



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION'S
OPEN-BORDERS POLICIES: THE CASE OF THE ILLEGAL ALIEN
WHO BRUTALLY ASSAULTED AND MURDERED MARIA GONZALEZ**

Interim Staff Report of the
Committee on the Judiciary
and
Subcommittee on Immigration Integrity, Security, and Enforcement
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EXECUTIVE SUMMARY

Under the Biden-Harris Administration, the flow of illegal aliens across the southwest border has been unprecedented. Since January 20, 2021, at least 8.1 million illegal aliens have been encountered along the southwest border by Customs and Border Protection (CBP), more than half a million of whom have been unaccompanied alien children (UACs).¹ Under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), CBP refers UACs from non-contiguous countries who are encountered along the border to the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS), which is charged with the care and placement of UACs.²

The TVPRA created different sets of rules for UACs from contiguous and non-contiguous countries.³ Under current law, minors from contiguous countries can be immediately returned to their home country if they consent, have not been trafficked, and do not have a credible fear of persecution.⁴ However, minors from non-contiguous countries—meaning any country other than Mexico and Canada—must be referred to the custody of HHS pending lengthy removal proceedings in immigration court.⁵ After their transfer to HHS, UACs are generally released into the United States to a sponsor.⁶

The number of UACs arriving at the southwest border skyrocketed following the passage of the TVPRA in 2008 and the creation of the Deferred Action for Childhood Arrivals (DACA) program during the Obama-Biden Administration to allow certain UACs to remain in the United States.⁷ While Republicans in the House have tried on multiple occasions to authorize the Department of Homeland Security (DHS) to remove UACs from certain non-contiguous countries, Senate Democrats have blocked these reforms.⁸ Most recently, House Republicans passed H.R. 2, the Secure the Border Act of 2023, which contained provisions to fixing loopholes in the UAC process, but the Democrat-controlled Senate refused to consider it.⁹

Not surprisingly under the Biden-Harris Administration, UAC encounters and releases have reached new heights. In less than four years, the Biden-Harris Administration has released

¹ U.S. Customs and Border Protection, *Sw. Land Border Encounters*, U.S. DEP'T OF HOMELAND SEC. (last accessed July 18, 2024), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> [hereinafter *Sw. Land Border Encounters*.]

² William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457 § 235, 112 Stat. 5044, 5077 (2008) (8 U.S.C. § 1232(b)(1)).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ U.S. GOV'T ACCOUNTABILITY OFF., GAO-16-180, UNACCOMPANIED CHILDREN: HHS CAN TAKE FURTHER ACTION TO MONITOR THEIR CARE (2016).

⁷ E-mail from Cong. Research Serv. to H. Comm. on the Judiciary staff (Mar. 16, 2023, 12:57 PM) (on file with Comm.) (compiling U.S. Customs and Border Prot. data); H. Comm. on the Judiciary, Interim Staff Rep., *New Information and Testimony From Biden Administration Officials Reveal Disregard for Potential Gang Affiliation of UACs* at 6 (June 17, 2024).

⁸ Making Supplemental Appropriations for the Fiscal Year ending September 30, 2014, H.R. 5320, 113th Cong. (2014).

⁹ The Secure the Border Act of 2023, H.R. 2, 118th Cong. (2023).

into the United States more than 5.4 million illegal aliens,¹⁰ including an astonishing 420,000 UACs who have been released to sponsors.¹¹ These numbers are troubling, particularly because most UACs are never removed from the United States.¹² The Trump Administration, unlike the Biden-Harris Administration, rightly recognized that the UAC program has suffered for years from exploitation by criminals, including “gang members who come to this country as wolves in sheep[’s] clothing” and “use th[e] UAC] program as a means by which to recruit new [gang] members.”¹³

As millions of illegal aliens have entered the United States under the Biden-Harris Administration, the Administration has lost track of thousands of UACs for whom it is responsible for placing with vetted sponsors. In February 2023, the *New York Times* reported that HHS lost contact with at least 85,000 UACs who ORR had placed with sponsors.¹⁴ As the *Washington Post* recently noted, “[d]ata obtained by the Times showed that in roughly 34 percent of calls, HHS was not able to reach the child.”¹⁵ Accordingly, today the true number of UACs with whom HHS ORR has lost contact could be as high as 140,000.¹⁶ Although the Committee subpoenaed HHS for this information, the Biden-Harris Administration has resisted transparency about the failures of its immigration policies.¹⁷

