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May 20, 2015

VIA ELECTRONIC TRANSMISSION

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

Dear Secretary Johnson:

In February and March of 2015, I wrote to you about Emanuel Rangel-Hernandez—a recipient of the President’s Deferred Action for Childhood Arrivals (DACA) program who was charged with four counts of first-degree murder in Charlotte, North Carolina. Last month, I wrote to you concerning another DACA recipient, Jose Bojorquez, who was arrested on suspicion of second-degree murder. This month, I write to you again about another potential DACA recipient who has allegedly distributed and possessed hundreds of images of child pornography and who has used his position at a summer camp, employment he may have legally obtained only with employment authorization he achieved as a DACA recipient, to molest and victimize the children he was tasked with helping.

Recent press accounts have reported that Edgar Covarrubias-Padilla, a night counselor at a popular science camp in California was charged with sexually abusing a 10-year-old boy along with distribution and possession of child pornography.¹ Mr. Covarrubias-Padilla allegedly applied for and received deferred action under the DACA program. On Monday, Covarrubias was charged with four felonies, which included possession and distribution of more than 600 child porn images and a charge for lewd and lascivious act with a child under 14.²

The Santa Clara County Office of Education confirmed that Mr. Covarrubias-Padilla worked at two campsites over the past two years in various capacities that involved

¹ Tracy Kaplan and Sharon Noguchi, *Walden West Employee in Child Porn Case Now Charged with Child Molestation*, May 12, 2015, available at: http://www.mercurynews.com/crime-courts/ci_28094252/walden-west-employee-ensnared-child-porn-case-now.

² *Id.*

contact with children. According to news accounts, since this story broke last week, the Santa Clara Sheriff's office has received over 100 calls and 50 emails from concerned parents.³ Reportedly, at least some of these calls are from parents who believe that their children were among Mr. Covarrubias-Padilla's victims.

Whistleblowers allege that Mr. Covarrubias-Padilla filed a DACA application for deferred action on October 8, 2012, and was approved through May of 2015. Mr. Covarrubias-Padilla also allegedly filed an application for employment authorization in October of 2012 that was approved with validity until May of 2015. The Committee has received reports that on November 17, 2014, U.S. Immigration and Customs Enforcement (ICE) placed a note in Mr. Covarrubias-Padilla's record that indicated that he was part of an ongoing investigation for exploiting children and distributing child pornography. Mr. Covarrubias-Padilla has been employed at the camp for the last two years. These allegations are deeply troubling because, if true, they suggest that DHS was aware for months or years that Mr. Covarrubias-Padilla posed a public safety threat to the children he was monitoring, yet took no action to revoke his DACA authorization. Of note, news sources have reported that the Santa Clara Sheriff's Office initiated Mr. Covarrubias-Padilla's arrest after the Department of Homeland Security (DHS) contacted them with concerns about Mr. Covarrubias-Padilla's involvement in child exploitation and child pornography.⁴ These reports raise significant questions concerning the coordination of ICE and USCIS, in regards to DACA recipients.

These allegations are particularly alarming because they suggest that Mr. Covarrubias-Padilla would not have been placed in a position to abuse and exploit children had DHS properly vetted DACA recipients. To better understand the circumstances of this case, please provide responses to the following questions, numbering your answers in accordance with these questions:

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.
2. Did Edgar Covarrubias-Padilla have a criminal record when he initially applied for DACA?
3. Has Edgar Covarrubias-Padilla's employment authorization been terminated? If so, when? If not, why not?
4. Did ICE issue a Notice to Appear (NTA) for Edgar Covarrubias-Padilla? If so, when? If not, why not?
5. Did USCIS know or have reason to know that ICE was investigating Edgar Covarrubias-Padilla in connection to crimes involving either possession or

³ Sharon Noguchi, *Walden West Investigators Flooded With Calls from Parents*, May 14, 2015, available at: http://www.mercurynews.com/bay-area-news/ci_28109706/walden-west-investigators-inundated-by-calls-from-parents.

⁴ *Id.*

- 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.
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.
 7. When did DHS alert the Santa Clara Sherriff's Office about their suspicions relating to Edgar Covarrubias-Padilla? What component of DHS contacted the Sherriff's Department? Did this component coordinate with USCIS?
 8. Has USCIS taken any action regarding Edgar Covarrubias-Padilla's DACA renewal? When did USCIS take this action?
 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?
 10. What measures are in place to alert USCIS of DACA grantees who commit criminal offenses?
 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.

I request that the Department respond to this letter no later than May 29, 2015. Should you have any questions, please contact Katherine Nikas of my Committee staff at (202)224-5225. Thank you.

Sincerely,



Charles E. Grassley
Chairman,
Committee on the Judiciary