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Enforcement and Removal

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ICE issues subpoenas to obtain information refused under NY sanctuary policies

ICE begins using longstanding legal authority to demand information regarding criminal aliens

NEW YORK — U.S. Immigration and Customs Enforcement (ICE) served four immigration subpoenas Friday on the New York Department of Corrections (NYDOC) requesting information on multiple illegal aliens who were criminally arrested in New York City, and yet under New York's non-cooperation policies officials have refused to honor ICE detainers or even provide ICE with information about the release dates of criminal alien public safety threats. Issuance of these immigration subpoenas was necessary because the NYDOC has continued to ignore ICE's requests for information and cooperation.

"Like any law enforcement agency, we are used to modifying our tactics as criminals shift their strategies; but it's disheartening that we must change our practices and jump through so many hoops with partners who are restricted by sanctuary laws passed by politicians with a dangerous agenda," said Henry Lucero, acting Deputy Executive Associate Director for ICE's Enforcement and Removal Operations.

ICE uses statutorily-authorized immigration subpoenas to obtain information as part of investigations regarding potential removable aliens. ICE has not historically needed to use its lawful authority to issue these subpoenas to obtain information from other law enforcement agencies as most law enforcement agencies throughout the country willingly provide ICE with information regarding aliens arrested for crimes in the interest of public safety.

ICE is using every tool available to obtain information regarding the whereabouts and other relevant information regarding removable aliens from jurisdictions that chose to, or are unable to, cooperate with ICE. The criminal aliens about whom ICE sought information from NYDOC include:

- A 21-year-old unlawfully present Guyanese national, who was arrested on January 10, by the NYPD and charged with murder, sexual abuse, contact by forcible compulsion, and sexual abuse of a 92-year old woman. He was previously released from local law enforcement custody in November 2019, despite ICE having lodged a detainer against him, due to New York City's sanctuary policies;
- A 26-year-old citizen of El Salvador who was arrested in September 2019, for assault and is wanted in El Salvador for homicide. He was moved to Rikers Island, and ICE lodged a detainer against him. However, ICE is actively attempting to locate him in the community because he was released by NYDOC in December;

- A 38-year old citizen of Mexico who was arrested in January 2019, by the NYPD for attempted rape, unlawful imprisonment and attempted assault. He had two prior arrests by the NYPD for other criminal activity. ICE issued a detainer at the time of his last arrest, but he was released by NYDOC after posting bail;
- A 38-year-old citizen of Mexico who was arrested by NYPD in October 2019, on drug charges. ICE lodged a detainer against him but recently confirmed he had been released and the ICE detainer was declined. Previously, in 2012, he was sentenced to 60 months in federal prison for attempting to import methamphetamine. He has been previously removed to Mexico and currently there is a federal warrant for his arrest for illegal re-entry charge.

This week, ICE also issued four immigration subpoenas to the Denver Justice Center. Should the law enforcement agencies neglect or refuse to respond to the subpoena, an immigration officer may coordinate with the U.S. Attorney's Office for the district in which the subpoena was issued to seek an order from the U.S. District Court requiring production pursuant to INA § 235(d)(4)(B), 8 C.F.R. § 287.4(d).

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