¹⁰ See H. Comm. on the Judiciary, Rep. on The Biden Border Crisis: How the Biden Admin. Opened the Sw. Border and Abandoned Interior Immigr. Enf’t at App’x 1 (Oct. 9, 2023); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2023*, U.S. DEP’T OF HOMELAND SEC. (last accessed Mar. 22, 2024); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed July 15, 2024); Camilo Montoya-Galvez, *Biden administration has admitted more than 1 million migrants into U.S. under parole policy Congress is considering restricting*, CBS NEWS (Jan. 22, 2024); *Latest UC Data, Total Monthly Discharges to Individual Sponsors Only*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Mar. 22, 2024); Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed July 15, 2024); U.S. Customs and Border Prot., *CBP Releases June 2024 Monthly Update*, U.S. DEP’T OF HOMELAND SEC. (July 15, 2024); Immigr. and Customs Enf’t, *Daily SWB Placemat*, U.S. DEP’T OF HOMELAND SEC. (Apr. 2023–June 2024) (on file with Comm.); Off. of Homeland Sec. Statistics, *Immigr. Enf’t and Legal Processes Monthly Tables – Feb. 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed June 25, 2024).

¹¹ Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP’T OF HEALTH AND HUMAN SERVS., <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state> (last accessed July 18, 2024).

¹² U.S. Customs and Border Protection, *Unaccompanied Alien Children and Family Units Are Flooding the Border Because of Catch and Release Loopholes*, U.S. DEP’T OF HOMELAND SEC. (Feb. 15, 2018), <https://www.dhs.gov/news/2018/02/15/unaccompanied-alien-children-and-family-units-are-flooding-border-because-catch-and> (“Once released into the interior of the United States, with few exceptions, UACs will generally remain in the country . . . Only 3.5 percent of unaccompanied minors apprehended are eventually removed from the United States.”).

¹³ Attorney General Sessions Gives Remarks to Federal Law Enforcement in Boston About Transnational Criminal Organizations, U.S. DEP’T OF JUSTICE (Sept. 21, 2017), <https://www.justice.gov/opa/speech/attorney-general-sessions-gives-remarks-federal-law-enforcement-boston-about>.

¹⁴ Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, N.Y. TIMES (Feb. 28, 2023), <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

¹⁵ Glenn Kessler, *Trump’s claim that Biden lost 88,000 children, with many now ‘dead’*, WASH. POST (June 10, 2024), <https://www.washingtonpost.com/politics/2024/06/10/trumps-claim-that-biden-lost-88000-children-with-many-now-dead/>.

¹⁶ *Id.* Sw. Land Border Encounters, *supra* note 1. 34 percent of the 419,212 UACs released to sponsors during the Biden Administration equates to 142,532 UACs with whom HHS is estimated to have lost contact.

¹⁷ Letter from Jim Jordan, Chair, H. Comm. on the Judic., to Xavier Becerra, Sec’y, U.S. Dep’t of Health and Human Servs. (Jan. 23, 2024).

The Committee’s oversight has shown that under HHS Secretary Becerra’s leadership, HHS has disregarded the potential gang affiliation of UACs entering the country during the Biden-Harris border crisis. For example, documents obtained by the Committee showed how HHS released to a sponsor a UAC who had a previous arrest record for “illicit association” with a dangerous gang known as MS-13.¹⁸ That UAC went on to brutally assault and murder Kayla Hamilton, a 20-year-old Maryland woman.¹⁹ Despite having released an illegal alien with gang tattoos and a history of “illicit association” with MS-13, HHS later told the Committee that it has no policy to refer known or suspected gang members to law enforcement for investigation or prosecution.²⁰

Other information recently released by Senator Charles Grassley confirmed that HHS’s UAC negligence is part of a pattern rather than an isolated incident. Whistleblower records produced show that in 2021 the Biden-Harris Administration disregarded repeated warnings by a case manager about the MS-13 affiliation of a sponsor attempting to take custody of two UACs. Instead of placing the UACs with another sponsor, HHS released at least one UAC to the gang-affiliated sponsor.²¹ Moreover, although the alien denied it, the records released by Senator Grassley seem to indicate that the released UAC may have himself been involved with the dangerous street gang.²² The UAC threatened the case manager and made troubling comments, including, for example, stating that his MS-13 affiliated father had taught him things that “he should not be teaching him[,] such as *killing* others.”²³

Since February 2023, the Committee has requested information, including alien files (A-files)—DHS records that contain immigration case history about individual aliens—relating to illegal aliens who have committed serious and violent crimes in the United States during the Biden-Harris Administration. In some cases, due to the Administration’s refusal to disclose information about these criminal illegal aliens, the Committee has been forced to issue subpoenas. To date, DHS has provided the Committee with A-files relating to roughly 30 criminal aliens.

