
22 am sure Commissioner Kerlikowske would be able to address  
23 those concerns that you have, sir.

24 Senator Flake. They are serious concerns. We want to  
25 make sure the programs that we actually have working

1 continue, and we have one that is working here in Arizona,  
2 and we are very concerned that it is not being fully  
3 implemented. The fact that Mr. Sanchez was able to so  
4 easily return across the border five times in the case in  
5 California is very disturbing, but not surprising, frankly.  
6 So I thank you for your testimony.

7 I appreciate it, Mr. Chairman.

8 Mr. Rodriguez. Thank you, Senator.

9 Senator Sessions. Thank you, Senator Flake.

10 Well, the Streamline Program, I do not think either one  
11 of you operate that, but I hope you will fight for it,  
12 because backing away from it, as Senator Flake has said, was  
13 very much a retrograde step. We are also familiar with the  
14 287(g). Ms. Saldana, you talk about cooperating with State  
15 and local officials. Your Department, Homeland Security,  
16 has dramatically weakened the 287(g) program, which trains  
17 local law enforcement officers how to properly and legally  
18 assist Homeland Security in carrying out its function.

19 Do you support the 287(g)? And what is the status of  
20 that?

21 Ms. Saldana. Well, yes. I am not sure what you are  
22 talking about with respect to weakening. We welcome any  
23 287(g) partners, and it is not--

24 Senator Sessions. Well, I would ask you then to just  
25 check the records and see if there has not been a diminution

1 of the 287(g) program, which I think should be expanded  
2 regularly.

3 Ms. Saldana. There has been, sir, but it is not  
4 because of us not wanting that partnership. It is because  
5 jurisdictions have either withdrawn or are not coming to the  
6 table anymore.

7 Senator Sessions. Well, we think it could be advanced  
8 and should be. Look, what the American people know and what  
9 the families of victims of violent crime know is that this  
10 administration has consistently and steadfastly placed the  
11 goal of amnesty above the goal of public safety. Time and  
12 time and time again, that has been the fact. And you are  
13 just functionaries in that system. You have been asked to  
14 do a system, but within the rules been given by the  
15 political leaders. And it is just not right, and it is  
16 wrong. We need to do more about that, and we need to see  
17 that end.

18 If this administration had spent one-tenth of the  
19 effort on enforcement and protecting people from crimes and  
20 punishing people who are criminals who violate our  
21 immigration laws rather on amnesty, we would be a lot safer  
22 today. Many of the people that have been injured, robbed,  
23 or killed by illegal aliens would be alive today. That is  
24 just fact. And everybody knows it. So I am concerned about  
25 it.

1           Ms. Saldana, Chris Crane is the head of the ICE  
2   Officers Association, 7,000 officers. They are the ones  
3   that filed a lawsuit against your predecessor saying that he  
4   was ordering them to carry out policies that required them  
5   to violate their oath to enforce the law. I have never  
6   heard of anything like that.

7           The statements, Mr. Rodriguez, that your officers said,  
8   12,000, led by Ken Palinkas, are just stunning in their  
9   criticism of supervisors and political leaders. Morale is  
10   down, and it is because they are not doing what they are  
11   paid to do, and they know it.

12          This is what Mr. Crane says, Ms. Saldana: "ICE is  
13   crumbling from within. Morale is at an all-time low as  
14   criminal aliens are released to the streets and ICE instead  
15   takes disciplinary action against its own officers for  
16   making lawful arrests. It appears clear that Federal law  
17   enforcement officers are the enemy, not those who break the  
18   laws."

19          He goes on to say: "ICE officers requested a meeting  
20   with President Obama and are still waiting. In that time,  
21   the White House has met with big business, big labor,  
22   illegal alien activists. The administration has ramped up  
23   its non-enforcement directives, putting officers and the  
24   public in danger. Every day, dangerous and violent criminal  
25   aliens are released back into our communities."

1           Those are the true facts of the situation here, and you  
2   can do better if you had leadership that would let you do  
3   better. We could do so much better. We have added  
4   thousands of officers since the last dust-up in 2007 over  
5   amnesty. And we ought to be in a position that we can make  
6   real progress.

7           Ms. Saldana. Senator, may I say something on that  
8   point?

9           Senator Sessions. Yes, you may.

10          Ms. Saldana. I am very--that is one of the first  
11   things that caught my attention when I joined the agency  
12   late last year or early this year. I am putting a lot of  
13   effort in trying to engage employees and what they do.

