

Congress of the United States

Washington, DC 20515

September 22, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

The Honorable David Venturella
Acting Director
U.S. Immigration and Customs Enforcement
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Dear Secretary Mullin and Acting Director Venturella,

We are writing to demand Immigration and Customs Enforcement (ICE) cease any and all efforts to interfere with a comprehensive investigation into the shooting of Wilber Rafael Garces Perez and release Mr. Garces Perez from detention to allow him to receive medical treatment and continued medical monitoring.

First, we are deeply concerned that ICE is attempting to swiftly deport Mr. Garces Perez, who was shot in the back by an ICE agent in Austin, Texas on September 20th,¹ in an effort to escape scrutiny by impeding an independent investigation into this shooting. Mr. Garces Perez is a key witness to this shooting, and given ICE's history of obscuring the facts in similar investigations, he must not be removed. Second, Mr. Garces Perez is currently being held at the South Texas Detention Complex in Pearsall, Texas, which has a documented history of medical neglect.² Mr. Garces Perez is not receiving the care he needs in detention. According to his lawyers, he "still has the bullet lodged in his body. He's received no pain medication and had to sleep on the floor."³ While he remains in the United States, he should be allowed to receive medical care and pursue all legal options available to him. Finally, Mr. Garces Perez and the ICE agent responsible must remain in Texas until a thorough, independent investigation into the shooting is complete.

On Sunday, September 20th in Austin, TX, an ICE agent shot Mr. Garces Perez, a 28-year-old DoorDash driver with no apparent criminal record, in the back at the 7000 block of West Anderson Lane near U.S. 183 in Austin, TX.⁴ Video and photos taken after the shooting show a blue Toyota Corolla with damage to the front passenger door and apparent bullet holes in the right rear window.⁵ In a social media video taken during the shooting, at least three gunshots are heard. A person is seen approaching the sedan, which is slowly moving forward.⁶ Mr. Garces Perez has publicly stated that prior to the shooting an unmarked car without sirens began aggressively ramming his car. He assumed it was an aggressive driver and attempted to maneuver away. Mr. Garces Perez was moved to a nearby hospital, where he was reportedly in "in serious but stable condition."⁷ When his wife and lawyer attempted to see him hours later, they were told Mr. Garces Perez had already been moved to a

¹ "ICE officer shoots Venezuelan man delivering food in Austin, lawyer says," *NBC News*, September 20, 2026

<https://www.nbcnews.com/news/us-news/ice-shooting-austin-texas-rcna598870>

² "SF 95 Filing Final," *ACLU Texas*, July 30, 2026, https://www.aclutx.org/app/uploads/2026/07/EP_SF95-Filing_Final.pdf

³ "Update on Wilber: He is being held at Pearsall for interrogation and still has the bullet lodged in his body," @AttorneyKateLG, X (formerly Twitter), *Attorney Kate Lincoln-Goldfinch*, September 21, 2026
<https://x.com/attorneykatelg/status/2102080782898504092?s=46>

⁴ "Federal immigration officer shoots, injures man in Austin, report says," *The Texas Tribune*, September 20, 2026,
<https://www.texastribune.org/2026/09/20/austin-immigration-shooting-texas/>

⁵ "Man Shot by ICE moved from hospital to detention center 'with a bullet in his back,' lawyer tells CNN," *CNN*, September 21, 2026, <https://www.cnn.com/2026/09/20/us/austin-texas-ice-shooting>

⁶ "ICE officer shoots Venezuelan man delivering food in Austin, lawyer says," *NBC News*, September 20, 2026
<https://www.nbcnews.com/news/us-news/ice-shooting-austin-texas-rcna598870>

⁷ "Austin mayor reacts to man injured in ice shooting," *NBC News*, September 20, 2026

<https://www.nbcnews.com/video/shorts/austin-mayor-reacts-to-man-injured-in-ice-shooting-270194245684>

detention center but were not provided details regarding his location or medical state. On September 21, Mr. Garces Perez was transferred briefly to a hospital before being returned to detention. His brief transfer followed a visit from Congressman Joaquin Castro's staff.⁸ According to Mr. Garces Perez's cellmate, Mr. Garces Perez was roughly handled and handcuffed before being taken to the hospital. Mr. Garces Perez has reported losing sensation on the left side of his body.

