

**EXHIBIT 7**

## Exhibit 7

# U.S. misinformed Congress, public on immigrant release



Brad Heath, USA TODAY

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(Photo: Alex Wong, Getty Images)

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The records, obtained by USA TODAY, show immigration officials released some undocumented immigrants who had faced far more serious criminal charges, including people charged with kidnapping, sexual assault, drug trafficking and homicide.

The release sparked a furor in Congress. Republican lawmakers accused the Obama administration of setting dangerous criminals free. In response, U.S. Immigration and Customs Enforcement said it had released "low-risk offenders who do not have serious criminal records," a claim the administration repeated to the public and to members of Congress.

The new records, including spreadsheets and hundreds of pages of e-mails, offer the most detailed information yet about the people ICE freed as it prepared for steep, across-the-government spending cuts in February 2013. They show that although two-thirds of the people who were freed had no criminal records, several had been arrested or convicted on charges more severe than the administration had disclosed.

ICE spokeswoman Gillian Christensen acknowledged the discrepancy. She said "discretionary releases made by ICE were of low-level offenders. However, the releases involving individuals with more significant criminal histories were, by and large, dictated by special circumstances outside of the agency's control."

Lawmakers expressed concern. Sen. John McCain, R-Ariz., said it is "deeply troubling that ICE would knowingly release thousands of undocumented immigrant detainees – many with prior criminal records – into our streets, while publicly downplaying the danger they posed."

Immigration authorities detain an average of about 34,000 people a day. Although the agency regularly releases immigrants who have been charged with serious crimes, it typically does so because their legal status has changed or because they cannot be deported — not as a way to save money. That distinction, combined with the fact that last year's release happened abruptly and with no advance notice, fed the partisan firestorm that followed.

ICE pays an average of \$122 a day for each immigrant it keeps in detention.

The detainees were awaiting deportation or hearings in immigration court. The release did not stop those proceedings; instead, most were released with electronic monitors or other forms of supervision.

In hearings last year, Republican lawmakers pressed then-ICE Director John Morton for specifics on the criminal records of the people the agency had freed. At one, Rep. J. Randy Forbes, R-Va., asked Morton directly, "No one on that list has been charged or convicted with murder, rape or sexual abuse of a minor, were they?"

Morton answered, "They were not."

He told lawmakers that, to his knowledge, none had faced child pornography charges.

White House spokesman Jay Carney similarly described them as "low-risk, non-criminal detainees."

A spreadsheet ICE officials prepared listing the detainees includes one person in Texas charged with aggravated kidnapping and sexually assaulting a child, as well as others charged with armed assaults or assaulting police officers. Another immigrant released from Miami had been charged with conspiracy to commit homicide. Two detainees from Boston had been charged with aggravated assault using a weapon. One in Denver had a sexual assault charge. The agency released the spreadsheet to USA TODAY under the Freedom of Information Act.

ICE's records do not indicate whether the detainees were convicted of those crimes or merely charged with them. The agency said it would not release information identifying any of the detainees because doing so would invade their privacy, so it was impossible to examine the details of their cases.

Morton, who resigned last year, told Congress that the more than 2,200 immigrants ICE released included 629 people with criminal records, all of them people who had been charged with misdemeanors "or other criminals whose prior conviction did not pose a violent threat to public safety."

That accounting did not include 144 other detainees whose release ICE records attribute to "special issues." Most often, that meant the detainees were let go because the agency had little chance of deporting them in the near future. The Supreme Court has said the government generally cannot hold immigrants for more than six months if it has no prospect of deporting them. To save money, ICE freed some detainees before the six-month clock ran out.

Homeland Security officials have acknowledged that ICE handled the detainee release badly. The department's inspector general concluded in August that the cost-cutting efforts were so rushed and mismanaged that top officials never informed the White House or then-Homeland Security Secretary Janet Napolitano. Nonetheless, its audit concluded that officials acted "appropriately" in selecting which undocumented immigrants should be released.

The former head of ICE's detention operation, Gary Mead, said that if officials provided incorrect information to the public, they did not do so deliberately. Rather, he said, the release happened so quickly that ICE managers in Washington did not know precisely who had been released until after the episode had been reported by the news media.

"We had been asking for some time whether we would have enough money to sustain the level of detention we had, and we didn't get an answer," Mead said. "When we did get an answer, it was that we had to start releasing people today."

<http://www.usatoday.com/story/news/nation/2014/10/22/immigration-detainees-released-criminal-records/17714925/>