

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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March 25, 2024

Ms. Claire Trickler-McNulty
Assistant Director, Office of Immigration Program Evaluation
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, DC 20024

Dear Ms. Trickler-McNulty:

The Committee on the Judiciary is conducting oversight of the Biden Administration's enforcement of federal immigration law. Our oversight includes an examination of actions by Immigration and Customs Enforcement (ICE) during the worst illegal immigration crisis in our nation's history. As the Assistant Director for the Office of Immigration Program Evaluation, we believe you are uniquely situated to inform our oversight and we ask for your cooperation.

At a time of historic illegal immigration into the United States, ICE continues to detain and remove from the United States only a small percentage of illegal and criminal aliens. For example, "in fiscal year 2023, ICE removed 41 percent fewer aliens with criminal convictions and criminal charges than in fiscal year 2020—and nearly 60 percent fewer than in fiscal year 2019."¹ For fiscal year 2023, the average daily detained population was nearly half of that from fiscal year 2019.² During the same time period, ICE removed from the interior of the country only half the number of aliens as in fiscal year 2019.³

This decrease in removals and detention coincides with at least 617,607 criminal aliens on ICE's non-detained docket, meaning that aliens with criminal convictions or pending criminal

¹ See H. Comm. on the Judiciary, Interim Staff Rep., *New Data Reveal Worsening Magnitude of the Biden Border Crisis and Lack of Interior Immigr. Enf't*, at 8 (Jan. 18, 2024), https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-01-18-new-data-reveal-worsening-magnitude-of-the-biden-border-crisis-and-lack-of-interior-immigration-enforcement.pdf?_gl=1*_um0tzz*_ga*MTEwNTc0NDU4Ni4xNjc1ODY1NjU0*_ga_1818ZEQW81*MTcwNzQxNDIxNS4xMy4xLjE3MDc0MTU2NzQuMC4wLjA [hereinafter Jan. Interim Staff Rep.].

² U.S. Immigr. and Customs Enf't, *ICE Annual Report, Fiscal Year 2023*, U.S. DEP'T OF HOMELAND SEC. at 21 (Dec. 29, 2023), <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2023.pdf> [hereinafter FY 2023 ICE Annual Report].

³ *Id.* at 28.

charges are out on American streets and “free to reoffend.”⁴ Meanwhile, the number of aliens with final orders of removal grew to more than 1.3 million as of December 10, 2023,⁵ and the non-detained docket exceeded 6.2 million cases.⁶

In the face of these unprecedented numbers, you have touted the benefits of “alternatives to detention” (ATD). In a webinar with the Migration Policy Institute in September 2021, you stated, “We should be looking very critically about how we use detention, who’s placed in detention, how long they are in detention, and what we can do to use it, you know, as judiciously as possible.”⁷ You also stated that ICE “should always be looking to see if there is an alternative [to detention] that would be appropriate” and noted that ICE should use its detention resources “only when absolutely necessary.”⁸

Your decision to emphasize ATD comes after a leaked 2020 draft ICE report concluded that ATD “has ‘little value,’ is of ‘significant expense’ and saw the vast majority of illegal immigrants enrolled in the program for their entire immigration proceedings eventually abscond.”⁹ More recently, a high-profile criminal alien gang member allegedly absconded from ATD after “he cut off the ankle monitor in Colorado” and went on to commit crimes in the United States.¹⁰ The Biden Administration’s ATD also includes a new program for illegal alien “young adults” and family units, in which ICE officials admitted there have been zero consequences for aliens who have failed to comply with the conditions of their ATD.¹¹ The lack of consequences and accountability is emblematic of the Biden Administration’s open-borders policies that reward illegal aliens to the detriment of American citizens and legal immigrants.

As the Assistant Director for the Office of Immigration Program Evaluation, you have information that is relevant and necessary to our oversight of the Executive Branch’s enforcement of federal immigration law. Accordingly, we request that you make yourself available for a transcribed interview with the Committee as soon as possible. Please contact Committee staff by April 8, 2024, to schedule your transcribed interview.

The Judiciary Committee is authorized to conduct oversight of federal immigration law pursuant to the Rules of the House of Representatives.¹² If you have any questions, please

⁴ Jan. Interim Staff Report, *supra* note 1, at 9.

⁵ *Id.* at 8.

⁶ FY 2023 ICE Annual Report, *supra* note 2, at 8.

⁷ *From Immigrant Detention to a More Effective U.S. Immigration Custody System*, MIGRATION POLICY INSTITUTE (Sept. 2, 2021), <https://www.migrationpolicy.org/events/more-effective-us-immigration-custody-detention-system>.

⁸ *Id.*

⁹ Adam Shaw, *Leaked ICE doc shows ‘Alternatives to Detention’ program has ‘little value’ but ‘significant expense’*, FOX NEWS (Apr. 27, 2022, 11:55 AM), <https://www.foxnews.com/politics/alternatives-detention-program-enrolled-illegal-immigrants-abscond>.

¹⁰ Luke Barr, *Diego Ibarra, brother of University of Georgia murder suspect, to remain in federal custody*, ABC NEWS (Mar. 7, 2024, 3:32 PM), <https://abcnews.go.com/US/brother-university-georgia-murder-suspect-remain-federal-custody/story?id=107890018>.

¹¹ Response to Get-Backs from Briefing on Young Adult Case Management Program provided to Comm. staff (Mar. 3, 2024) (on file with Comm.).

¹² Rules of the U.S. House of Representatives, R. X (2023).

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contact Committee staff at (202) 225-6906. If you are represented by private counsel, please ask your attorney to contact Committee staff on your behalf.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan".

Jim Jordan
Chairman

A handwritten signature in blue ink that reads "Tom McClintock".

Tom McClintock
Chairman
Subcommittee on Immigration
Integrity, Security, and Enforcement

cc: The Honorable Jerrold L. Nadler, Ranking Member

The Honorable Pramila Jayapal, Ranking Member, Subcommittee on Immigration
Integrity, Security, and Enforcement