ICE has provided no justification for this shooting, and there is no indication Mr. Garces Perez posed a threat to officers. The Department of Homeland Security (DHS) claims Mr. Garces Perez had an active final removal order. However, DHS has repeatedly lied about the facts following violent encounters involving agents.⁹ Mr. Garces Perez's lawyer could not verify DHS's claim and Mr. Garces Perez previously held a valid work permit and entered the United States lawfully. Of course, Mr. Garces Perez's immigration status does not justify the shooting.

The City of Austin and Travis County have already begun their criminal investigation into the shooting.¹⁰ DHS has said it will conduct an investigation with assistance from the Federal Bureau of Investigation (FBI).¹¹ An investigation must also be conducted by the DHS Office of Inspector General (OIG). DHS has a history of withholding information and attempting to obstruct active investigations into wrongdoing by its agency.¹² DHS must not obstruct or otherwise interfere with this investigation by removing Mr. Garces Perez from the country or interfering with the release of footage, data or other information by Texas state or local agencies involved in the operation.

We are demanding that you release Mr. Garces Perez from detention to allow him to receive medical treatment and abandon efforts to swiftly deport him or remove him from Texas. We are demanding the ICE agent responsible not be allowed to leave Texas. We are demanding that you preserve all available evidence related to this shooting and share it with parties that have jurisdiction to conduct a full, independent, and transparent investigation. Finally, we are demanding that you answer the questions below by Monday, September 28.

1. Provide a detailed sequence of events that culminated in the shooting of Mr. Garces Perez. Please include answers to the following:
 - a. Why were ICE agents attempting to stop Mr. Garces Perez?
 - b. Why did ICE agents use deadly force?
 - c. How many shots were fired, by how many officers, and from what positions?
 - d. Was Mr. Garces Perez inside his vehicle when shots were fired, and if so, what was happening inside and around the vehicle?

⁸ "Venezuelan man shot by ICE in Austin said he tried to pull over before officers fired at him," *Texas Tribune*, September 21, 2026, <https://www.texastribune.org/2026/09/21/texas-austin-ice-shooting-victim-wilber-rafael-garces-perez/>.

⁹ "Internal DHS watchdog: Noem is obstructing our work," *Politico*, March 3, 2026, <https://www.politico.com/news/2026/03/03/dhs-noem-obstruction-00810919>

¹⁰ "Man shot in Austin by ICE identified, attorney says," KRQE, September 21, 2026 <https://www.krqe.com/news/national/man-shot-in-austin-by-ice-identified-attorney-says/>.

¹¹ "Homeland Security Investigations, with the assistance of the Federal Bureau of Investigation, is leading the investigation into the office involved," @DHSgov, X (formerly Twitter), *Homeland Security*, September 21, 2026 <https://x.com/dhsgov/status/2101892605126623485?s=46>

¹² "Internal DHS watchdog: Noem is obstructing our work," *Politico*, March 3, 2026, <https://www.politico.com/news/2026/03/03/dhs-noem-obstruction-00810919>

2. How many ICE agents were involved in this incident?
3. Please share information about the disciplinary history of each of the agents involved in this incident.
 - a. Have any of the agents involved in this incident been involved in other instances where ICE has used excessive force?
4. What is Mr. Garces Perez's current medical condition? What treatment is he receiving in immigration detention?
5. ICE's current use of force policy requires ICE officers to render medical aid following an incident like this one. Video evidence from this incident suggests ICE agents did not abide by this policy. Why was ICE's use of force policy not followed?
6. Will you commit to releasing all bodycam footage related to this incident?
 - a. If ICE determines there isn't any bodycam footage, please provide an explanation for why bodycams were not used.
7. Will you commit to allowing Mr. Garces Perez to remain in the United States for the duration of the FBI, OIG, and any state or local investigations into the shooting, so they may provide eyewitness testimony to investigators?
8. Will you commit to not interfering with any ongoing investigations into this shooting, and to ensuring truly independent investigations into this case?
9. Will you commit to ensuring that all investigators, including those from the FBI, OIG, and any state and local offices have access to all witnesses and evidence related to this case?

