

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

May 23, 2017

Mr. Scott Lloyd
Director
Office of Refugee Resettlement
Department of Health and Human Services
330 C Street SW, Room 5123
Washington, DC 20201

Dear Mr. Lloyd:

The Committee on Homeland Security and Governmental Affairs is continuing its oversight of how lax border security affects American communities. Tomorrow, the Committee will convene a hearing titled *Border Insecurity: The Rise of MS-13 and Other Transnational Criminal Organizations*. At the hearing, local law enforcement officials from around the country will offer testimony regarding the rise of MS-13 and other transnational gangs stemming from our insecure southwest border.

I recently became aware of Customs and Border Protection (CBP) documents from July 2014—the height of the surge of unaccompanied children (UAC) arriving at our border. These documents appear to indicate that CBP apprehended self-identified MS-13 gang members at the border. I write to inquire about the placement of these UAC gang members and the policies that the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) have in place for the processing and placement of these UACs.

According to a CBP Significant Incident Report dated July 5, 2014, self-identified MS-13 gang members defaced bathrooms at the placement center in Nogales, Arizona. All of these individuals were originally apprehended in Texas.¹ The report reads:

On July 5, 2014, during the 4pm to 12am shift at the [Nogales Placement Center], several temporary bathrooms were observed to have graffiti markings inside and outside of the bathroom housing. These markings were identified as markings associated with the criminal gang known as Mara Salvatrucha (MS-13). During the graffiti investigation Border Patrol Agents/Customs and Border Protection Officers assigned to the NPC identified multiple admitted MS-13 gang members. The subjects listed below were identified as MS-13 gang members. All identified members listed below freely admitted to Officers and Agents that they were active MS-13 gang members.

¹ U.S. Customs and Border Protection Significant Incident Report, SIR Number 14-TCANGL-070714000166.

All MS-13 subjects will be processed via notice to appear; their hearings and subsequent proceedings will be expedited.

The ICE Homeland Security (HSI), Ice Enforcement and Removal Operations (ERO) and the Office of Refugee Resettlement (ORR) was contacted and advised of situation.²

Another document connected to the detention of these individuals noted that as of July 11, 2014, “all identified gang members at the Nogales Placement Center (NPC) have been placed in the appropriate placement center and are no longer being held at the NPC.”³ According to this document, 16 “identified juvenile gang members” were transferred to placement centers around the country—Shenandoah Valley Juvenile Center, Virginia; Selma Carson Staff Secure, Washington; NOVA Staff Secure, Virginia; SWK-MESA Staff Secure, Texas; Children’s Village, New York; and Ft. Sill Army Training Center, Oklahoma.⁴ The Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) is responsible for the care and custody of UACs apprehended by CBP.⁵

A third document indicates that on July 11, 2014, CBP apprehended two other UACs that admitted to being gang members. One individual admitted that he was part of MS-13 and “was boasting to other juveniles in his cell on his gang affiliation and stating he was a drug dealer and stating he would continue to do the same in the United States with his family.”⁶ The other individual admitted he was affiliated with the Sureno 18 gang and that he was “involved in multiple robberies, assaults and drug dealing” since he joined the gang at 15 years old.⁷ Both of these individuals were “separated from the general population and transferred to the holding cells in the Nogales Detention Facilities, where they will remain until being placed.”⁸

These documents appear to show that the federal government knowingly moved self-identified gang members from Nogales, Arizona to placement centers in communities across the country. As you know, it is common for UACs to be released from their placement center while awaiting a court date. It is unclear from these July 2014 documents whether any of these self-identified UAC gang members were released.

To assist the Committee in understanding how UACs with known gang affiliations are processed and placed by the federal government, I respectfully request the following information and materials:

² *Id.*

³ Email from redacted to JOIC-CBP, July 11, 2014.

⁴ *Id.*

⁵ Dep’t of Health & Human Servs., Off. of Refugee Resettlement, Unaccompanied Children’s Services, <https://www.acf.hhs.gov/orr/programs/ucs>.