14          I will tell you this, though: I have met with Mr.  
15   crane several times now. I have met with Mr. Trumka, the  
16   head of the AFL-CIO, as well to discuss our mutual--their  
17   concerns, our mutual interests, and I will say, when I get  
18   out in the field--this is somewhat inconsistent with the  
19   portrayal that you have just described of our employees.  
20   They are so proud of the work they do, and they are so proud  
21   of being able to focus on criminal convicted aliens and  
22   removing them from the country. And they go about their  
23   business in a very efficient and good way, and they take  
24   pride in that. And I just want to mention that to you  
25   because that is a fact. I mean, that is what I have seen as

1 I have traveled across the country.

2 Senator Sessions. Well, I believe the facts show that  
3 this administration in a host of ways has failed to take  
4 strong action to help those officers do their duty and  
5 comply with their oath.

6 Mr. Rodriguez, Secretary Jeh Johnson, your supervisor,  
7 testified recently before the House, and you said that,  
8 "Comprehensive immigration reform, had it passed, we would  
9 know who the criminal aliens are." But that is not so well  
10 said because I do not think anyone that has a criminal  
11 warrant out for them or has a history of criminal activities  
12 is going to register for any of these programs that you have  
13 got. In fact, Mr. Johnson admitted as much, saying, "Most  
14 criminals do not subject themselves to criminal background  
15 checks." I agree with that.

16 So you are not saying, are you, that if we call for  
17 people to come and register on the DACA or the President's  
18 executive amnesty, that people with criminal records are  
19 going to waltz in and file with you so they can be arrested,  
20 are you?

21 Mr. Rodriguez. Well, so let me point out a few things,  
22 Senator, Chairman, if I may. One, some have, to their  
23 detriment. Even in the DACA program, some who had  
24 disqualifying criminal records did come and apply, and in  
25 many cases became the subjects of notices to appear. But

1 part of my point also is that those who were not criminals,  
2 those who committed no other illegal act other than their  
3 illegal entry into the United States but who are not  
4 murderers, robbers, or rapists are now on the record so that  
5 should they become criminals down the line, we know who they  
6 are.

7 For the most part, I think you are right. Your  
8 ordinary criminal will not register in the manner you  
9 described. They know what the detriment is.

10 I would also, Senator, if I could, invite you to tour a  
11 field office with me, because if you did that with me, you  
12 would see what I have seen, that our officers take pride in  
13 their work, they feel empowered in their ability to do their  
14 work, and they exercise their discretion, and the chips fall  
15 where they will, meaning that if there is a case to be  
16 denied, they do that. I have seen them do it firsthand.

17 Senator Sessions. Well, with regard to this DACA  
18 program and the process of providing a legal status to  
19 people in the country illegally, isn't it a fact that you  
20 have set it up so that there will not be in-person  
21 interviews for the people?

22 Mr. Rodriguez. Yeah, my point, it is--

23 Senator Sessions. Isn't it a fact that experts tell us  
24 that an in-person interview is critical to a proper  
25 evaluation of a person who is applying for legal status?

1           Mr. Rodriguez. And we do do in-person interviews in  
2     those cases that raise concerns that need to be investigated  
3     by our officers.

4           Senator Sessions. Well, how do you know if it is going  
5     to raise concern if you have not met with them?

6           Mr. Rodriguez. Because, again, another one of the  
7     things that I do is look through our files, and I know that  
8     at the time we are reviewing the file, there is extensive  
9     information about that individual, where our experienced,  
10    trained officers can identify if there is the kind of  
11    information about that individual that warrants an actual--

12          Senator Sessions. Well, Mr. Palinkas has been very  
13    clear in his opinion of what is going to work in the real  
14    world, and it has been set up so there will be very few in-  
15    person interviews, and he says that denies your officers the  
16    ability to make rational choices that can protect the public  
17    safety. So I guess you just disagree with him on that.

18          Mr. Rodriguez. I respectfully do.

19          Senator Sessions. Now, with regard to your processes,  
20    is it true that over 95 percent of the DACA applicants have  
21    been approved, or maybe 99 percent?

22          Mr. Rodriguez. I would not be able to tell you the  
23    specific percentages other than to say that there are a  
24    significant number who have been denied or--

25          Senator Sessions. So you do not know what percentage



1 have been denied?

