

United States Senate
WASHINGTON, DC 20510

September 3, 2020

VIA ELECTRONIC SUBMISSION

The Honorable Tony H. Pham
Acting Director
U.S. Immigration and Customs Enforcement
Washington, D.C. 20536

The Honorable Joseph Edlow
Deputy Director for Policy
U.S. Citizenship and Immigration Services
Washington, D.C. 20001

Dear Acting Director Pham and Deputy Director Edlow:

We are writing to you regarding the case of Ivan Robles Navejas, who is a Mexican national accused of killing four motorcyclists and injuring several other members of the Thin Blue Line Law Enforcement Motorcycle Club while driving intoxicated on July 18, 2020.¹ We are concerned by reports that this individual was in the United States unlawfully and, despite having been encountered by law enforcement and immigration officials on previous occasions, no action was taken to ensure that this criminal alien was removed from our communities.

This is not the first time that Mr. Navejas has been accused of committing crimes within our communities. He has faced previous charges including resisting arrest in 2013, driving while intoxicated in 2016, and, most concerning of all, aggravated assault in 2018.² We are disturbed by the fact that, despite these egregious charges, Mr. Navejas has been permitted to continue residing in the United States, further endangering our citizens.

Furthermore, we were also disturbed to read that Mr. Navejas was shielded from deportation with status granted under the Obama-era Deferred Action for Childhood Arrivals (DACA) program in 2013.³ After his DACA status subsequently expired in 2015, he remained unlawfully present in the United States without consequence and was afforded the opportunity to re-offend. Media reports indicate that Mr. Navejas was charged with driving under the influence in 2016, but ICE did not pursue deportation action against him. Instead, the agency exercised prosecutorial discretion because the Obama administration did not consider a DUI arrest to be a serious offense warranting deportation.⁴

¹Fares Sabawi, *Drunk driving crash claims life of fourth Thin Blue Line Law Enforcement Motorcycle Club member*, KSAT TV (July 31, 2020), <https://www.ksat.com/news/local/2020/07/31/drunken-driving-crash-claims-life-of-fourth-thin-blue-line-law-enforcement-motorcycle-club-member/>.

²Stephen Dinan, *'Dreamer' once protected by Obama amnesty accused of killing three in DUI*, WASHINGTON TIMES (July, 23, 2020), <https://www.washingtontimes.com/news/2020/jul/23/ivan-robles-navejas-obama-era-dreamer-accused-dui/>.

³*Id.*

⁴See U.S. Immigration & Customs Enforcement, *Priority Enforcement Program*, www.ICE.gov, <https://www.ice.gov/pep> (last visited Aug. 18, 2020).

According to the National Highway Traffic Safety Administration, an estimated 30 people die in the United States every day in a drunk driving accident, claiming more than 10,000 lives per year.⁵ Mr. Navejas' encounter with immigration officials following his charge for driving under the influence in 2016 should have been enough to see him placed in removal proceedings, but ICE was hindered by the Obama administration's guidance on civil immigration enforcement priorities.⁶ Under that guidance, the Obama administration did not deem an arrest for driving under the influence of alcohol to be a priority. The guidance further allowed for the use of discretion when taking enforcement action against those unlawfully present in the United States. ICE used that discretion in this case by choosing not to take enforcement action.

Following his arrest for a DUI, Mr. Navejas was still successful in obtaining his conditional lawful permanent residency. In November 2018, he was charged with aggravated assault after an incident during which Mr. Navejas is accused of pinning a man with a vehicle in a parking lot, physically assaulting him, and biting off a portion of his ear.⁷ After posting bond, Mr. Navejas was not eligible for removal from the United States because his conditional permanent resident status, which expired in January 2019, was still active at the time.

On July 18, 2020, Mr. Navejas' multi-year crime spree in the United States tragically culminated in him drunkenly driving his vehicle into a group of motorcyclists riding with the Thin Blue Line Law Enforcement Motorcycle Club in Kerr County, Texas.⁸ The Thin Blue Line Law Enforcement Motorcycle Club is made up of current and retired law enforcement officers. The four individuals killed included a police sergeant, a retired lieutenant colonel in the U.S. Army, a retired police detective, and a police officer and retired Army officer.⁹

As is so often the case, this tragedy was completely avoidable had this nation's immigration laws been enforced as they should have been during the Obama administration. With that in mind, please provide the following information no later than September 17, 2020.

1. The alien registration number for Mr. Navejas, his complete alien file (A-file), including any temporary files, working files, or Service Center files, and all documents, applications, forms, and items contained in them, all reports or notifications generated by DHS or in its possession about him, whether currently in written or electronic form.
2. Please identify each and every date on which Mr. Navejas was encountered by a law enforcement agency in the United States, to include criminal and civil arrests, the nature of the charge, the jurisdiction where the arrest occurred, the disposition of that charge, the date(s) on which he was released from the custody of that law enforcement agency, and the reason(s) for the release.
3. How and when did Mr. Navejas enter the United States?

⁵ National Highway Traffic Safety Administration, *Drunk Driving*, WWW.NHTSA.GOV, <https://www.nhtsa.gov/risky-driving/drunk-driving> (last visited Aug. 18, 2020).

⁶ U.S. Immigration and Customs Enforcement, *supra* note 4. See also, Secretary Jeh Johnson, *Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants*, November 20, 2014, available at https://www.dhs.gov/sites/default/files/publications/14_1120_memoProsecutorialDiscretion.pdf

⁷ Jacob Beltran, *Man accused of killing three in DWI crash in country illegally*, SAN ANTONIO EXPRESS-NEWS (July 22, 2020), <https://www.expressnews.com/news/local/article/Man-accused-of-killing-three-in-DWI-crash-in-15427735.php>.

⁸ *Id.*

⁹ Sabawi, *supra* note 1; Beltran, *supra* note 7.

4. Media reports indicate that Mr. Navejas' DACA status ended in 2015. Was this a result of Mr. Navejas not applying for a renewal of his DACA status or was it a result of his application for a renewal of his DACA status being rejected?
5. Has ICE issued a detainer or request for notification to any entity regarding Mr. Navejas? Have you communicated with local law enforcement regarding this case?
6. Did Mr. Navejas ever apply for any immigration benefits outside of DACA/deferred action, including waivers of inadmissibility and provisional waivers of inadmissibility? If so, was any application approved? Please provide a timeline of any and all benefits applications that Mr. Navejas submitted, including his application for deferred action.
7. Media reports indicate that Mr. Navejas' conditional permanent resident status expired in January 2019. Upon the termination of conditional lawful permanent residency, what measures does USCIS exercise in referring criminal aliens to ICE for enforcement action due to a change in status to that of unlawful presence in the United States?

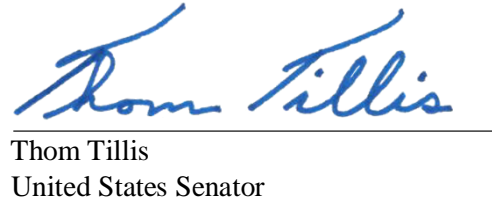
Thank you in advance for your prompt cooperation with this request. If you have questions, please contact Senator Grassley's immigration counsel, Drew Robinson, at (202) 224-5225.

Sincerely,


Charles E. Grassley
United States Senator


Kelly Loeffler
United States Senator

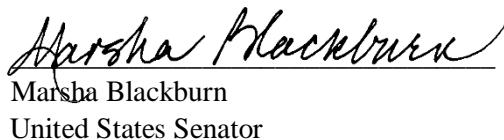

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