

Congress of the United States

Washington, DC 20515

September 1, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

David J. Venturella
Acting Director
U.S. Immigration and Customs Enforcement
Washington, D.C. 20536

Dear Secretary Mullin and Acting Director Venturella:

I write to you concerning assertions that were recently made by the Department of Homeland Security (DHS) to the media regarding New York's sanctuary policies and cooperation with U.S. Immigration and Customs Enforcement (ICE). According to media reporting, DHS asserted that, since January 2026, New York's failure to honor ICE detainer requests resulted in the release of 6,947 individuals whom DHS described as "criminally convicted illegal immigrants." DHS further claimed that the criminal histories associated with these individuals included, "29 homicides, 2,509 assaults, 199 burglaries, 305 robberies, 392 dangerous drug offenses, 300 weapons offenses and 207 sexual predatory offenses."¹

As you know, New York State's sanctuary policies do not prohibit cooperation with federal immigration authorities, as your administration has repeatedly and falsely claimed.^{2 3} New York's sanctuary policies are designed to ensure that state and local law enforcement officers focus their limited resources on combatting crime and ensuring public safety, not on assisting the federal government in its civil immigration enforcement efforts.⁴ Those policies also permit and facilitate targeted cooperation with federal authorities to ensure the transfer of custody of noncitizens who have been convicted of a removable crime upon the completion of their sentence.⁵

¹ Melugin, Dem Demands One Case Where Sanctuary Cities Didn't Turn Over Illegal Immigrants; DHS Provides List, Fox News (July 28, 2026), <https://www.foxnews.com/politics/dem-demands-one-case-sanctuary-cities-didnt-turn-over-illegal-immigrants-dhs-provides-list>.

² Will Sanctuary Cities Be Held Accountable for Obstructing ICE: Stephen Miller, YouTube (The Economic Times, Apr. 18, 2025), https://youtu.be/2l-mYPc27fg?si=w_yLWfwHmE--Tb59&t=21.

³ Nick Reisman, Trump Administration Sues New York Over Sanctuary Immigration Policies, Politico (Feb. 12, 2025), <https://www.politico.com/news/2025/02/12/trump-new-york-sanctuary-immigration-lawsuit-00203976>.

⁴ Kathy Hochul, Governor of N.Y., Governor Hochul Highlights New Laws to Protect New Yorkers and Stand Against ICE Overreach, Governor Kathy Hochul (May 29, 2026), <https://www.governor.ny.gov/news/governor-hochul-highlights-new-laws-protect-new-yorkers-and-stand-against-ice-overreach>. Nick Reisman, Trump

⁵ N.Y. Att'y Gen., Immigration Enforcement: Guidance Concerning Local Authorities' Participation in Immigration Enforcement and Model Provisions (Jan. 2025), <https://ag.ny.gov/police-departments-law-enforcement/immigration-enforcement>.

As Governor Hochul explained during her testimony before Congress, New York State’s policy permits state authorities to notify federal officials in advance of an individual’s scheduled release date to coordinate a transfer to ICE custody prior to deportation.⁶ If ICE does not assume custody at the end of a removable immigrant’s sentence — as I understand is occasionally the case in New York⁷ — the state understandably must release the individual so as not to deprive the liberty of that person without justification. New York City’s sanctuary policies⁸ also do not prohibit City officials from cooperating with ICE when presented with a judicial warrant related to a recent conviction for certain violent or serious offenses including murder, assault, a sex offense, or terrorism-related criteria.⁹

If indeed New York has failed to provide ICE with the opportunity to assume custody of nearly 7,000 individuals upon the completion of their sentences for criminal convictions that are enumerated as removable offenses in the Immigration and Nationality Act (INA) of 1952, that would indeed be concerning.

However, being provided with the underlying data is essential. For example, how many of the 7,000 individuals have been *convicted* for crimes that are subject to removal under the INA, as opposed to unresolved *charges* for such crimes? While I recognize that the Trump administration does not believe in due process for non-citizens, the constitution and the law still adheres to the presumption of innocence until proven guilty. In addition, how many of the individuals had previously been convicted but were never in custody for that conviction? Or due to that conviction. DHS also failed to explain whether local officials formally received the detainer request before the person’s release; whether ICE was notified of the scheduled release date; whether ICE followed the necessary process and secured a judicial warrant to support continued detention or a transfer of custody; and in how many cases did ICE simply fail to appear to take custody of an individual.

Of the 6,947 cases, DHS merely cited “at least 12 cases” that involved “illegal immigrants arrested for violent crimes who New York authorities released despite ICE detainer requests.” However, you have not provided the underlying data for each of these 12 cases (much less the additional 6,935 cases you cited).

Accordingly, I formally request that DHS and ICE provide the underlying data, methodology, and any records that support the 6,947 cases cited to the media, including the following information:

1. What is the total number of unique individuals represented in the 6,947 figure? Please clarify whether any person was counted more than once because of multiple detainer requests, arrests, charges, convictions, or release events.

⁶ Kathy Hochul, Governor of N.Y., Written Testimony Before the H. Comm. on Oversight & Government Reform, A Hearing with Sanctuary State Governors (June 12, 2025), <https://www.congress.gov/119/meeting/house/118379/witnesses/HHRG-119-GO00-Wstate-HochulK-20250612.pdf>.

⁷ *Id.*

⁸ *Id.*

⁹ New York Times, *Why New York Is a Sanctuary City, and How That Could Change Under Trump* (Jan. 17, 2025), <https://www.nytimes.com/2025/01/17/nyregion/sanctuary-city-nyc-trump.html>.

2. Please provide a jurisdiction-by-jurisdiction breakdown identifying the New York State, New York City, county, municipal, or other agency that DHS alleges failed to honor each detainer.
3. Please provide data and information identifying the number of individuals who, at the time of the alleged release:
 - a. had been convicted of a removable offense under the INA;
 - b. had completed the sentence imposed for that conviction;
 - c. were subject to a final order of removal;
 - d. had an immigration detainer lodged;
 - e. were facing pending charges but had not been convicted of a crime; or
 - f. were released pursuant to bail, a court order, or dismissal of charges
4. Since January 20, 2025, how many cases was DHS notified of an individual's scheduled release data but failed to arrive or coordinate with New York officials in order to assume custody? Please specify which cases.
5. The number of cases in which New York State or local officials provided ICE with advance notice of the individual's scheduled release date, time, and location.
6. The number of cases in which ICE requested that a New York agency continue holding an individual beyond the person's scheduled release date.
7. Please provide the immigration status of the individuals in the 6,947 cases.
8. How many of the individuals were sentenced to jail time?
9. The number of detainees that were accompanied by the following:
 - a. a warrant or order issued by a federal judge or magistrate judge;
 - b. an administrative immigration warrant signed by an ICE officer;
 - c. only an ICE detainer form; or
 - d. no accompanying warrant.
10. The number of cases in which ICE failed to pick up the detained individual(s) after receiving advanced notice from New York officials.
11. For cases involving New York City, please provide the number of cases in which:
 - a. ICE provided a judicial warrant as required by City law;
 - b. the individual had a qualifying recent conviction for a violent or serious offense under City law;
 - c. both requirements were satisfied; or
 - d. One or both requirements were not satisfied.
12. For the 12 cases which "contradict" my claims, please provide details of those cases, including whether:

- a. an individual was convicted;
- b. an individual served their time;
- c. an individual was removable under the INA but not turned over by state or local officials;
- d. DHS was notified of an individual's scheduled release data but failed to arrive or coordinate with New York officials in order to assume custody; or
- e. the detainer request was accompanied by a judicial warrant (for the cases involving New York City).

I request a complete response by September 11, 2026, and look forward to getting to the bottom of your claims.

Sincerely,

A handwritten signature in black ink, appearing to be "Dm", written over a horizontal line.