⁶ Email from redacted to JIOC-CBP, July 12, 2014.

⁷ *Id.*

⁸ *Id.*

1. Please provide an accounting of all UACs who self-identified as gang members or affiliates when they were apprehended at the southwest border since FY 2010. For each UAC, please include their age at the time of apprehension, the date of apprehension, gang affiliation, placement location, state of the sponsor, and date of transfer. Please omit the UACs' name.
 - a. For each UAC identified above, please indicate whether the UAC was released from the placement center. If so, please identify the date of release, state of the sponsor, and whether the UAC remains in the United States. Please omit the sponsor's name.
2. Please explain whether HHS received any information from CBP or otherwise about a UAC's past criminal history or gang affiliation prior to referral, during custody, and after the release of the UAC to a sponsor. If any of the above information is received by HHS, please explain how that information was provided to HHS and by whom.
3. Please explain ORR's procedures for processing and placing UACs who self-identify as having a gang membership or affiliation when apprehended at the border.
4. Please explain ORR's policy for releasing a UAC to a sponsor if HHS knows the UAC has a potential or actual gang affiliation.
5. Please provide copies of any Memorandum of Understanding between DHS and HHS regarding the placement and processing of UACs.
6. Who at ORR is responsible for ensuring DHS is sharing the most current information to it prior to making a UAC referral or release?

Please provide these materials as soon as possible, but by no later than June 6, 2017. After reviewing this information, the Committee may seek a staff-level briefing at the appropriate time.

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."⁹ Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes . . ."¹⁰

If you have any questions regarding this letter, please ask your staff to contact [REDACTED]
[REDACTED] For purposes of this request, please

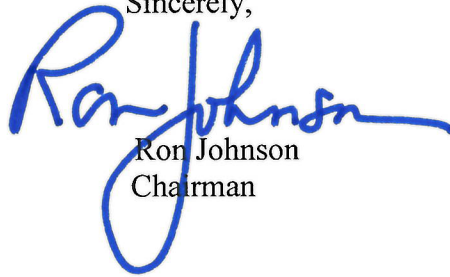
⁹ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

¹⁰ S. Res. 62 § 12, 114th Cong. (2015).

Mr. Scott Lloyd
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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 a long, sweeping underline.

Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

Kevin L. McAleenan
Acting Commissioner
U.S. Customs and Border Protection

Thomas Homan
Acting Director
Immigration and Customs Enforcement

Enclosures

From: [REDACTED]
To: [JIOC-CBP](#)
Cc: [REDACTED]
Subject: NPC SIR: Significant Arrest 14-TCATCA-071214000038
Date: Saturday, July 12, 2014 3:37:54 AM

On July 11, 2014, at approximately 7:00 p.m., Border Patrol Agents (BPA) assigned to the Nogales Placement Center (NPC) identified two subjects who were possible gang members. The subjects identified themselves as [REDACTED] (MS-13) and [REDACTED] (Suereño 18). BPA [REDACTED] conducted interviews separately with both subjects, who told him the following:

[REDACTED] self-admitted to being MS-13.

[REDACTED] stated he joined a "clique" that belonged to the MS-13 known as [REDACTED]. [REDACTED] said MS-13 is broken down into sub groups known as "clique". [REDACTED] said he first joined when he was 15 years old. [REDACTED] said his job in the "clique" was to sell and distribute marijuana. [REDACTED] stated his "clique" operated from [REDACTED] El Salvador. [REDACTED] stated he came into the United States to join his mother in Houston Texas.

[REDACTED] was boasting to other juveniles in his cell on his gang affiliation and stating he was a drug dealer and stating he would continue to do the same once in the United States with his family.

When questioned as to his affiliation with the Sureño 18, [REDACTED] self-admitted to being a gang member. [REDACTED] stated he first joined the gang at the age of 15. [REDACTED] stated he was involved in multiple robberies, assaults and drug dealing. [REDACTED] stated he sold both crack cocaine and marijuana. [REDACTED] said his assaults were only done with knives to scare people. [REDACTED] stated he came to the United States because his father no longer wanted him to continue his gang affiliation and sent him to live with his brother in New York.