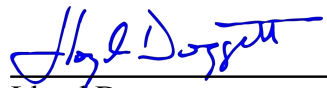
Sincerely,



Greg Casar
Member of Congress



Joaquin Castro
Member of Congress



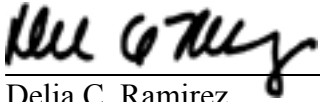
Lloyd Doggett
Member of Congress



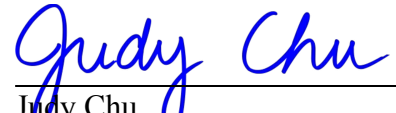
Raja Krishnamoorthi
Member of Congress



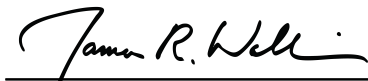
Adriano Espaillat
Chair
Congressional Hispanic Caucus



Delia C. Ramirez
Member of Congress



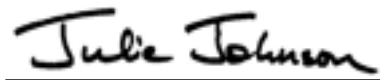
Judy Chu
Member of Congress



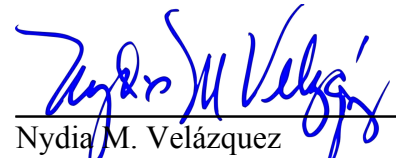
James R. Walkinshaw
Member of Congress



Eleanor Holmes Norton
Member of Congress



Julie Johnson
Member of Congress



Nydia M. Velázquez
Member of Congress



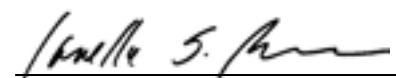
Rashida Tlaib
Member of Congress



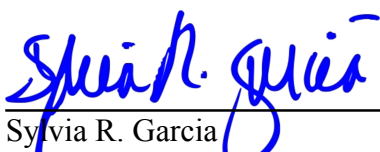
Lateefah Simon
Member of Congress



Jasmine Crockett
Member of Congress



Janelle S. Bynum
Member of Congress



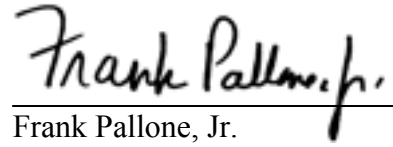
Sylvia R. Garcia
Member of Congress



Ro Khanna
Member of Congress



Betty McCollum
Member of Congress



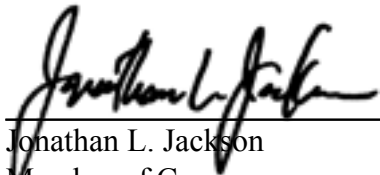
Frank Pallone, Jr.
Member of Congress



Analilia Mejia
Member of Congress



Robert Garcia
Member of Congress



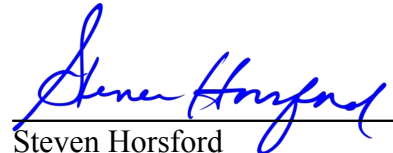
Jonathan L. Jackson
Member of Congress



Mark DeSaulnier
Member of Congress



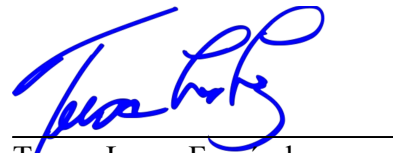
Ayanna Pressley
Member of Congress



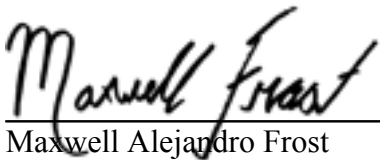
Steven Horsford
Member of Congress



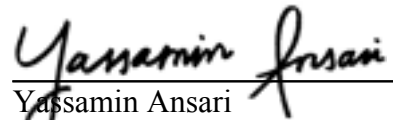
MARK TAKANO
Member of Congress



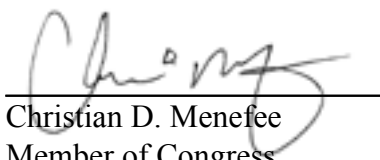
Teresa Leger Fernandez
Member of Congress



