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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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March 20, 2015

**VIA ELECTRONIC TRANSMISSION**

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

Dear Secretary Johnson:

On Friday, February 27, Senator Grassley wrote to you inquiring whether Emmanuel Jesus Rangel-Hernandez applied for and was, subsequently, approved for deferred action under the Deferred Action for Childhood Arrivals (DACA) program. As you are aware, Mr. Rangel-Hernandez has been charged with first degree murder in the death of four individuals in Charlotte, North Carolina. However, you have not responded to Senator Grassley's initial inquiry though it was due by March 9, 2015.

Since that letter, we have received information that Mr. Rangel-Hernandez applied for and was approved for deferred action under DACA. According to the Charlotte-Mecklenburg Arrest Affidavit, Mr. Rangel-Hernandez was arrested for misdemeanor possession of Marijuana on March 30, 2012.<sup>1</sup> As a result of his arrest and unlawful status in the United States, Mr. Rangel-Hernandez was put into removal proceedings by Immigration and Customs Enforcement (ICE) after his arrest on March 30, 2012. Subsequently, Mr. Rangel-Hernandez's removal proceedings were dismissed on December 18, 2013 due to his approved DACA application.<sup>2</sup>

Furthermore, whistleblowers have alleged that Mr. Rangel-Hernandez's DACA application was approved although U.S. Citizenship and Immigration Services (USCIS) had full knowledge that he was a known gang member. This raises serious concerns about USCIS's review and approval of other DACA applicants and points to

<sup>1</sup> Charlotte-Mecklenburg Police Arrest Processing Center Affidavit, March 30, 2012

<sup>2</sup> U.S. Department of Justice Executive Office for Immigration Review, "In the Matter of: Rangel, Emmanuel Jesus," Charlotte, North Carolina December 18, 2013.

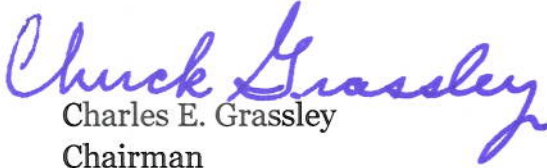
potential vulnerabilities in the system. Therefore, we are seeking the Department's official policy related to DACA adjudications for suspected or known gang members.

In addition, please answer the following questions:

1. Since DACA's creation, how many applications have been approved? Please provide the answer by fiscal year.
2. Of the DACA applications approved, please provide the number of applicants that:
  - a. Had known gang affiliation.
  - b. Suspected gang affiliation.
  - c. Had criminal affiliations.
3. Please explain why USCIS approved DACA applications for known or suspected gang members and others with criminal affiliations.
4. By fiscal year, how many DACA applications have been denied because of gang affiliation or other criminal affiliation?
5. By fiscal year, please provide the number of DACA terminations as a result of gang affiliation or other criminal affiliation.
6. What steps is USCIS taking to ensure that known or suspected gang members or criminally affiliated applicants are denied DACA or approved DACA is terminated once knowledge of gang affiliation or other criminal affiliation is known?

We request that the Department respond to this letter no later than March 31, 2015. Should you have any questions, please contact Kathy Nuebel of Senator Grassley's staff and Courtney Temple of Senator Tillis' staff at (202)224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Committee on the Judiciary



Thom Tillis  
Member  
Committee on the Judiciary