Both subjects were separated from the general population and transferred to the holding cells in the Nogales Detention Facilities, where they will remain until being placed.

ICE Homeland Security Investigations (HSI Special Agent [REDACTED] was notified at approximately 11:40 p.m., and requested a copy of this narrative. SA [REDACTED] stated that he will follow up with ICE ERO concerning placement on the two UACs.

This incident is being tracked by National Tracking Number TCA 14-TCATCA-071214000038

Identified Gang Members:

DOB- [REDACTED] 996 COB- El Salvador COC- El Salvador
MS-13

Apprehended near Hidalgo, Texas: (Landmark: Z9, Lat: 26.12022, Long: -98.32047)

E3 Event#: [REDACTED]

FBI#: [REDACTED]

FIN#: [REDACTED]

A# [REDACTED]

Disposition: NTA, No Prosecution

DOB- [REDACTED] 1998 COB- El Salvador COC- El Salvador
Suereño 18

Apprehended near Hidalgo, Texas: (Landmark: Z9.8, Lat: 26.18468, Long: -98.37945)

E3 Event# [REDACTED]

FBI# [REDACTED]

FIN# [REDACTED]

A# 206 775 907

Disposition: NTA, No Prosecution

This narrative was generated by (A)SOS [REDACTED]

[REDACTED]
ACTING SPECIAL OPERATIONS SUPERVISOR

TCA/NGL/NPC

[REDACTED] (OFFICE)

[REDACTED] (CELL)

From: [REDACTED] **On Behalf Of** JIOC-CBP
Sent: Friday, July 11, 2014 10:55 PM
To: [REDACTED]
Cc: JIOC-CBP
Subject: Significant Arrest 14-TCATCA-071214000038

Sir,

Your event has been assigned the National Tracking number of 14-TCATCA-071214000038

Please send your narrative to the JIOC-CBP inbox.

Thanks,

V/r,

[REDACTED]
Joint Intelligence and Operations Center
(520) [REDACTED] Office

**U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection
SIGNIFICANT INCIDENT REPORT**

RESTRICTIONS: None			
1.	DATE OF INCIDENT: 7/5/2014	LOCATION OF INCIDENT: Nogales, AZ	SIR NUMBER:
	TIME OF INCIDENT: 4:00 PM		14-TCANGL-070714000166(3)
REPORTED TO COMMISSIONER'S SITUATION ROOM VIA PHONE ON: DATE: 7/7/2014 TIME: 7:31 PM TO: [REDACTED]			
2.	REPORTING OFFICE: Office of Border Patrol	DFO/SECTOR: Tucson Sector	POE/STATION: Nogales Station
	PERSON MAKING REPORT: [REDACTED]		
	OFFICE PHONE: [REDACTED]	CELL PHONE: [REDACTED]	FAX NUMBER:
	POINT OF CONTACT: [REDACTED]		
	OFFICE PHONE: [REDACTED]	CELL PHONE: [REDACTED]	FAX NUMBER:
	POINT OF CONTACT: [REDACTED]		
	OFFICE PHONE: [REDACTED]	CELL PHONE: [REDACTED]	FAX NUMBER:
3.	Type OF INCIDENT:	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
	Category	Type	Sub Type
	Significant Arrest/Detention	Gang Member	
4. SYNOPSIS: (USE CONTINUATION SHEET IF NECESSARY) See Attached Continuation			
SEIZURE TYPE:		QUANTITY:	VALUE:
NUMBER OF ARRESTS:		MALE:	FEMALE: CITIZENSHIP:
5. NOTIFICATIONS MADE:			
1.	<input checked="" type="checkbox"/> TELEPHONIC REPORT TO COMMISSIONER'S SITUATION ROOM	(202) [REDACTED]	7/7/2014 7:31 PM
2.	<input type="checkbox"/>	Email Sent: <input type="checkbox"/>	
3.	<input type="checkbox"/>	Email Sent: <input type="checkbox"/>	
6. INJURIES/FATALITIES:			
NAME AND EXTENT OF INJURY:		AGENT	EAP ADVISED
1.			
2.			
NAME OF FATALITIES:			
1.			
2.			
7. NATIONAL TARGETING CENTER NUMBERS:			
8. MEDIA INTEREST EXPECTED: Possible.			
9. RELATED INCIDENTS:			