The information obtained by the Committee shows in stark terms the real-world consequences of the Biden-Harris Administration’s failure to secure the border and enforce immigration law. Taken as a whole, the Committee’s investigation into the criminal illegal aliens the Biden-Harris Administration has allowed to enter the United States exposes the widespread failure to adequately vet, apprehend, detain, and remove illegal aliens. In some cases, the illegal aliens had committed crimes in their home countries but were nevertheless released from DHS custody. In other cases, the illegal aliens had criminal records or were gang members and were

¹⁸ See H. Comm. on the Judiciary, Interim Staff Rep., *The Murder of Kayla Hamilton: A Case for Immigr. Enf’t, and Border Sec.* (May 23, 2023).

¹⁹ *Id.*

²⁰ H. Comm. on the Judiciary, Interim Staff Rep., *New Information and Testimony From Biden Administration Officials Reveal Disregard for Potential Gang Affiliation of UACs* at 3 (June 17, 2024).

²¹ Press Release, *RECORDS: HHS Sent Unaccompanied Minors to Sponsors with MS-13 Ties, Potential Trafficking Rings*, Sen. Chuck Grassley (July 11, 2024) <https://www.grassley.senate.gov/news/news-releases/records-hhs-sent-unaccompanied-minors-to-sponsors-with-ms-13-ties-potential-trafficking-rings>.

²² *Id.*

²³ *Id.* (emphasis added).

still released into the United States. In all cases, the illegal aliens went on to commit crimes in American communities ranging from murder and robbery to brutal assault.

In 2017, then-Senator Kamala Harris asserted that “an undocumented immigrant is not a criminal”²⁴ and mocked any plans to remove illegal aliens from the United States.²⁵ Contrary to the border czar’s claims, many of the illegal aliens allowed to enter the United States under Vice President Harris’s watch are criminals who victimized Americans and terrorized U.S. communities. This interim staff report focuses on the case of just one criminal illegal alien, Juan Carlos Garcia Rodriguez, and highlights how the open-borders policies of the Biden-Harris Administration fast-tracked his release into the United States. According to new, nonpublic information uncovered by the Committee, in January 2023, Juan Carlos Garcia Rodriguez was smuggled to the U.S. border in 2023 by a “guide” paid for by his parents.²⁶ Once in HHS custody, Garcia Rodriguez was overheard commenting about his desire to run away.²⁷ Despite this, he was later placed with an unrelated adult sponsor who had twice previously sponsored unrelated UACs.²⁸ Unsurprisingly, shortly after the Biden-Harris Administration’s release of Garcia Rodriguez, on February 4, 2023, he became one of the up to 140,000 UACs with whom HHS has lost contact.²⁹ Just months after HHS lost contact with Garcia Rodriguez, he ran away from his sponsor.³⁰ Not long after his 18th birthday, on August 12, 2023, Garcia Rodriguez, brutally assaulted and murdered 11-year-old Maria Gonzalez.³¹

²⁴ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:38 PM), <https://x.com/KamalaHarris/status/855566507526565888>.

²⁵ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:39 PM), <https://x.com/KamalaHarris/status/855566707729027072>.

²⁶ See *infra* note 60.

²⁷ See *infra* note 64.

²⁸ See generally *infra* note 55.

²⁹ See *infra* note 85.

³⁰ *Id.* See generally *infra* note 38.

³¹ *Id.* at 38, 84.

THE CASE OF CRIMINAL ILLEGAL ALIEN JUAN CARLOS GARCIA RODRIGUEZ

For more than three-and-a-half years, President Joe Biden and “border czar” Vice President Kamala Harris have orchestrated the largest mass release of illegal aliens into the country in American history. Well over 7 million illegal aliens are now in the United States because of the Biden-Harris Administration’s radical immigration policies.³² The results are all too predictable: cities overwhelmed, public services crushed, and communities shattered by the criminality of some illegal aliens.

