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# United States Senate

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## VIA ELECTRONIC TRANSMISSION

September 29, 2020

The Honorable William P. Barr  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Barr,

On Monday, Immigration and Customs Enforcement (ICE) announced the results of its most recent operation to target dangerous criminal aliens in North Carolina. The ICE Fugitive Operations Teams in Mecklenburg County successfully apprehended twelve criminal aliens last week, six of whom had been released despite having an active ICE detainer. I applaud the work of ICE and of the Department of Homeland Security (DHS) to get these dangerous criminal aliens off the streets, and to protect public safety.

The immigration detainer is an important tool for stemming the tide of criminal activity caused by dangerous individuals. When ICE issues a detainer, it is requesting that communities cooperate with the agency to detain criminal aliens until federal authorities can apprehend and deport them. In defiance of law and logic, sanctuary cities and states refuse to honor these detainers, refuse to share information about criminal aliens in custody, and will release these dangerous individuals back out onto the streets.

As you may know, I introduced two bills which would put an end to sanctuary city policies. The *Justice for Victims of Sanctuary Cities Act* would allow victims and families to sue sanctuary cities as a result of a violent crime committed by an illegal immigrant. I also introduced the *Immigration Detainer Enforcement Act* which would clarify DHS detainer authority, clearly establish the authority of states and localities to maintain custody of criminal aliens, and incentivize cooperation between local law enforcement and DHS.

Both of these bills share the underlying principle that communities which perpetuate sanctuary policies should not be rewarded with certain federal funds when they are failing to properly protect public safety. This is similar to the policies embraced by DOJ under your predecessor, and continued under your leadership, to hold accountable communities that have abdicated common sense.

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In North Carolina, we have had a number of municipalities join the ranks of sanctuary cities, particularly in the last two years. Our state's two largest counties, Mecklenburg and Wake, have made it their policy not to honor ICE detainers or to communicate with ICE about arrests of dangerous criminal aliens.

The sanctuary sheriffs in these counties claim that compliance with detainers is not necessary, and hampers their ability to protect public safety. This is simply wrong. For example, ICE highlighted the following cases in its announcement about Mecklenburg County:

- A Guatemalan national who was charged with assault on a female and with driving while intoxicated. He was arrested on August 23 and a detainer was issued the same day. On August 27 he was released back into the community.
- A Nicaraguan national charged with breaking and entering, and with larceny. A ICE detainer was issued on July 21, the date of his arrested. Despite the detainer, he was still released that same day.
- Another Nicaraguan national was arrested for assault with a deadly weapon inflicting serious bodily injury. He was arrested on June 15. ICE issued a detainer on June 16, but he was still released that same day back onto the streets.

These arrests of dangerous criminal aliens are just three of twelve which occurred in Mecklenburg County last week. While ICE continues to do its best under the circumstances to detain and deport them, sanctuary city policies willfully place these dangerous criminal aliens back on the streets in contravention of the rule of law and public safety.

Sanctuary jurisdictions are a clear threat to the peace and security of hard-working American citizens and to the people of North Carolina. I very much appreciate the steps you have taken the past two years to combat sanctuary jurisdictions but now, more than ever, further action is needed. Accordingly, I ask that you answer the following questions by no later than October 29, 2020:

- 1) What steps are you taking to ensure the safety of American citizens in lawless sanctuary jurisdictions? Are you coordinating your efforts with Acting Secretary Wolf at the Department of Homeland Security?
- 2) What actions are you taking to work with lawless sanctuary jurisdictions and ensure they comply with legitimately issued ICE detainers?
- 3) What additional tools, resources, or authorities does the Department need to protect American citizens and ensure compliance with ICE detainers by lawless sanctuary jurisdictions?

Thank you for your attention to this important issue. I welcome the opportunity to continue working with your Department, and to continue making the public case for why we need to end these dangerous sanctuary city policies.

Sincerely,

A handwritten signature in blue ink that reads "Thom Tillis". The signature is written in a cursive style with a large initial "T".

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Thom Tillis  
United States Senator