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ICE arrests 5 after being released despite active detainers

NEW YORK — In one week, U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) New York deportation officers arrested five individuals, each after being released from local custody with an active immigration detainer.

"These individuals are criminal aliens who were released back into our neighborhoods, posing an increased risk to New York residents," said Thomas Decker, field office director for ERO New York. "Because of the unnecessary threat being imposed by the city's decision to not honor ICE detainers, ICE remains committed, in the interest of public safety and national security, to welcoming changes to current New York City policies and strengthening its relationship with local law enforcement."

Moussa Diaby, 28, a Mali national, was arrested by the New York Police Department (NYPD) on Sept. 6 on local charges. ERO deportation officers lodged an immigration detainer with the Bronx (NY) Central Booking. Diaby, however, was later released from NYPD custody without the detainer being honored and without notification to ICE. On Oct. 26, ERO deportation officers arrested Diaby in the Bronx, New York, on immigration charges. He is currently detained in ICE custody pending a removal hearing before an immigration judge.

Teofilo Santana-Perez, 25, a Dominican national, was arrested by the NYPD on Jan. 31, 2017, on local charges. On Feb. 5, 2017, ERO deportation officers lodged an immigration detainer with the New York City Department of Corrections (NYCDOC). On Feb. 6, 2017, Santana-Perez was released from NYCDOC custody without the detainer being honored and without notification to ICE. On Oct. 31, ERO deportation officers arrested Santana-Perez in Manhattan on immigration charges. He is currently detained in ICE custody pending a removal hearing before an immigration judge.

Mikolaj Michalski, 36, a Polish citizen, was arrested by the NYPD on Sept. 19, 2017. On the same date, ERO deportation officers lodged an immigration detainer with the NYPD Manhattan Central Booking. Michalski later released from NYPD custody without the detainer being honored and without notification to ICE. On Oct. 31, ERO deportation officers arrested Michalski in Manhattan on immigration charges. He is currently detained in ICE custody pending a removal hearing before an immigration judge.

Darwin Benegas-Ortiz, 32, a Honduran citizen, was arrested by the Fallsburg Town (NY) Police Department on July 29, 2017, on local charges. On Aug. 4, 2017, ERO deportation officers lodged an immigration detainer with the Sullivan County (NY) Jail. Benegas-Ortiz was later released from the Sullivan County Jail without the detainer being honored and without notification to ICE. On Nov. 1, ERO deportation officers arrested Benegas-Ortiz, in Monticello, New York on immigration charges. He is currently detained in ICE custody pending a removal hearing before an immigration judge.

Bertin Moran-Herrera, 29, a Mexican citizen, was arrested by the NYPD on Aug., 2017, on local charges. On the same date, ERO deportation officers lodged an immigration detainer with the NYPD Queens (NY) Central Booking. Moran-Herrera was later released from NYPD custody without the detainer being honored and without notification to ICE. On Nov. 1, ERO deportation officers arrested Moran-Herrera, in Flushing, New York on immigration charges. He is currently detained in ICE custody pending a removal hearing before an immigration judge.

ICE is focused on removing public safety threats, such as convicted criminal aliens and gang members, as well as individuals who have violated our nation's immigration laws, including those who illegally re-entered the country after being removed and immigration fugitives ordered removed by federal immigration judges. Since January, ICE arrests comprise over 70 percent convicted criminals. Of the remaining individuals not convicted of a crime, approximately 70 percent have either been charged with a crime, are an immigration fugitive, or have been removed from the United States and illegally re-entered – reflecting the agency's continued prioritization of its limited enforcement resources on aliens who pose a threat to national security, public safety and border security.

Detainers serve as a legally-authorized request, upon which a law enforcement agency may rely, to continue to maintain custody of an alien for up to 48 hours so that ICE may assume custody for removal purposes. Pursuant to ICE policy, all ICE detainers are submitted with an accompanying administrative arrest warrant or warrant of removal depending upon the circumstances of the individual case.

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Last Reviewed/Updated: 11/13/2017