Although the Biden-Harris Administration claims that illegal aliens are vetted before being released into the United States, the reality is much more disturbing. As one federal district court judge has observed, the checks that DHS currently performs on illegal aliens encountered at the southwest border should concern every American. As Judge Wetherell explained in 2023:

Although DHS says it is screening arriving aliens . . . to determine if they are a public safety threat, the more persuasive evidence establishes that DHS cannot reliably make that determination. Indeed, according to [the Administration’s] own witnesses, DHS has no way to determine if an alien has a criminal history in his home country unless that country reports the information to the U.S. government or the alien self-reports. Therefore, DHS is mainly only screening aliens at the border to determine if they have previously committed a crime in the United States, and because many of these aliens are coming to the United States for the first time, DHS has no idea whether they have criminal histories or not.³³

Indeed, the biometric and biographic data of illegal aliens, including that of the millions of illegal aliens who have entered the U.S. during the Biden-Harris Administration, are only vetted against U.S. criminal databases, such as the National Crime Information Center (NCIC), and against INTERPOL information.³⁴ Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.³⁵ As a result, if there is derogatory information about an alien in that alien’s home country, the current checks are unlikely to reveal it. As former Border Patrol Chief Rodney Scott testified to the Subcommittee on Immigration Integrity, Security, and Enforcement in 2023, the U.S. government has “very, very minuscule data” available when an alien arrives at the southwest border because “[c]rimes committed by a foreign national outside the U.S. rarely appear in [U.S.] databases.”³⁶

³² See *supra* note 10; Casey Harper, *Border crisis creates national security threat for U.S., observers say*, WASH. EXAMINER (Aug. 7, 2023); Bill Melugin (@BillMelugin_), X (June 20, 2024, 10:22 AM). The Biden-Harris Administration has released 5.4 million illegal aliens into the United States, with an additional 1.9 million known illegal alien “gotaways” escaping into the country at the same time.

³³ *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

³⁴ *The Biden Border Crisis: Part III: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 62 (2023) (statement of Rodney Scott).

³⁵ *Id.*

³⁶ *Terrorist Entry Through the Sw. Border: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 45 (2023) (statement of Rodney Scott).

The consequences are dire, with illegal aliens committing crimes against Americans at an alarming rate. Since the beginning of the 118th Congress, Chairman Jim Jordan and Subcommittee Chairman Tom McClintock have requested files and information related to dozens of illegal aliens who have committed violent and serious crimes during the Biden-Harris Administration. This report focuses on just one of the millions of illegal aliens released by the Biden-Harris Administration: Juan Carlos Garcia Rodriguez.

Illegal Alien Juan Carlos Garcia Rodriguez Brutally Assaulted and Murdered Maria Gonzalez.

According to press reports, on August 19, 2023, police in Shreveport, Louisiana, arrested Juan Carlos Garcia Rodriguez, an illegal alien from Guatemala, in connection with the murder of an 11-year-old girl in Pasadena, Texas.³⁷ Just weeks after her eleventh birthday, the young victim was found brutally assaulted and murdered in an apartment she shared with her father.³⁸

The details of this crime are horrifying. Shortly after leaving for work the morning of Saturday, August 12, 2023, the victim's father received a message from his daughter that someone was knocking at the door.³⁹ He cautioned her not to open it.⁴⁰ After receiving no reply to several subsequent messages, the father called on nearby family members to check on his daughter.⁴¹ When they arrived, there was no sign of the girl.⁴² The father later found "his daughter's body wrapped in a trash bag and stuffed in a laundry basket that was put beneath her bed."⁴³ According to the Harris County Medical Examiner, the victim "died from asphyxia caused by strangulation as well as blunt force trauma to the head and neck."⁴⁴

According to press reports, Juan Carlos Garcia Rodriguez, the charged perpetrator, was encountered by Border Patrol after entering the U.S. illegally in El Paso in January 2023.⁴⁵ A 17-

³⁷ The Associated Press, *Suspect arrested in killing of 11-year-old Texas girl whose body was left under bed*, 13 ACTION NEWS WTVG (August 20, 2023), <https://www.13abc.com/2023/08/20/suspect-arrested-killing-11-year-old-texas-girl-whose-body-was-left-under-bed/>.

³⁸ Jaime E. Galvan & Chloe Alexander, *Person of interest named in killing, sexual assault of 11-year-old Pasadena girl*, KHOU 11 (Aug. 18, 2023), <https://www.khou.com/article/news/crime/girl-killed-in-pasadena-tx-person-of-interest/285-f3ae43b2-f446-4e8f-bb7d-f662bdb1c08e>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Adam Zuvanich, *Pasadena police looking for leads after 11-year-old girl found murdered inside her apartment*, HOUSTON PUBLIC MEDIA (Aug. 16, 2023), <https://www.houstonpublicmedia.org/articles/news/local/2023/08/16/459673/pasadena-murder-maria-gonzalez-11-year-old-girl-dead-inside-apartment/>.

