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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
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February 28, 2017

Thomas D. Homan  
Acting Director  
U.S. Immigration and Customs Enforcement  
500 12th St., SW  
Washington, D.C. 20536

Dear Mr. Homan:

I am writing to express my disappointment that you have declined my invitation to testify at a hearing titled, “The Effects of Border Insecurity and Lax Immigration Enforcement on American Communities” before the Committee on Homeland Security and Governmental Affairs on Wednesday, March 1, 2017, at 10:00 a.m. in SD-342 in the Dirksen Senate Office Building.<sup>1</sup>

Your office stated that you are “unavailable to participate due to prior existing commitments.”<sup>2</sup> I appreciate the importance of the mission of Immigration and Customs Enforcement (ICE) and its demands on your time; however, I encourage you to likewise appreciate the importance of Congressional oversight. This hearing will examine the tragic murders of Randy Nordman and Jill Sundberg. Both murders involved criminal aliens—immigrants who had unlawfully entered our country and who were convicted of violent felonies. That these acts were allegedly committed by criminals who should have been prioritized for removal is bad enough; worse is that apparently ICE had opportunities to ask local law enforcement to detain these criminals, yet failed to do so. Why did ICE apparently fail to act in these cases? That question is not only extremely relevant to this hearing, but one that only your agency can answer.

I ask that you reconsider providing testimony to this Committee, or providing a subordinate who can testify to the issues presented. Your absence appears to be part of a troubling trend in this Administration. The minority Senators of this Committee sought a meeting with Department of Homeland Security (DHS) Secretary John Kelly on January 30, 2017, but the Secretary has still not met with us. I had looked forward to an opportunity to publicly ask DHS officials about the President’s Executive Orders related to immigration on

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<sup>1</sup> Letter from Senator Claire McCaskill to Acting Director Thomas D. Homan, Immigration and Customs Enforcement (Feb. 22, 2017); Letter from Acting Assistant Director Sean M. Hackbarth, Office of Congressional Relations, Immigration and Customs Enforcement to Senator Claire McCaskill (Feb. 24, 2017).

<sup>2</sup> Letter from Acting Assistant Director Sean M. Hackbarth, Office of Congressional Relations, Immigration and Customs Enforcement to Senator Claire McCaskill (Feb. 24, 2017).

February 1, but those officials only met with the Committee in a classified setting. To date, not a single Homeland Security official has publicly appeared before the Senate Homeland Security and Governmental Affairs Committee this Congress.

If you do not appear, I hope that you will at least provide vital information to assist the Committee prior to the hearing. My staff has repeatedly asked to see ICE's case files related to the alleged murderers Pablo Antonio Serrano-Vitorino and Gustavo Tapia Rodriguez, yet you have not allowed them that opportunity or provided a response detailing why the files cannot be disclosed. I ask that you please provide the following information.

1. The alien registration numbers for Serrano-Vitorino and Rodriguez, their complete alien file (A-file), and all reports or notifications generated by DHS or in its possession about them, whether currently in written or electronic form, including, but not limited to, the Enforcement and Removal Operations (ERO) Executive Summary, criminal history, immigration history, immigration benefits applications, detainers and requests for notification, I-213(s) and Notice(s) to Appear or other charging documents created to seek their removal from the United States.
2. Please identify each and every date on which Serrano-Vitorino and Rodriguez were 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. Please provide the arrest and disposition documentation for each encounter.
3. How and when did Serrano-Vitorino and Rodriguez enter the United States? Was either ever issued a Notice to Appear? Please explain.
4. Did Serrano-Vitorino or Rodriguez ever apply for any immigration benefits, including deferred action? If so, was any application approved? Please provide copies of any applications that either may have submitted.
5. How many times has Serrano-Vitorino or Rodriguez been removed previously? When?
6. Did ICE issue a detainer on Serrano-Vitorino or Rodriguez, or request that it be notified of either's release from custody? When and to whom did ICE issue such a detainer on Serrano-Vitorino? Please explain.
7. Was Serrano-Vitorino or Rodriguez a member of, or associated with any criminal gang? Please explain.
8. If Serrano-Vitorino or Rodriguez had been encountered by DHS enforcement officials prior to their arrests in connection with the murders they allegedly committed, would either have met the requirements to be considered a priority for removal under the Priority Enforcement Program? If so, please provide the exact reason for such consideration. If not, why not?

If you have any questions related to this request, please contact Jackson Eaton of the Committee staff at [Jackson\\_Eaton@hsgac.senate.gov](mailto:Jackson_Eaton@hsgac.senate.gov) or (202) 224-2627. Please send any official correspondence relating to this request to [Amanda\\_Trosen@hsgac.senate.gov](mailto:Amanda_Trosen@hsgac.senate.gov).

Sincerely,

A handwritten signature in blue ink that reads "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" being more prominent and the last name "McCaskill" following in a similar style.

Claire McCaskill  
Ranking Member

cc: The Honorable Ron Johnson  
Chairman