

# United States Senate

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

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

March 22, 2017

Mr. Thomas D. Homan  
Acting Director  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
500 12<sup>th</sup> St., SW  
Washington, DC 20536

Dear Acting Director Homan:

The Committee on Homeland Security and Governmental Affairs is examining the state of border security and immigration enforcement in the United States. I respectfully request your assistance with this inquiry.

On March 1, 2017, the Committee held a hearing about real-world effects of border insecurity and lax enforcement of immigration laws.<sup>1</sup> At that hearing, Missouri resident Julie Nordman testified about the murder of her husband, Randy Nordman, by Pablo Antonio Serrano-Vitorino, an illegal alien who had previously been deported.<sup>2</sup> Ms. Nordman's testimony was powerful, and the death of her husband demonstrates the serious consequences of lax immigration enforcement. I requested Serrano-Vitorino's alien file prior to the hearing and I understand ICE is actively compiling the documents.<sup>3</sup>

On March 16, 2017, a similar tragic event occurred in Montgomery County, Maryland. According to news reports, a 14-year old student was dragged into a high school restroom and raped by two teenage boys.<sup>4</sup> Local authorities arrested the two young men, ages 17 and 18, Henry Sanchez-Milian and Jose Montano.<sup>5</sup> The young men, originally from Guatemala and El Salvador, respectively, unlawfully entered the U.S. last summer.<sup>6</sup> The Department of Homeland Security (DHS) encountered Sanchez-Milian in Rio Grande Valley, Texas, in August 2016.<sup>7</sup> DHS determined that he was unlawfully present and issued Sanchez-Milian a notice to appear,

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<sup>1</sup> *The Effects of Border Insecurity and Lax Immigration Enforcement on American Communities BEFORE THE S. Comm. on Homeland Security and Gov't Affairs, 115<sup>th</sup> Cong. (2017).*

<sup>2</sup> John Pepitone and Michelle Pekarsky, *Deported Mexican citizen now suspect in five murders in Kansas and Missouri*, Fox 4 KC, March 9, 2016, <http://fox4kc.com/2016/03/09/36-year-old-father-among-4-killed-in-kck-allegedly-by-man-who-illegally-entered-us-after-previous-deportation>.

<sup>3</sup> Letter from Chairman Ron Johnson, United States Senate, to Thomas D. Homan, Immigration and Customs Enforcement (Feb. 27, 2017) (On file with the Committee on Homeland Security and Governmental Affairs).

<sup>4</sup> Nick Iannelli and Mitch Miller, *Teen charged in Md. School assault questioned by border patrol*, March 21, 2017, <http://wtop.com/montgomery-county/2017/03/border-patrol-had-questioned-md-rape-suspect-in-texas/>

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

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but his court date still has not been set.<sup>8</sup> Because Montano is a minor, little is known about how he entered the country.<sup>9</sup>

At a Committee hearing today, Brandon Judd, President of the National Border Patrol Council, testified that if Border Patrol had properly done its job, neither Sanchez-Milian or Montano would have been present in the country to commit this heinous act.<sup>10</sup> “Had we done our job that 14 year old girl would never have been raped. Period,” Judd testified. “That’s all there is to it. Had we held those individuals in custody, or that one individual in custody pending a determination that this person should be allowed to remain in this country that rape wouldn’t have happened. We failed the citizens of this great nation by not securing the border.”<sup>11</sup>

To assist the Committee in understanding the circumstances leading to the attack in Maryland, I respectfully request the following information and material surrounding Henry Sanchez-Milian and Jose Montano:

1. Was Henry Sanchez-Milian an unaccompanied minor (UAC) at the time of his arrest by the Border Patrol?
2. If he was a UAC, was he turned over to the Department of Health and Human Services (HHS)? If so, on what date was he turned over to HHS? If he was an adult at the time of his arrest, please answer the following questions:
  - a. Did Sanchez-Milian claim any special status? If so, what status did he declare?
  - b. How did DHS label Sanchez-Milian pursuant to its priority enforcement model?
  - c. Why was Sanchez-Milian not detained until his court date?
3. Was Jose Montano ever encountered by the U.S. Border Patrol?
4. If so, was he released to HHS as an unaccompanied minor?
5. Please provide the alien files for Henry Sanchez-Milian and Jose Montano.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”<sup>12</sup> Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine “the efficiency and economy of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices . . . .”<sup>13</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Perspectives from the DHS Frontline: Evaluating Staffing Resources and Requirements: Hearing before the S. Comm. on Homeland Security and Gov’t Affairs*, 115th Cong. (2017).

<sup>11</sup> *Id.*

<sup>12</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>13</sup> S. Res. 73 § 12, 114th Cong. (2015).

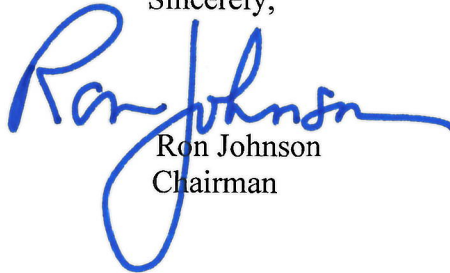
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If you have any questions regarding this letter, please ask your staff to contact Brian Downey of my staff at (202) 224-4751. For purposes of this request, please refer to the definitions and instructions in the enclosure. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson". The signature is written in a cursive style with a large, looping "R" and "J".

Ron Johnson  
Chairman

cc: The Honorable Claire McCaskill  
Ranking Member

Enclosure