⁴⁵ Ali Bradley (@AliBradleyTV), TWITTER (August 18, 2023, 11:15 AM), <https://twitter.com/AliBradleyTV/status/1692571031192453380?ref>.

year-old at the time of his entry, Garcia Rodriguez was referred to HHS as a UAC.⁴⁶ He was subsequently released from HHS custody and placed with a sponsor in Louisiana.⁴⁷

Following these reports, on August 29, 2023, the Committee sent letters to DHS and HHS requesting all case history information for the alien, including his A-file and HHS case file.⁴⁸ Both agencies failed to timely produce the documents. Accordingly, on December 8, 2023, the Committee subpoenaed DHS Secretary Alejandro Mayorkas for Garcia Rodriguez's A-file, among other outstanding A-file requests.⁴⁹ Pursuant to the Committee's subpoena, on January 8, 2024, DHS produced Juan Carlos Garcia Rodriguez's A-file.⁵⁰

The Committee also worked diligently to obtain the case file materials from HHS, ultimately subpoenaing HHS Secretary Becerra following months of stonewalling and baseless excuses.⁵¹ Despite the fact that HHS lacks any legal basis on which to deny the Committee the materials, HHS declined to produce unredacted copies of all of the documents requested due to its concern for the privacy interests of the criminal alien.⁵² On April 18, 2024, as an accommodation to HHS, the Committee viewed a smaller subset of the documents *in camera* with some, although not all, of the redactions lifted.⁵³

The Biden-Harris Administration Released Juan Carlos Garcia Rodriguez to a Sponsor in 2023.

The Committee's review of Juan Carlos Garcia Rodriguez's A-file and case file materials reveals that Border Patrol first encountered the alien, a national of Guatemala, on January 8, 2023, in El Paso, Texas.⁵⁴ According to the alien, he departed his home country on December 21, 2023.⁵⁵ Garcia Rodriguez indicated to Border Patrol that his intended destination was

⁴⁶ Ali Bradley (@AliBradleyTV), TWITTER (August 18, 2023, 11:15 AM), https://twitter.com/AliBradleyTV/status/1692571031192453380?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet.

⁴⁷ Lileana Pearson & Shannon Ryan, *18-year-old arrested after confessing to Pasadena 11-year-old's murder, sexual assault sources say*, KTRK ABC13 (August 19, 2023), <https://abc13.com/texas-girl-killed-child-murder-sex-assault-11-year-old-hidden-under-bed/13671948/>.

⁴⁸ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Aug. 29, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Xavier Becerra, Sec'y, U.S. Dep't of Health and Human Servs. (Aug. 29, 2023).

⁴⁹ Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Dec. 8, 2023).

⁵⁰ Letter from Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. to Jim Jordan et al., Chairman, H. Comm. on the Judiciary (Jan. 8, 2024).

⁵¹ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Xavier Becerra, Sec'y, U.S. Dep't of Health and Human Servs. (Feb. 20, 2024).

⁵² Letter from Melanie Egorin, Acting Ass. Sec'y for Legislation, U.S. Dep't of Health and Human Servs., to Jim Jordan et al., Chairman, H. Comm. on the Judic. (Sept. 28, 2023) (on file with Comm.).

⁵³ The Committee reviewed documents *in camera* at HHS on April 18, 2024, with some of the redactions that HHS had unilaterally applied, lifted.

⁵⁴ Alien File of Juan Carlos Garcia Rodriguez at 11-12, provided to H. Comm. on the Judiciary staff by U.S. Dep't of Homeland Sec. (on file with Comm.) [hereinafter Garcia Rodriguez A-File].

⁵⁵ Case File of Juan Carlos Garcia Rodriguez at 1276, provided to H. Comm. on the Judiciary staff by U.S. Dep't of Homeland Sec. (on file with Comm.) [hereinafter Garcia Rodriguez Case File].