SIGNIFICANT INCIDENT REPORT

Continuation Sheet

DATE OF INCIDENT: 7/5/2014	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 4:00 PM	Nogales, AZ	14-TCANGL-070714000166 (3)

Synopsis: (cont.):
<p>On July 5, 2014, during the 4pm to 12am shift at the NPC, several temporary bathrooms were observed to have graffiti markings inside and outside of the bathroom housing. These markings were identified as markings associated with the criminal gang known as Mara Salvatrucha (MS-13). During the graffiti investigation Border Patrol Agents/Customs and Border Protection Officers assigned to the NPC identified multiple admitted MS-13 gang members. The subjects listed below were identified as MS-13 gang members. All identified members listed below freely admitted to Officers and Agents that they were active MS-13 gang members.</p>
<p>All MS-13 subjects will be processed via notice to appear; their hearings and subsequent proceedings will be expedited.</p>
<p>The ICE Homeland Security Investigations (HSI), ICE Enforcement and Removal Operations (ERO) and the Office of Refugee Resettlement (ORR) was contacted and advised of situation.</p>
<p>Identified MS-13 Gang Members:</p>
<p>██████████ (DOB: ██████ 1997, COB: EL SAL, COC: EL SAL)</p>
<p>Apprehended near Hidalgo, Texas: (Landmark: Z7.10, Lat: 26.2212, Long: -98.4406)</p>
<p>E3 event # ██████████</p>
<p>FBI# ██████████</p>
<p>FIN# ██████████</p>
<p>A ██████████</p>
<p>██████████, ██████████ (DOB: ██████ 1997, COB: EL SAL, COC: EL SAL) Apprehended near Hidalgo, Texas (Landmark: Z8.5, Lat: 26.1776, Long: -98.34473)</p>
<p>E3 event ██████████</p>
<p>FBI# ██████████</p>
<p>FIN# ██████████</p>
<p>A# ██████████</p>
<p>██████████ (DOB: ██████ 1997, COB: EL SAL, COC: EL SAL)</p>
<p>Apprehended in Hidalgo, Texas (Landmark: Z9.7, Lat: 26.12705, Long: -98.26383)</p>
<p>E3 event ██████████</p>
<p>FBI# ██████████</p>
<p>FIN ██████████</p>
<p>A# ██████████</p>

SIGNIFICANT INCIDENT REPORT
Continuation Sheet

DATE OF INCIDENT: 7/5/2014	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 4:00 PM	Nogales, AZ	14-TCANGL-070714000166 (3)

[REDACTED] (DOB: [REDACTED] 1998, COB: EL SAL, COC: EL SAL) Apprehended in Hidalgo, Texas. (Landmark: Z9.5, Lat: 26.1342, Long: -98.3134) E3 event [REDACTED] FBI# [REDACTED] FIN [REDACTED] A# [REDACTED]
[REDACTED] (DOB: [REDACTED] 1998, COB: EL SAL, COC: EL SAL) Apprehended in Sarita, Texas (Landmark: Z45.1, Lat: 27.2502, Long: -97.90912) E3 event # [REDACTED] FBI# [REDACTED] FIN [REDACTED] A# [REDACTED]
[REDACTED] (DOB: [REDACTED] 1997, COB: GUAT, COC: GUAT) Apprehended in Mission, Texas (Landmark: Z9.4, Lat: 26.14077, Long: -98.326761) E3 event # [REDACTED] FBI# [REDACTED] FIN# [REDACTED] A# [REDACTED]
[REDACTED] (DOB: [REDACTED] /1997, COB: EL SAL, COC: EL SAL) Apprehended by in San Manuel, Texas (Landmark: Z34, Lat: 26.81867, Long: -98.11977) E3event [REDACTED] FBI# [REDACTED] FIN [REDACTED] A# [REDACTED]
[REDACTED] (DOB: [REDACTED] 1997, COB: EL SAL, COC: EL SAL) Apprehended in Kingsville, Texas (Landmark: Z45.1, Lat: 27.25135, Long: -97.8215)