2 Mr. Rodriguez. I could not as I stand before you,  
3 other than to say that it is a substantial number who have  
4 been denied because of criminality or national security--

5 Senator Sessions. Would you say less than one-half of  
6 1 percent is a substantial number?

7 Mr. Rodriguez. I would not say what the percentage is.

8 Senator Sessions. You do not know? I mean, you are  
9 the Director of this program.

10 Mr. Rodriguez. What matters to me is the manner in  
11 which--

12 Senator Sessions. I just asked a question. What  
13 matters to me is what percentage are being denied.

14 Mr. Rodriguez. Again, I could not tell you as I sit  
15 here before you. Again, I know that a significant number  
16 have been denied because of these kinds of--

17 Senator Sessions. Well, I am looking at a sworn  
18 statement by Mr. Palinkas in the lawsuit in Texas that we  
19 have referred to. "According to the most recent data I have  
20 seen"--this is his quote under oath: "According to the most  
21 recent data I have seen, USCIS reports a 99.5-percent  
22 approval rate for all DACA applicants. The approval rate is  
23 high because USCIS leadership"--you--"prevented immigration  
24 officers from conducting case-by-case investigations of DACA  
25 applications. Leadership has intentionally stopped proper

1 screening and enforcement, and in so doing, it has  
2 guaranteed that applications will be rubber-stamped for  
3 approval, a practice that virtually guarantees widespread  
4 fraud and places public safety at risk."

5 So I will ask you: Does this process allow for person-  
6 to-person interviews for even a substantial minority of--

7 Mr. Rodriguez. As I mentioned, when there are concerns  
8 that warrant such an interview, yes, the process does allow  
9 for it.

10 Senator Sessions. It goes on to say: "As explained  
11 above, by routing DACA applications through service centers  
12 instead of field offices all over the country, USCIS  
13 management has intentionally created an application process  
14 that bypasses traditional in-person investigatory interviews  
15 with trained USCIS adjudications officers."

16 So now the way this will work, I guess somebody sends  
17 in an e-mail or mails in a document--is that what they do?--  
18 and they are approved based on that?

19 Mr. Rodriguez. Well, there is obviously a lot of  
20 information that is collected--

21 Senator Sessions. How? How is the information--

22 Mr. Rodriguez. --from the requesters.

23 Senator Sessions. --collected?

24 Mr. Rodriguez. There are specific items that are  
25 required as part of the initial request. There are requests

1 for evidence that are subsequently sent to the requesters.  
2 There is a full suite of biographic and biometric checks to  
3 examine either criminal history issues or national security  
4 issues. That forms the entirety of a file. In those cases  
5 where those raise concerns, then, yes, those are referred  
6 for interviews.

7 Senator Sessions. Well, let me show you--go further  
8 with what Mr. Palinkas said under oath: "For example, a new  
9 USCIS computer system to screen applications known as  
10 'Transformation' has proved to be a disaster as the agency  
11 has spent upwards of \$2 billion for a system that would  
12 eventually allow an alien, now referred to as a 'customer,'  
13 under USCIS policy, as I previously stated, to upload their  
14 own information via the Internet for adjudication purposes."

15 So there will be information sent through some \$2  
16 billion computer system by Internet, and there will not be  
17 an interview of most of the applicants. Isn't that correct?

18 Mr. Rodriguez. I am not sure that--no, I really do not  
19 agree with that premise at all, Senator. A few things.

20 One, I believe we are--we have turned the corner on the  
21 transformation process. There is no doubt that historically  
22 there was a development approach that was not working. We  
23 recently launched the replacement green card; that has gone  
24 very, very well. It actually built a number of  
25 functionalities that we are going to be able to apply to

1 other forms.

2 The use of electronic filing as the means of receiving  
3 and then adjudicating applications does not change which  
4 programs will have interviews associated with them. That is  
5 not set to change as part of the transformation process.

6 Senator Sessions. Well, look, it is not going to be an  
7 in-person interview. Mr. Palinkas has said for years now  
8 they are overwhelmed and cannot do the kind of proper  
9 background check. You need to be defending the people's  
10 public safety. If you need more money to do this, you need  
11 to ask for it. If you want to rubber-stamp the process,  
12 keep doing it the way you are doing it.

13 Now, Ms. Saldana, Section 1373 of Title 8 of the U.S.  
14 Code provides, among other things, "a Federal, State, or  
15 local government entity or official may not prohibit or in  
16 any way restrict any Government entity or official from  
17 sending to or receiving from ICE information regarding a  
18 citizenship or immigration status, lawful or unlawful, of  
19 any individual."

20 Don't you think that resolutions by city councils or  
21 State governments or sheriffs in certain jurisdictions  
22 directing their officers not to honor detainers or otherwise  
23 notify ICE that they have arrested someone that is  
24 unlawfully in the country could violate or would violate  
25 Section 1373?

1           Ms. Saldana. Well, you know, all of that is part of  
2 litigation, Senator. Quite frankly, I think we have taken  
3 that position in litigation that that is the case.