Maxwell Alejandro Frost
Member of Congress



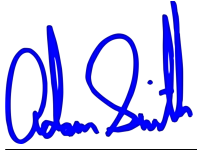
Yassamin Ansari
Member of Congress



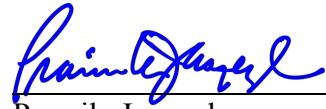
Christian D. Menefee
Member of Congress



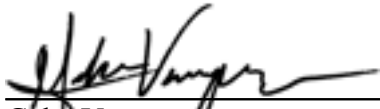
Lizzie Fletcher
Member of Congress



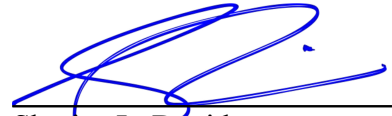
Adam Smith
Member of Congress



Pramila Jayapal
Member of Congress



Gabe Vasquez
Member of Congress



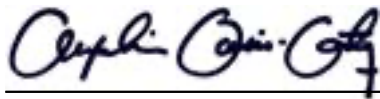
Sharice L. Davids
Member of Congress



Adelita S. Grijalva
Member of Congress



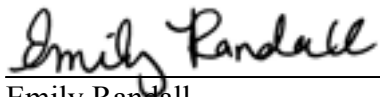
J. Luis Correa
Member of Congress



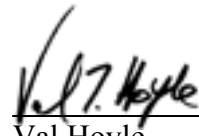
Alexandria Ocasio-Cortez
Member of Congress



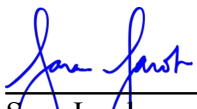
Madeleine Dean
Member of Congress



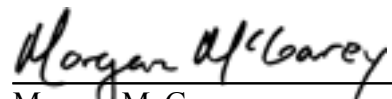
Emily Randall
Member of Congress



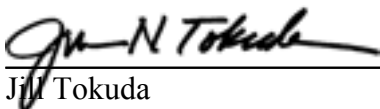
Val Hoyle
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Sara Jacobs
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Morgan McGarvey
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Jim Tokuda
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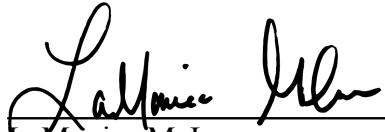
Everton Blair Jr.
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Melanie Stansbury
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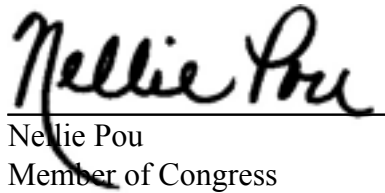
Mary Gay Scanlon
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LaMonica McIver
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Gwen S. Moore
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Nellie Pou
Member of Congress



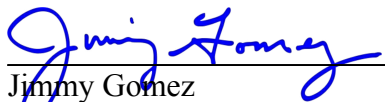
Chrissy Houlahan
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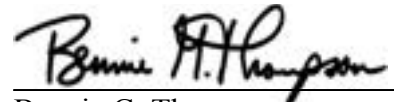
Maxine Dexter, M.D.
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Debbie Wasserman Schultz
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Jimmy Gomez
Member of Congress



Bennie G. Thompson
Member of Congress



Veronica Escobar
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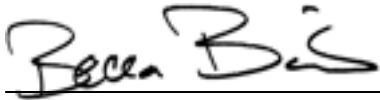
Paul D. Tonko
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Mike Quigley
Member of Congress



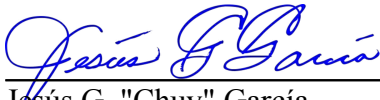
Sam T. Liccardo
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Becca Balint
Member of Congress



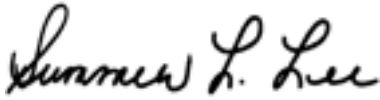
Dave Min
Member of Congress



Jesús G. "Chuy" García
Member of Congress



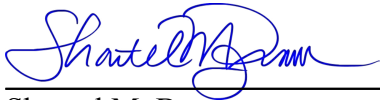
John Garamendi
Member of Congress



Summer L. Lee
Member of Congress



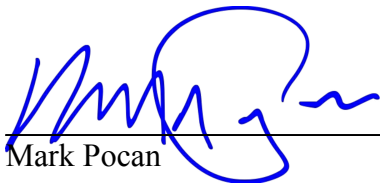
Nanette Diaz Barragán
Member of Congress