SIGNIFICANT INCIDENT REPORT
Continuation Sheet

DATE OF INCIDENT: 7/5/2014	LOCATION OF INCIDENT: Nogales, AZ	SIR NUMBER:
TIME OF INCIDENT: 4:00 PM		14-TCANGL-070714000166 (3)

E3 event # [REDACTED]
FBI# [REDACTED]
FIN# [REDACTED]
A# [REDACTED]
[REDACTED] (DOB: [REDACTED] 1997, COB: EL SAL, COC: EL SAL)
Apprehended in Hidalgo, Texas (Landmark: Z10.1, Lat: 26.13438, Long: -98.31347)
E3 event [REDACTED]
FBI# [REDACTED]
FIN# [REDACTED]
A# [REDACTED]
[REDACTED] (DOB: [REDACTED] 1996, COB: EL SAL, COC: EL SAL)
Apprehended in Falfurrias, Texas (Landmark: Z42, Lat: 27.13219, Long: -98.29105)
E3 event # [REDACTED]
FBI# [REDACTED]
FIN# [REDACTED]
A# [REDACTED]
[REDACTED] (DOB: [REDACTED] 1996, COB: EL SAL, COC: EL SAL)
Apprehended in Falfurrias, Texas (Landmark: Lat: 27.0251, Long: -98.1385)
E3 event [REDACTED]
FBI# [REDACTED]
FIN# [REDACTED]
A# [REDACTED]
[REDACTED] (DOB: [REDACTED] 1997, COB: HONDURAS, COC: HONDURAS)
Apprehended in Mission, Texas (Landmark: Lat: 26.15039, Long: -98.32106)
E3 event # [REDACTED]
FBI# [REDACTED]

SIGNIFICANT INCIDENT REPORT
Continuation Sheet

DATE OF INCIDENT: 7/5/2014	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 4:00 PM	Nogales, AZ	14-TCANGL-070714000166 (3)

FIN# [REDACTED]
A# [REDACTED]
[REDACTED] (DOB: [REDACTED] 1997, COB: GUAT, COC: GUAT)
Apprehended near Hidalgo, Texas: (Landmark: Z10.6, Lat: 26.19837, Long: -98.37267)
E3 event [REDACTED]
FBI# [REDACTED]
FIN# [REDACTED]
A [REDACTED]
[REDACTED]
[REDACTED] (DOB: [REDACTED] /1998 COB: EL SAL, COC: EL SAL)
Apprehended near Hidalgo, Texas: (Landmark: Z9.5, Lat: 26.13423, Long: -98.31336)
E3 event # [REDACTED]
FBI# [REDACTED]
FIN# [REDACTED]
A [REDACTED]
[REDACTED]
[REDACTED] (DOB: [REDACTED] 1997 COB: EL SAL, COC: EL SAL)
Apprehended near Hidalgo, Texas: (Landmark: Z9.5, Lat: 26.134234, Long: -98.313261)
E3 event [REDACTED]
FBI# [REDACTED]
FIN# [REDACTED]
A [REDACTED]
[REDACTED]
[REDACTED] (DOB: [REDACTED] 1999 COB: EL SAL, COC: EL SAL)
Apprehended near Hidalgo, Texas: (Landmark: Z11.2, Lat: 26.07955, Long: -98.25067)
E3 event [REDACTED]

SIGNIFICANT INCIDENT REPORT Continuation Sheet

DATE OF INCIDENT: 7/5/2014	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 4:00 PM	Nogales, AZ	14-TCANGL-070714000166 (3)