4           Senator Sessions. That they did have to supply  
5 information? In other words, you have taken the position,  
6 which I think I understand you correctly, you are correct to  
7 say, Cities, you have to comply with this law?

8           Ms. Saldana. Yes. And, again, is it more practical to  
9 work through all this morass of litigation? Or can we work  
10 with these jurisdictions to try to get them to cooperate? I  
11 think it is the latter.

12          Senator Sessions. Well, I understand you are saying  
13 that, but forgive me if I am not persuaded. This has been  
14 going on for many years. It came up in 2007 when we had a  
15 debate about all of this. And it was wrong then, and it is  
16 wrong now. It has gotten to be--I think it is 300 or so  
17 jurisdictions that are sanctuary jurisdictions out of, what,  
18 17,000 maybe? But some are very big cities that have very  
19 large immigrant populations. And so it is a huge matter,  
20 but most cities are cooperating. And if you want to know  
21 what I hear, the complaints about the Federal Government  
22 enforcement from our law enforcement officers, it is that  
23 you will not allow them to help you, that if they arrest  
24 somebody and they call your office, nobody comes, nobody  
25 cares, nobody responds. And so that is the big problem we

1 have got in the country, maybe bigger than the other.

2 But, at any rate, I hope that you will understand, Ms.  
3 Saldana, that your talking with them is not going to change  
4 the situation. Do you have any cities that have indicated  
5 to you they are going to make a change in their policy?

6 Ms. Saldana. I mentioned the numbers earlier, sir.  
7 Just as a matter of focus, we have looked at these 49 in  
8 particular, and 33 are working--have come and said that they  
9 will work with us in some way or another--again, tailored to  
10 their needs. And we have only had five that really have  
11 said, of those 49, no. And we will continue working with  
12 them.

13 Senator Sessions. Well, I am sure that after all the  
14 events of the last few months, they certainly should be  
15 willing to listen about this. But I have serious doubts  
16 that we are going to see any change unless Congress takes  
17 some action or unless this administration takes some action.

18 Ms. Saldana, one problem I know you have that I am sure  
19 is frustrating to you is countries not taking back criminals  
20 that you have arrested and ordered deported. Can you tell  
21 us the status of that situation?

22 Ms. Saldana. Yes. As you know, the Department of  
23 State obviously has a vast interest in this, and I have  
24 worked with the Department of State and met with the  
25 individual who oversees these relationships, and we are

1 working very closely to try to open doors.

2 I went to China a couple of months ago, Beijing in  
3 particular, and China has been a challenge for us. And we  
4 signed together kind of an astounding agreement that they  
5 will actually have two people here to help process Chinese  
6 going back to the country who we are repatriating from this  
7 country. That is some progress. But we continue to work  
8 with them. I have worked with South American countries. I  
9 visited Guatemala and El Salvador, and we continue to work  
10 with my counterparts there to try to ensure that we have--  
11 and we actually have signed a memorandum of understanding  
12 with them regarding their citizens.

13 Senator Sessions. Working with them is one thing, but  
14 this has been going on for years also, many years. How long  
15 have you been in office?

16 Ms. Saldana. Seven months.

17 Senator Sessions. Seven months, so I cannot blame you  
18 for all that has gone on--

19 Ms. Saldana. Oh, you can.

20 Senator Sessions. --over the years. But I want you to  
21 know I understand that you have professional training and  
22 you understand the world. So are there powers and actions  
23 the United States Government can take without legislation  
24 that would put pressure on these countries to accept back  
25 individuals who we have ordered deported?

1           Ms. Saldana. Obviously, this is in the province of the  
2 Department of State largely because there are relationships  
3 with international countries. But, yes, I understand that  
4 they have some authorities to do that.

5           As you know, Senator, it is a very complex picture when  
6 it comes to international relationships, and one agency's  
7 issues may not hold sway over the bigger picture in the  
8 relationship with that country.

9           Senator Sessions. I remember Senator Specter, the  
10 former Chairman of this Committee, a number of years ago was  
11 outraged by all of this and actually offered legislation  
12 that would mandate reducing--or mandate a reduction of visas  
13 from countries that do not comply. Doesn't it cost you a  
14 lot of money and create huge time involvement in dealing  
15 with situations where a country will not take back one of  
16 their own?

17          Ms. Saldana. It is a great challenge, sir, and that is  
18 where we face issues under Zadvydas, for example, where we  
19 cannot get papers of cooperation from those countries, and  
20 we actually have to release them under that Supreme Court  
21 opinion after a certain period of time.

22          Senator Sessions. Under a Supreme Court opinion, if a  
23 country will not take them back and a year goes by?

