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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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August 3, 2018

The Honorable Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Commissioner McAleenan:

The Committee on Homeland Security and Governmental Affairs is continuing its oversight of border security and immigration enforcement. A whistleblower recently provided information about an illegal alien who was apprehended illegally crossing the southern border and later released, despite having an outstanding arrest warrant for homicide in Honduras.¹ As the Administration works to better secure our border, I respectfully request information about this individual.

According to the whistleblower, authorities in Honduras issued an arrest warrant for homicide against the subject on October 2, 2017.² U.S. Border Patrol (USBP) agents apprehended the individual between the ports of entry in the Rio Grande Valley Sector on May 22, 2018, and released him on May 27, 2018 with a notice to appear before an immigration judge at a later date.³ At the time of the apprehension, USBP was apparently unaware of the Honduran arrest warrant.⁴

Local police in Massachusetts reportedly arrested the alien on June 6, 2018 on charges of being a fugitive from justice.⁵ U.S. Customs and Border Protection (CBP) received notification to “be on the lookout” for the alien on June 8, 2018—two days after he was arrested by local authorities.⁶ The alien is reportedly currently in Immigration and Customs Enforcement custody.⁷

While CBP apparently lacked knowledge about the Honduran warrant at the time of the apprehension, it is still troubling that an illegal alien wanted for murder entered the United States, was apprehended, and released. I appreciate the information CBP has provided about the capabilities and authorities to obtain information from national and international databases on aliens entering the United States.

¹ The alien’s name and other identifying information can be found in the enclosure to this letter.

² Phone call between whistleblower and Comm. staff (July 3, 2018).

³ Phone call between Customs and Border Protection staff and Comm. Staff (July 25, 2018).

⁴ *Id.*

⁵ Phone call between whistleblower and Comm. staff (July 3, 2018).

⁶ Phone call between Customs and Border Protection staff and Comm. Staff (July 25, 2018).

⁷ Phone call between whistleblower and Comm. staff (July 3, 2018).

To better understand how CBP is executing its border security mission, I request the following information and material:

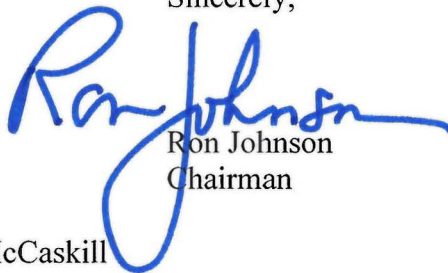
1. Please provide a summary of CBP's interactions with this individual including, but not limited to, the dates of apprehension and release, and whether this individual entered the United States with any other people. If so, please provide the age of the individuals.
2. Please explain whether and why CBP was unaware of the Honduran arrest warrant when it apprehended this individual. Please explain CBP's authorities and capabilities to obtain information on wanted individuals from foreign countries.
3. Please explain whether the alien claimed credible fear when apprehended by USBP.
4. Please explain why the alien received a notice to appear when apprehended by CBP.
5. Please identify which entity issued the lookout notice for this individual on or around June 8, 2018. How did CBP become aware of the lookout notice?

Please respond as soon as possible but no later than 5:00 p.m. on August 17, 2018.

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."⁸ Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine "the efficiency and economy of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes"⁹

Thank you for your attention to this matter. If you have any questions about this request, please ask your staff to contact Kyle Brosnan or Brian Downey of the Committee staff at (202) 224-4751.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

Enclosure

⁸ S. Rule XXV; *see also* S. Res. 445, 108th Cong. (2004).

⁹ S. Res. 62 § 12, 114th Cong. (2015).