Congress of the United States
Washington, DC 20515

February 9, 2016

The Honorable Sylvia Burwell
Secretary
Department of Health and Human Services
Washington, DC 20201

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

Dear Secretary Burwell and Secretary Johnson:

On January 2, 2016, Omar Wilfredo Reyes was murdered on a bicycle path in Malden, Massachusetts. Two teenagers and suspected MS-13 gang members, Jose Vasquez Ardon and Cristian Nunez-Flores, have been arrested and charged with Reyes' murder. Authorities are still searching for a third suspect. Reyes was allegedly lured away from his girlfriend by Ardon on the night of the murder. Surveillance cameras show Reyes walking with the three suspects to the bicycle path. These same cameras later show the three suspects leaving without Reyes. Reyes was found after midnight by police with a fatal gunshot wound to the head.

News reports give the impression, but do not clarify, that Jose Vasquez Ardon and Cristian Nunez-Flores are both unaccompanied alien minors. One report notes that Nunez-Flores' parents are still in his home country of El Salvador. If these suspects were in fact unaccompanied alien minors, this would be yet another example of the Administration wantonly creating a public safety threat by releasing minors that were members of one of the nation's most violent Central American gangs into the community. Such reckless behavior has already resulted in multiple homicides and other crimes of violence by these criminal street gangs and put the public into serious danger.

For a more thorough understanding of the incidents surrounding the shooting, please provide the following information not later than February 26:

1. Did either Jose Vasquez Ardon or Cristian Nunez-Flores enter the United States as an unaccompanied minor? Please explain.
    a. When did each alien enter?
    b. How were their respective statuses as unaccompanied minors determined?
    c. How long were they in the custody of a resettlement contractor, if any, before being released to their respective sponsors?
    d. To whom was each alien released, and were those sponsors interviewed by officials with the Department of Homeland Security (DHS) or Department of Health and Human Services (HHS) or contractors with those Departments? Please explain.
    e. Were either Jose Vasquez Ardon or Christian Nunez-Flores issued a Notice to Appear? If so, did either attend their immigration hearings? If not, were the respective sponsors for each alien held accountable for their failure to appear in immigration court?
    f. Have the sponsors sought any immigration benefits?

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2. Were Jose Vasquez Ardon or Cristian Nunez-Flores previously arrested or charged with crimes? Were they convicted? If so, please provide the relevant documentation.
3. Have Jose Vasquez Ardon or Cristian Nunez-Flores been previously removed? If so, when?
4. Did U.S. Immigration and Customs Enforcement (ICE) ever place a detainer on Jose Vasquez Ardon or Cristian Nunez-Flores or request that it be notified of the release from custody of either alien? Please explain.
5. Was Jose Vasquez Ardon or Cristian Nunez-Flores a member of, or associated with any criminal gang? Please explain.
6. Was DHS or HHS aware that either Jose Vasquez Ardon or Cristian Nunez-Flores was a member of, or associated with a criminal gang? If so, when were DHS and HHS aware? Please explain.
7. What percentage of detainers or requests for notification of release placed by ICE in each of the past five fiscal years has Middlesex County, Massachusetts honored?
8. If a local law enforcement agency declines to honor a detainer or notify ICE when an alien or suspected alien is in its custody, what action will DHS take to ensure that these two aliens are not released from custody and allowed to reoffend?
9. Did either Jose Vasquez Ardon or Cristian Nunez-Flores ever apply for any immigration benefits, including deferred action? If so, was any application approved? Please provide copies of any applications that either alien may have submitted.
10. Please provide a complete copy of the alien file for Jose Vasquez Ardon and Cristian Nunez-Flores.
11. Please provide any other information collected or maintained by DHS and HHS regarding either Jose Vasquez Ardon or Cristian Nunez-Flores.
12. Does either Jose Vasquez Ardon or Cristian Nunez-Flores meet the requirements to be considered a priority for removal under the Priority Enforcement Program? If so, please provide the exact reason for such consideration. If not, why not?

As you know, the Privacy Act authorizes disclosure of information to Committees of Congress. If you cannot fully respond to each and every request for documents or information set forth above, please identify the specific item requested to which you cannot fully respond and explain why you cannot respond.

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