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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 22, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Jeh Johnson
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson:

On Monday, January 18, Francisco Rios-Covarrubias was arrested on suspicion of sex trafficking a 3-yr-old girl from his apartment in Mesa, Arizona.[1] Reports claim that Rios-Covarrubias had apparently duct-taped the girl's mouth, hands, arms and legs, and confined her to a closet, where she was found covered in human feces. Police rescued the girl after a man reported that Rios-Covarrubias offered the girl to him for sex. The girl has signs of sexual abuse, and remains in the hospital where she can neither walk nor talk due to her injuries and trauma.[2] On Tuesday, January 19, Rios-Covarrubias was charged with four felonies; kidnapping, sexual conduct with a minor, felony child abuse, and sex trafficking.[3]

According to information received by the Committee, 30-yr-old Rios-Covarrubias was a recipient of deferred action under the President's Deferred Action for Childhood Arrivals (DACA) program. The Mesa, Arizona, Police Chief told reporters

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[1] *Police: Francisco Javier Rios-Covarrubias, Mayra Solis Arrested in Egregious Child Abuse Case*, ABC 15 News (Jan. 19, 2016), http://www.abc15.com/news/region-southeast-valley/mesa/police-francisco-javier-rio-covarrubias-mayra-solis-arrested-in-egregious-child-abuse-case [Hereinafter ABC 15 Report]
[2] *Id.*
[3] Phil Benson, Jonathan Lowe, & Tanya Mendis, *Mesa PD: Bound Child Found in Bag of Feces 'shocks the soul,'* CBS 5 News (Jan. 19, 2016), http://www.cbs5az.com/story/30997789/mesa-pd-bound-child-found-in-bag-of-feces-shocks-the-soul?autostart=true

that "[T]his is just one of those cases that shocks the soul."[4] We cannot agree more. For months the Committee has inquired into numerous incidents of DACA recipients enjoying DACA privileges after investigations, arrests, or convictions for violent or predatory crimes. The DACA recipients referenced in those letters are charged with various crimes including several counts of murder, suspicion of second-degree murder, possession of child pornography, and child molestation. Yet, criminals are still allowed to retain or apply for DACA privileges, and victims pay the price.

For a better understanding of the circumstances surrounding this case, please provide responses to the following questions, numbering your answers in accordance with these questions:

1. Please confirm that Francisco Rios-Covarrubias applied for, and was granted DACA. Please provide copies of his executive summary and A-file.

2. Did Francisco Rios-Covarrubias have a criminal or arrest record when/if he initially applied for DACA? Did he have a similar record when/if he filed his renewal application? Please explain.

    a. If he was arrested, please explain the reason for the arrest(s)?

3. If relevant, has Francisco Rios-Covarrubias' employment authorization been terminated? If so, when? If not, why not?

4. Did ICE place a detainer on Francisco Rios-Covarrubias after the January 18 arrest? If so, when? If not, why not?

5. Was Rios-Covarrubias at any time under investigation by Homeland Security Investigations (HSI)? If so, what was he under investigation for? Please explain.

Please respond to this letter no later than February 5, 2016. Should you have any questions, please contact Katherine Nikas at (202)224-5225 or Gary Barnett at (202) 224-4521 of our Committee staff. Thank you for your attention to this important matter.

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[4] Associated Press, 3-year-old Girl Was Kept in Closet, Offered for Sex (Jan. 19, 2016), http://nypost.com/2016/01/19/3-year-old-girl-was-kept-in-closet-offered-for-sex-police-say/

Sincerely,

Jeff Flake
Chairman,
Subcommittee on Privacy,
Technology and the Law

Charles Grassley
Chairman,
Senate Committee on the Judiciary