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October 5, 2016

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

Dear Assistant Secretary Saldaña:

Thank you for responding to my June 27, 2016, letter co-signed by Chairman Goodlatte regarding Yoni (Johnny) Josue Sanchez. Your responses and the information provided to me highlight several major weakness that allowed Sanchez to remain in the United States and commit criminal acts. I write to obtain further information regarding this case and U.S. Immigration and Customs Enforcement's (ICE) handling of Sanchez.

Sanchez was most recently arrested by the Los Angeles County Sheriff's Office (LACSO) on June 13, 2016, for five counts of murder and two counts of attempted murder. Sanchez allegedly set fire to a residence, killing five innocent individuals, including four people from Iowa.

It's clear that Sanchez lied about his birth date to the U.S. Border Patrol, allowing him to be processed as a juvenile and sent to a youth shelter in California after entering without inspection in November 2012. Because Sanchez was erroneously classified as a juvenile, he was placed in a juvenile facility in Fullerton, California, where he stayed for seven days until the Honduran Consulate in Houston, Texas, verified Sanchez's true birth date and provided a birth certificate showing he was not a juvenile. Upon receipt of this information, ICE regained custody and released Sanchez on an Order of Recognizance. Considering that Sanchez had intentionally misled federal authorities, it would seem inevitable that Sanchez would fail to appear before ICE as directed. Sanchez should have been detained until his removal was completed.

Even more problematic is that Sanchez was allowed to stay in the United States despite subsequent criminal activity. Sanchez was arrested three times before he allegedly started the fire in June. According to the responses sent to me, Sanchez was arrested in January, May and June of this year. He was arrested for domestic assault, where the victim reported that he kicked her head approximately ten times. He was also arrested for possession of a controlled substance on two other occasions.

Despite this criminal record, ICE never issued a detainer on Sanchez. Your responses do not explain why a detainer was not previously issued. Was Sanchez not considered a priority under the administration's Priority Enforcement Program (PEP)? Was ICE never informed of the previous arrests because of Los Angeles' sanctuary policies?

In order to learn if federal policies failed in this case or if sanctuary policies are to blame, please provide answers to the following questions no later than October 21.

1. Why did ICE release Yoni Josue Sanchez on November 13, 2012, after he had lied to Border Patrol agents about his birth date?
2. What is ICE's written policy about how to handle individuals who are apprehended by U.S. Border Patrol for illegal entry but have lied about their date of birth in order to be processed as a juvenile and be released?
3. How many individuals in fiscal years 2015 and 2016 have been determined to have lied about their birth date but were later confirmed not to be a juvenile?
4. When Sanchez was interviewed upon entry, he claimed he had family members in the country and that he traveled from Honduras with a brother and cousin. Has ICE taken any steps to locate those relatives?
5. Was ICE ever aware of Sanchez's previous arrests? Why didn't ICE issue a detainer on Yoni Josue Sanchez when he was arrested on January 2, 2016, for corporal injury of a spouse/cohabitant, or on May 27, 2016, when he was arrested for possession of paraphernalia of a controlled substance, or on June 8, 2016, when he was arrested for possession of a controlled substance?
6. What communication, if any, has ICE had with Los Angeles about its sanctuary policies?
7. Does Los Angeles Police Department (LAPD) or the LACSO participate in the administration's PEP program?
8. How many detainers or Requests for Notice, or Requests for Voluntary Transfer has LAPD and LACSO ignored in the last five years? How many requests have been honored?
9. How is ICE communicating with LACSO about this particular case involving Mr. Sanchez? Do you have any fear that the LACSO will release him without notifying your agency?

Thank you for your cooperation. Should you have any questions, please contact Kathy Nuebel Kovarik of my staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman