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February 12, 2016

Ms. Sarah Saldaña
Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Dear Ms. Saldaña:

I write regarding the most recent in a string of decisions from the U.S. Court of Appeals for the Ninth Circuit about the detention of criminal aliens, *Rodriguez v. Robbins*. On October 25, 2015, a panel of the Ninth Circuit upheld in part a permanent injunction requiring criminal aliens to be given bond hearings before immigration judges if they are subject to “prolonged detention” for six-months or longer. The panel of the court also concluded that the government “bears the burden of proving by clear and convincing evidence that the [criminal alien] is a danger to the community or a flight risk.”

As a result it is likely that thousands of criminal aliens have been or will be released into the population during the pendency of their removal proceedings. This can only serve to frustrate legitimate enforcement of our immigration laws and put the safety of the public at risk.

I would appreciate responses to the following questions:

1. How many criminal aliens released on bond pursuant to the *Rodriguez* injunction have been re-arrested?
2. How many criminal aliens released on bond pursuant to the *Rodriguez* injunction have been ordered removed in absentia?

I appreciate your attention to this matter, in strict accordance with all existing agency rules, regulation, and ethical guidelines. I look forward to your prompt response.

Sincerely,



JEFF FLAKE
United States Senator