Congress of the United States
Washington, DC 20515

October 14, 2015

The Honorable Jeh Johnson
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Johnson:

We write regarding two alien sex offenders that were taken into law enforcement custody earlier this month. We have concerns about how these two criminal aliens will be addressed by your Department, especially considering that the Administration's new Priority Enforcement Program (PEP) fails to address many criminal aliens.

First, U.S. Customs and Border Protection (CBP) announced on October 5 that it arrested Arturo Ocon-Garcia for illegal entry. Ocon-Garcia was convicted of a sex offense in Chicago, Illinois. The City of Chicago is well known to have sanctuary policies that protect illegal aliens.

Second, on October 7, Arlington County Police arrested Melvin Perez Bonilla, who has confessed to multiple attempted sexual assaults, and is believed to be responsible for another sexual attack in August 2015. As far as we know, Bonilla would not fall under the administration's priorities under PEP because he does not have a prior criminal conviction.

According to reports, these two sex offenders are in law enforcement custody. We want to know what actions your Department has taken or will take to obtain custody and remove these two criminals.

In order to better understand Ocon-Garcia and Bonilla's immigration and criminal histories, we are seeking answers about their entry to and residency into the United States. Please provide both Committees on the Judiciary, no later than October 23, with the immigration history and status, executive summary, criminal history and any other information that may be readily available surrounding Ocon-Garcia and Bonilla.

Furthermore, please provide the Committees with the following documents and answers to the below questions as soon as possible, but not later than October 23:

1. Has CBP or Immigration and Customs Enforcement (ICE) ever encountered Ocon-Garcia or Bonilla? If so, please provide details.
2. Were any detainers or requests for notification about the release of Ocon-Garcia or Bonilla issued by the Department of Homeland Security (DHS) to any state, local or federal jurisdiction or agency?
3. We have seen numerous examples of illegal immigrants who were in federal custody, but were handed over to local law enforcement agencies with sanctuary polices, and subsequently released again into the public. Most recently, the Bureau of Prisons released Juan Francisco Sanchez to San Francisco County based on a 20 year-old warrant for marijuana possession. Stunningly, San Francisco County released Sanchez to the street without prosecuting him or notifying ICE. That reckless decision led to the death of Kate Steinle.

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a. Is DHS aware of any outstanding warrants for Ocon-Garcia? If so, please provide the jurisdiction and the reason for the warrant.
b. If Ocon-Garcia is handed over to a local law enforcement agency for an outstanding warrant, will ICE issue a detainer or request for notification of release?
c. If the local law enforcement agency declines to honor a detainer or notify ICE, what action will DHS take to ensure that this sex offender is not free to walk and reoffend?

4. Will ICE issue a detainer for Bonilla? If not, why not?
5. Did Ocon-Garcia or Bonilla ever apply for any immigration benefits, including deferred action? If so, was any application approved? Please provide copies of any applications that Ocon-Garcia or Bonilla may have submitted.
6. Please provide a copy of the alien files for Ocon-Garcia and Bonilla.
7. Please provide any other information collected or maintained by DHS, including ICE or CBP, regarding Ocon-Garcia or Bonilla.
8. If Ocon-Garcia or Bonilla had been encountered by DHS enforcement officials prior to their arrest in connection with the above-mentioned crimes, would either of them have met the requirements to be considered a priority for removal under PEP? If so, please provide the exact reason for such consideration. If not, why not?

Should you have any questions, please contact Kathy Nuebel Kovarik at (202) 224-5225 or Tracy Short at (202) 225-3926. Thank you for your cooperation.

Sincerely,

Charles E. Grassley
Chairman
Senate Committee on the Judiciary

Bob Goodlatte
Chairman
House Committee on the Judiciary