24          Ms. Saldana. I think it is actually more like 180  
25 days.



1 Senator Sessions. 180 days, you have to release--

2 Ms. Saldana. Well, we can extend that period of time,  
3 but there is a point at which we have got to release them.

4 Senator Sessions. And that takes a lot of your  
5 officers' and agents' time and effort.

6 Ms. Saldana. It does, sir.

7 Senator Sessions. And you have to pay to house people  
8 in high-quality prisons while you are waiting on this  
9 instead of being able to deport them promptly.

10 Ms. Saldana. Yes, that is correct.

11 Senator Sessions. I have a recollection--was it Mr.  
12 von Raab, the Customs chief in years gone by, when he shut  
13 the border down with Mexico over some disagreement over  
14 their responsibilities? It caused quite a stir. He just  
15 closed the border. But I would just say to you, Ms.  
16 Saldana, I think it is time for the State Department and  
17 your Department to stand up and say we are not going to  
18 accept this anymore. If you do not accept back promptly  
19 people we deport, then you are going to suffer serious  
20 consequences. And any relationship that deals in visas is a  
21 reciprocal relationship, isn't it? So that if we accept  
22 people, then they agree to take them back. And, likewise,  
23 if they accept individuals from the United States and they  
24 deport them, we accept them back. Is there a law that  
25 requires that? Or is that just State Department agreements

1 with these countries?

2 Ms. Saldana. I am sorry. You are way above my  
3 knowledge here when it comes to the State Department and--

4 Senator Sessions. Well, you are going to have to stand  
5 up to the State Department. It looks like we all are. This  
6 cannot continue. We do not have the money to continue to  
7 bicker with these countries for years and years and years  
8 and not get this matter settled. So we will try to work on  
9 that, and I think legislation would be appropriate, too,  
10 although it is not necessary. If the President and the  
11 State Department stood up and were clear on it, it could be  
12 fixed promptly, in my opinion.

13 I may submit some additional questions for the record,  
14 but we are having some problem getting answers to our  
15 questions. Mr. Rodriguez, when do you plan to send us your  
16 responses to our questions for the record following the  
17 March hearing on oversight of your agency?

18 Mr. Rodriguez. As soon as possible. I thought we had  
19 satisfied all of those requests. We will make sure to get  
20 those to you as soon as possible.

21 Senator Sessions. I do not believe we have.

22 Mr. Rodriguez. If there are outstanding requests, I am  
23 obviously not happy about that, and we will act quickly to  
24 respond, sir.

25 Senator Sessions. Thank you. Well, the record will

1 remain open for one week, and if there is nothing further--  
2 but I will say one more thing.

3 Both of you are good law officers. You know how the  
4 system works, and I hope you know that things are not going  
5 as well as they should. A lot of that is because of  
6 administration policy. At some point you will have to  
7 decide whether you are going to execute that policy or not.  
8 Some of the policies I think cannot be defended. But I  
9 respect your integrity, and I appreciate your commitment to  
10 your country and your service to your country.

11 The hearing is adjourned.

12 Mr. Rodriguez. Thank you, Chairman.

13 Ms. Saldana. Thank you.

14 [Whereupon, at 1:12 p.m., the Committee was adjourned.]

# C O N T E N T S

| STATEMENT OF:                                                                                                                                        | PAGE |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Susan Oliver, Wife of Deputy Sheriff Danny Oliver,<br>Garden Valley, California                                                                      | 14   |
| Grace Huang, Public Policy Coordinator, Washington State<br>Coalition Against Domestic Violence, Seattle,<br>Washington                              | 21   |
| Michael Ronnebeck, Uncle of Grant Ronnebeck, Sacramento,<br>California                                                                               | 27   |
| Reverend Gabriel Salguero, The Lamb's Church of the<br>Nazarene, New York, New York                                                                  | 32   |
| Jim Steinle, Father of Kathryn Steinle, Pleasanton,<br>California                                                                                    | 38   |
| J. Thomas Manger, Chief of Police, Montgomery County<br>Police Department, Gaithersburg, Maryland, and<br>President, Major Cities Chiefs Association | 42   |
| Brian McCann, Brother of Dennis McCann, Chicago,<br>Illinois                                                                                         | 47   |
| Laura Wilkerson, Mother of Josh Wilkerson, Pearland,<br>Texas                                                                                        | 52   |
| The Honorable Leon Rodriguez, Director, U.S. Citizenship<br>and Immigration Services, Washington, D.C.                                               | 60   |
| The Honorable Sarah R. Saldana, Assistant Secretary,<br>U.S. Immigration and Customs Enforcement, Washington,<br>D.C.                                | 64   |