

**The U.S. Department of Homeland Security's
Response to Chairman Grassley's May 20, 2015 Letter**

- 1. Has Edgar Covarrubias-Padilla ever applied for DACA? If so, was his application approved? On what date? Please provide copies of his A-file.**

Edgar Covarrubias-Padilla initially filed a Deferred Action for Childhood Arrivals (DACA) request and an application for employment authorization on October 8, 2012. Both his DACA request and application for employment authorization were approved on May 22, 2013.

A copy of Edgar Covarrubias-Padilla's alien registration file (A-file) is enclosed, with third-party personally identifiable information redacted.

- 2. Did Edgar Covarrubias-Padilla have a criminal record when he initially applied for DACA?**

Edgar Covarrubias-Padilla had no identified criminal history at the time the initial DACA request was filed or at the time the initial DACA request was approved.

- 3. Has Edgar Covarrubias-Padilla's employment authorization been terminated? If so, when? If not, why not?**

Edgar Covarrubias-Padilla's employment authorization and DACA were terminated on May 13, 2015.

- 4. Did ICE issue a Notice to Appear (NTA) for Edgar Covarrubias-Padilla? If so, when? If not, why not?**

U.S. Immigration and Customs Enforcement (ICE) did not issue a Notice to Appear (NTA). For criminal investigations conducted by ICE, a NTA is typically not issued until after final adjudication of a criminal case.

- 5. Did USCIS know or have reason to know that ICE was investigating Edgar Covarrubias-Padilla in connection to crimes involving either possession or distribution of child pornography or child exploitation, including molestation? If so, please provide details about how and when USCIS knew of any investigations concerning the exploitation of children.**

The U.S. Citizenship and Immigration Services (USCIS) did not know, nor had reason to know, of any ICE investigation regarding Edgar Covarrubias-Padilla at the time of his initial DACA request, which was adjudicated in May 2013. The routine security checks revealed no such investigation or identified criminal activity. USCIS conducted a routine background check on Mr. Covarrubias-Padilla following his submission of his DACA renewal request in 2015. A TECS record related to the requestor concerning an investigation of child exploitation activity was discovered on March 31, 2015. The record was placed in

Mr. Covarrubias' A-file. The A-file was forwarded to the appropriate USCIS Background Check Unit for resolution as a potentially egregious, public safety case.

Resolution of such records involves determining whether the record actually relates to the same individual who filed for DACA. If records are related to the same individual who filed for DACA, USCIS works with ICE or other appropriate law enforcement agencies to obtain supporting background information behind the TECS record. The relevancy and sufficiency of information to the DACA request is determined prior to rendering a final adjudication.

On May 13, 2015, the ICE Homeland Security Investigations (HSI) office in San Jose, California, notified USCIS of Mr. Covarrubias-Padilla's arrest. USCIS took immediate action that same day to terminate his DACA and his employment documentation.

6. If Edgar Covarrubias-Padilla was under investigation by ICE, please provide the procedures in place for when, and in what manner, ICE would have notified USCIS.

ICE field offices typically apprise USCIS when a recipient of DACA or an immigration benefit is an investigative target. In such cases, notification is typically made via email, telephone, or in person, and is typically made as a means to further develop an ICE criminal investigation.

7. When did DHS alert the Santa Clara Sheriff's Office about their suspicions relating to Edgar Covarrubias-Padilla? What component of DHS contacted the Sheriff's Department? Did this component coordinate with USCIS?

On April 29, 2015, the HSI in San Jose, California, alerted the Santa Clara Sheriff's Office of the suspicious activities involving Edgar Covarrubias-Padilla. This was the same date that ICE confirmed Mr. Covarrubias-Padilla's employment status with the Santa Clara Office of Education. On May 13, 2015, following Mr. Covarrubias-Padilla's arrest, the ICE San Jose office sent a DACA termination request to USCIS due to public safety factors associated with the case.

8. Has USCIS taken any action regarding Edgar Covarrubias-Padilla's DACA renewal? When did USCIS take this action?

Edgar Covarrubias-Padilla's renewal DACA request and application for employment authorization were denied on May 13, 2015.

9. If USCIS took action after May 7, 2015, what was the cause of the delay? Do these delays typically occur while processing DACA recipients? If so, why?

USCIS took action on May 13, 2015, the same date USCIS received direct information from ICE confirming Mr. Covarrubias-Padilla's arrest. There was no delay in terminating DACA after USCIS was informed by ICE of the arrest.

10. What measures are in place to alert USCIS of DACA grantees who commit criminal offenses?

USCIS performs background and security checks on each DACA requestor during the initial and renewal request processes. Appropriate action to terminate DACA will be taken based on any relevant derogatory information provided by U.S. Customs and Border Protection, ICE, or other federal, state, or local law enforcement authorities, or if such information is otherwise discovered.

11. Are DACA grantees continuously vetted against new or evolving derogatory information in the same way that nonimmigrants on temporary visas are under the Kingfisher program? If not, why not?

In addition to conducting background and security checks, USCIS vets each DACA requestor with the Terrorist Screening Database during the initial and renewal request processes. While DACA recipients are not continuously revetted due to existing capability constraints, they are revetted when they request to renew their deferred action after two years or when USCIS receives potentially relevant derogatory information on a specific DACA recipient prior to his or her renewal request. As the U.S. Department of Homeland Security's partners develop vetting capacity, including in the area of recurrent vetting, the Department will continue to work with them to leverage those capabilities.

DACA requests improve our national security by bringing these individuals out of the shadows and revealing their locations and identities. When DACA requestors provide biographic and biometric information during processing, USCIS is able to identify individuals who have been nominated to the watchlist by the Intelligence Community and law enforcement.