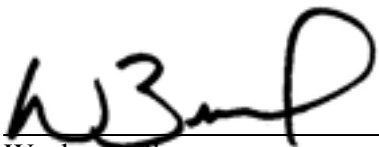
Shontel M. Brown
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Chris Deluzio
Member of Congress



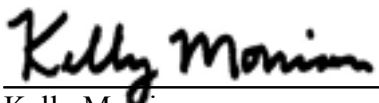
Mark Pocan
Member of Congress



Wesley Bell
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Robert J. Menendez
Member of Congress



Kelly Morrison
Member of Congress



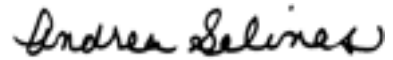
Derek T. Tran
Member of Congress



Diana DeGette
Member of Congress



James P. McGovern
Member of Congress



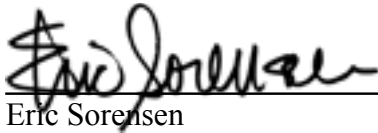
Andrea Salinas
Member of Congress



Dan Goldman
Member of Congress



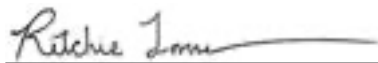
Lori Trahan
Member of Congress



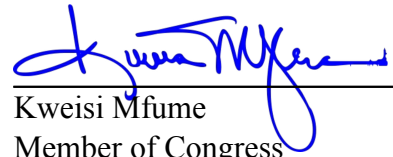
Eric Sorensen
Member of Congress



Mike Thompson
Member of Congress



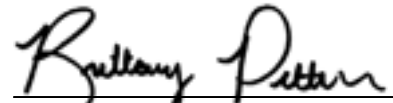
Ritchie Torres
Member of Congress



Kweisi Mfume
Member of Congress



Al Green
Member of Congress



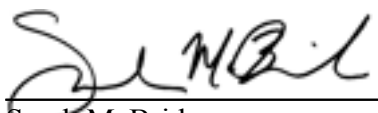
Brittany Petersen
Member of Congress



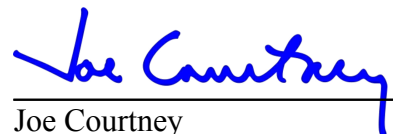
Ilhan Omar
Member of Congress



Seth Magaziner
Member of Congress



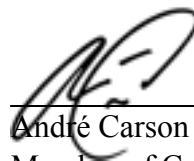
Sarah McBride
Member of Congress



Joe Courtney
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



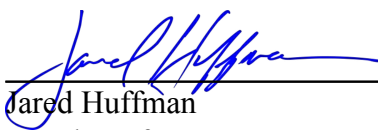
André Carson
Member of Congress



Dina Titus
Member of Congress



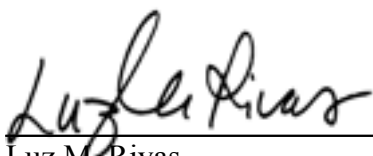
Jason Crow
Member of Congress



Jared Huffman
Member of Congress



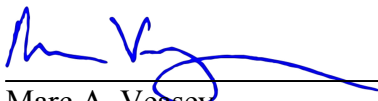
Sydney Kamlager-Dove
Member of Congress



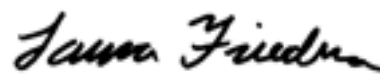
Luz M. Rivas
Member of Congress



Bonnie Watson Coleman
Member of Congress



Marc A. Veasey
Member of Congress



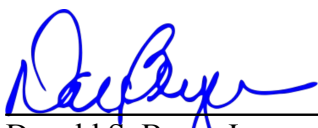
Laura Friedman
Member of Congress



Yvette D. Clarke
Member of Congress



Brendan F. Boyle
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Robin L. Kelly
Member of Congress

CC: FBI Director Kash Patel and DHS Inspector General Joseph V. Cuffari