FBI# [REDACTED]
FIN# [REDACTED]
A [REDACTED]
This incident is being tracked by National Tracking number of 14-TCANGL-070714000166
This narrative was reviewed and approved by Field Operations Supervisor [REDACTED]
Final Update/Closeout for 14-TCANGL-070714000166 (1)
All identified juvenile gang members at the Nogales Placement Center (NPC) have been placed in the appropriate placement center and are no longer being held at NPC.
SHENANDOAH VALLEY JUV. CENTER (VA)
A [REDACTED] (COC) EL SAL
SELMA CARSON STAFF SECURE (WA)
A [REDACTED] (COC) GUATE
A [REDACTED] (COC) EL SAL
NOVA STAFF SECURE (VA)
A [REDACTED] (COC) EL SAL
SWK-MESA STAFF SECURE (TX)
A [REDACTED] (COC) EL SAL
CHILDREN'S VILLAGE (NY)
A [REDACTED] (COC) EL SAL
A [REDACTED] (COC) EL SAL
A [REDACTED] (COC) EL SAL
[REDACTED] (COC) EL SAL

SIGNIFICANT INCIDENT REPORT
Continuation Sheet

DATE OF INCIDENT: 7/5/2014	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 4:00 PM	Nogales, AZ	14-TCANGL-070714000166 (3)

A [REDACTED] (COC) EL SAL
A [REDACTED] (COC) EL SAL
A [REDACTED] (COC) EL SAL
A [REDACTED] (COC) EL SAL)
FT Sill Army Training Center (OK)
A [REDACTED] (COC) HONDU
A [REDACTED] (COC) GUATE
A [REDACTED] (COC) EL SAL
This incident is being tracked by National Tracking number of 14-TCANGL-070714000166
This narrative was reviewed and approved by Field Operations Supervisor [REDACTED]
[REDACTED]
FOS - Day Shift
Nogales Placement Center / Tucson Sector
(928) [REDACTED]
Poins Of Contact (cont.):
POINT OF CONTACT: [REDACTED] OFFICE PHONE: [REDACTED] CELL PHONE: [REDACTED] FAX NUMBER:

From: [REDACTED]
To: [JIOC-CBP](#)
Subject: Final Update/Close out Significant Arrests MS-13 (SIR 14-TCANGL-070714000166)
Date: Friday, July 11, 2014 7:12:21 PM

Final Update/Closeout for 14-TCANGL-070714000166 (1)

All identified juvenile gang members at the Nogales Placement Center (NPC) have been placed in the appropriate placement center and are no longer being held at NPC.

SHENANDOAH VALLEY JUV. CENTER (VA)

A [REDACTED] [REDACTED] (COC) EL SAL

SELMA CARSON STAFF SECURE (WA)

A [REDACTED] [REDACTED] (COC) GUATE
A [REDACTED] [REDACTED] (COC) EL SAL

NOVA STAFF SECURE (VA)

A [REDACTED] [REDACTED] (COC) EL SAL

SWK-MESA STAFF SECURE (TX)

A [REDACTED] [REDACTED] (COC) EL SAL

CHILDREN'S VILLAGE (NY)

A [REDACTED] [REDACTED] (COC) EL SAL
A [REDACTED] [REDACTED] (COC) EL SAL
A [REDACTED] [REDACTED] (COC) EL SAL
A [REDACTED] [REDACTED] (COC) EL SAL
A [REDACTED] [REDACTED] (COC) EL SAL
A [REDACTED] [REDACTED] (COC) EL SAL
A [REDACTED] [REDACTED] (COC) EL SAL
A [REDACTED] [REDACTED] (COC) EL SAL

FT Sill Army Training Center (OK)

A [REDACTED] [REDACTED] (COC) HONDU
A [REDACTED] [REDACTED] (COC) GUATE
A [REDACTED] [REDACTED] (COC) EL SAL

This incident is being tracked by National Tracking number of 14-TCANGL-070714000166
This narrative was reviewed and approved by Field Operations Supervisor [REDACTED]

[REDACTED]
FOS - Day Shift
Nogales Placement Center / Tucson Sector
[REDACTED]