

# United States Senate

WASHINGTON, DC 20510

## VIA ELECTRONIC TRANSMISSION

August 30, 2022

The Honorable Ronald L. Davis  
Director  
United States Marshals Service  
2604 Jefferson Davis Highway  
Washington, D.C. 20530

Dear Director Davis,

We write to you today regarding reports that the United States Marshals Service (USMS) is considering a new policy to permit the release of dangerous, criminal aliens before U.S. Immigration and Customs Enforcement (ICE) is able to apprehend these illegal immigrants. According to a recent report, USMS has drafted a new policy that would require the release of detained illegal immigrants even if ICE has issued a detainer request asking the USMS to hold these illegal immigrants until ICE is able to apprehend them.<sup>1</sup>

We are deeply concerned to learn that USMS is even *considering* adopting a policy where it fails to cooperate with a fellow federal law enforcement entity. The partnership between USMS and ICE is critical to ensure that dangerous, criminal aliens are detained and deported. Preventing USMS from communicating with ICE would be a dereliction of federal immigration enforcement, and we strongly discourage you from proceeding with this proposed policy.

For years, cities and states across the country have pursued sanctuary city policies where they will refuse to cooperate with ICE. These sanctuary jurisdictions ignore ICE-issued detainer requests, and instead release potentially dangerous illegal immigrants into our communities.

The Biden Administration's failed immigration policies continue to fuel a crisis on our southern border. Since President Biden took office, CBP has had 3 million encounters with illegal immigrants at our southern border.<sup>2</sup> Further, there continues to be a growing number of "gotaways" entering the country due to the chaos at the border. Recent reports indicate over

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<sup>1</sup> Stephen Dinan, *Federal sanctuary: Marshals Service to stop holding illegal immigrants for ICE*, WASHINGTON TIMES (August 17, 2022), <https://www.washingtontimes.com/news/2022/aug/17/federal-sanctuary-marshals-service-stop-holding-il/>

<sup>2</sup> *Southwest Land Border Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited August 18, 2022).

500,000 illegal immigrants evaded capture so far in fiscal year 2022 (FY22).<sup>3</sup> These potentially dangerous, criminal aliens pose a significant risk to public safety, especially in states and communities that have adopted sanctuary policies.

While the number of illegal immigrants crossing our southern border is shocking, there are also serious concerns about the number of these illegal immigrants with criminal records, gang affiliations, or terrorist records. So far in FY22, CBP has apprehended over 9,000 criminal aliens, including 53 for homicide or manslaughter, 283 for sex crimes, and almost 900 for assault, battery, and domestic violence.<sup>4</sup> CBP also apprehended along the southern border 126 individuals on the terror watch list and 627 known gang members.<sup>5</sup>

Even Department of Homeland Security (DHS) Secretary Alejandro Mayorkas has spoken out against dangerous sanctuary city policies. Speaking before the U.S. Conference of Mayors, Secretary Mayorkas acknowledged that some cities are releasing illegal immigrants, “even if those individuals pose a public safety threat,” and that, “the public’s safety, the public’s well-being . . . is I think at issue.”<sup>6</sup> In light of this public safety risk, Secretary Mayorkas indicated he would be going to municipal leaders and “asking you to reconsider your position of non-cooperation . . .”<sup>7</sup>

In light of the overwhelming number of illegal immigrants entering through our southern border, the number of dangerous, criminal aliens being encountered, and even a warning from Secretary Mayorkas regarding the dangers of sanctuary city policies, we are deeply concerned about the proposed change in policies at USMS. As a matter of public safety and public policy, we request answers to the following questions by September 27, 2022:

- (1) What specific changes to USMS policy are being considered regarding ICE detainer requests?
- (2) Are you, in fact, contemplating a policy by which USMS would end cooperation with ICE and embrace sanctuary policies?
- (3) Who at your agency, or any other federal agency, directed the review of this policy?
- (4) Has there been consultation between USMS and its federal law enforcement partners at DHS and ICE? Do DHS and ICE support the proposed policy to no longer honor detainer requests? Why or why not?

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<sup>3</sup> Bill Melugin, *Illegal immigrant ‘gotaways’ crossing US-Mexico border number more than half a million, DHS sources say*, FOX NEWS (July 25, 2022), <https://www.foxnews.com/us/illegal-immigrant-gotaways-crossing-mexico-border-number-half-million-dhs-sources-say>

<sup>4</sup> *Criminal Noncitizen Statistics Fiscal Year 2022*, U.S. CUSTOMS AND BORDER PROTECTION <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics> (last visited August 18, 2022).

<sup>5</sup> *CBP Enforcement Statistics Fiscal Year 2022*, U.S. CUSTOMS AND BORDER PROTECTION <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (last visited August 18, 2022).

<sup>6</sup> *Secretary Mayorkas Delivers Remarks at the U.S. Conference of Mayors*, U.S. DEPARTMENT OF HOMELAND SECURITY (January 20, 2022) <https://www.dhs.gov/news/2022/01/20/secretary-mayorkas-delivers-remarks-us-conference-mayors>

<sup>7</sup> *Id.*

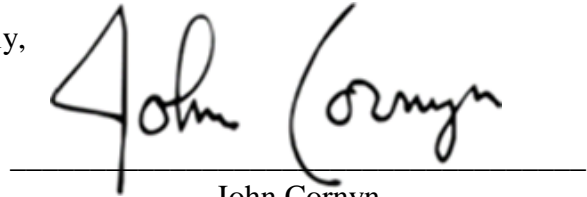
(5) Have you collected data to justify this sanctuary policy? What information did you rely upon, and in what ways did you consider public safety and national security?

Sanctuary policies pose a serious threat to our communities and to our country. We look forward to learning more about the proposed sanctuary policy at USMS, and hope you and agency leadership will reconsider this policy change.

Sincerely,



Thom Tillis  
United States Senator



John Cornyn  
United States Senator



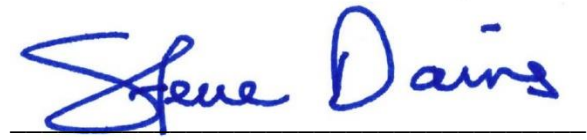
Michael S. Lee  
United States Senator



Mike Braun  
United States Senator



James M. Inhofe  
United States Senator



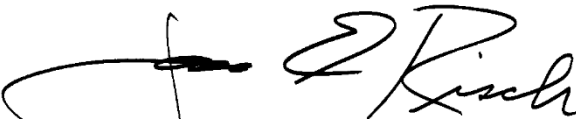
Steve Daines  
United States Senator



Marsha Blackburn  
United States Senator



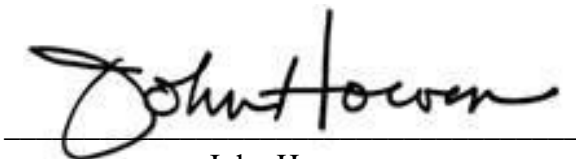
Tom Cotton  
United States Senator



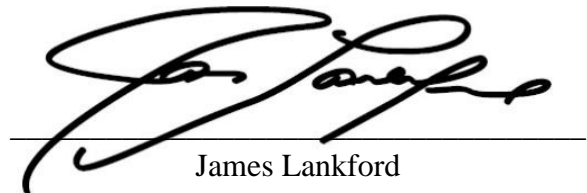
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United States Senator



Kevin Cramer  
United States Senator



John Hoeven  
United States Senator



James Lankford  
United States Senator