



Written by [Warren Mass](#) on September 2, 2014

ICE Released 169 Illegals Convicted of Homicide in Fiscal 2013

In an August 15 letter to Sen. Chuck Grassley (R-Iowa), Thomas Winkowski, principal deputy assistant secretary of U.S. Immigration and Customs Enforcement (ICE), acknowledged that in Fiscal Year 2013, ICE released 36,007 criminal aliens from ICE custody. The letter admitted that 169 of these had a “homicide-related conviction,” and that 131 have been “issued a final order of removal.” Furthermore, noted the letter, 154 of the 169 were released pursuant to court order or due to [the court case known as] *Zadvydas*.”



Zadvydas v. Davis was a case decided by the Supreme Court in 2001, in which the high court ruled that immigrants under order of deportation, but for whom the United States cannot find a country willing to accept them, may not be held indefinitely. To justify detention of immigrants for a period longer than six months, the government was required to show removal in the foreseeable future or special circumstances.

In his reply to Grassley’s inquiry, Winkowski said, “ICE had no discretion for the releases of many of these individuals. In general, the various types of releases from custody include bond, order of recognizance, order of supervision, alternatives to detention, and parole.”

Grassley posted on his website both his June 9 letter to Homeland Security Secretary Jeh Johnson, and the response from Winkowski. (Apparently, a letter from a veteran U.S. senator does not merit a personal reply from a cabinet member.)

In his letter, Grassley noted: “According to multiple news reports, in 2013, U.S. Immigration and Customs Enforcement (ICE) released from its custody 36,007 immigrants who had been convicted of a crime and were awaiting the outcome of deportation proceedings.” More seriously, noted the Iowa senator, “This included 116 individuals who had been convicted of homicide, with a total of 193 homicide convictions between them.” (As noted above, ICE admitted to 169 individual aliens convicted of homicide — higher than the 116 Grassley cited in his letter to Johnson. However, because a few individuals were convicted more than once, said Grassley, total convictions numbered 193.)

Grassley asked Johnson to provide a case summary for each homicide convict who was released from ICE custody in 2013, including whether the release in question was “mandatory” or discretionary.

In his reply to Grassley, Winkowski enclosed a document listing the names and locations of the detention facilities from which the aliens with homicide-related convictions were released during FY 2013.

In a post on his Senate website, Grassley wrote: “ICE’s response showed that the administration failed to put procedures in place to ensure public safety and national security.”



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In yesterday's article, we reported that figures released recently by the Obama administration's Health and Human Services Department indicate that our federal government has released 37,477 children or teenaged illegal aliens into "safe settings with sponsors" between January 1 and July 31.

An August 29 *Investor's Business Daily* editorial raised an important point regarding these releases: "... 80 percent of the illegal minors being released into society are males over the age of 14 who are of prime gang recruiting age."

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