Louisiana, where he would meet up with a “friend.”⁵⁶ His A-file indicates that Border Patrol vetted the alien against U.S. databases,⁵⁷ although clearly the checks were not sufficient. Garcia Rodriguez did not disclose any criminal activity or misdemeanor or felony convictions to his HHS case managers.⁵⁸ Because Garcia Rodriguez was a UAC from a non-contiguous country, Border Patrol referred him to HHS.⁵⁹

Garcia Rodriguez described to his HHS case managers how he was smuggled to the southwest U.S. border. According to statements recorded in his HHS case file, Garcia Rodriguez was smuggled to the border with the help of a so-called “guide,” traveling via bus and stopping on multiple occasions to sleep at what he describes as crowded “warehouses that were being used as rest stops.”⁶⁰ According to Garcia Rodriguez, his “parents paid for his journey” and he “does not have a current debt owed to anyone related to his travel expenses.”⁶¹ According to the alien, he left his home country “to live a better life,”⁶² explaining that he “traveled to the U.S. from Guatemala for academic and work opportunities.”⁶³

While in HHS custody, records reflect that Garcia Rodriguez was overheard commenting that he planned to escape. Just days after entering HHS custody, on January 25, 2023, case managers filed a Significant Incident Report (SIR) in his file, noting that two case managers overheard Garcia-Rodriguez state “that if he didn’t leave right now[,] he w[ould] escape tonight and jump over the fence.”⁶⁴ HHS case managers record SIRs in UACs’ case files in a variety of situations, including to document “situations that may immediately affect the safety and well-being of a [UAC],” such as “[r]unaway attempts.”⁶⁵ When confronted by case managers about his statement, Garcia Rodriguez changed his tune, “den[ying] making any kind of comments about escaping” and instead claiming “[that] it wouldn’t make sense to leave.”⁶⁶

Garcia Rodriguez told HHS case managers that part of his motivation for coming to the United States was also based on his desire to meet up with his sponsor, an unrelated adult family friend who he says previously lived nearby in his home country about a decade ago.⁶⁷ Under HHS policy, unrelated adult sponsors are categorized as Category 3 sponsors. HHS groups potential sponsors into several categories in order of preference:

Category 1: Parent or legal guardian. This includes qualifying step-parents that have legal or joint custody of the child or teen.

⁵⁶ Garcia Rodriguez A-File, *supra* note 54, at 13-14.

⁵⁷ *Id.* at 12.

⁵⁸ Garcia Rodriguez Case File, *supra* note 55, at 1278.

⁵⁹ Garcia Rodriguez A-File, *supra* note 54, at 8.

⁶⁰ Garcia Rodriguez Case File, *supra* note 55, at 1276 & 1280.

⁶¹ *Id.*

⁶² Garcia Rodriguez A-File, *supra* note 54, at 6.

⁶³ Garcia Rodriguez Case File, *supra* note 55, at 1276.

⁶⁴ *Id.* at 1478.

⁶⁵ Off. of Refugee Resettlement, *ORR Unaccompanied Children Program Policy Guide: Section 5*, U.S. DEP’T OF HEALTH AND HUMAN SERVS., <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-5#5.8.2> (last accessed July 18, 2024).

⁶⁶ Garcia Rodriguez Case File, *supra* note 55, at 1478.

⁶⁷ *Id.* at 1281-1282.

Category 2A: A brother; sister; grandparent or other immediate relatives (e.g., aunt, uncle, first cousin) who previously served as the UC’s primary caregiver. This includes biological relatives, relatives through legal marriage, and half-siblings.

Category 2B: An immediate relative (e.g., aunt, uncle, first cousin) who was not previously the UC’s primary caregiver. This includes biological relatives, relatives through legal marriage.

Category 3: Other sponsor, such as distant relatives and unrelated adult individuals.⁶⁸

Garcia Rodriguez’s sponsor had a history of sponsoring UACs who were not related to him, with a total of three Category 3 sponsorships for unrelated UACs, including Garcia Rodriguez.⁶⁹ As a result, HHS conducted a home study, according to partially redacted records in the HHS case file.⁷⁰ According to a case manager’s notes, in both sponsorships prior to Garcia Rodriguez, this sponsor failed to enroll the UACs in school, despite his agreement to do so in the sponsor care agreement.⁷¹ In one case, the UAC turned 18 years old days after his placement, and therefore the sponsor did not enroll the UAC in classes.⁷² In another case, the sponsor claimed that he “tried encouraging the [UAC] to attend[,] however, the [UAC] did not want to be enrolled.”⁷³ Instead, in late 2022, the UAC moved out of the sponsor’s house, “went to live with [the s]ponsor’s brother,” and ultimately went on “to work with [the s]ponsor’s brother.”⁷⁴ The case manager concluded by requesting “guidance on whether we can proceed with [placing Garcia Rodriguez with] this [s]ponsor without school compliance” in the case of his two previous sponsorships.⁷⁵

Although privacy laws do not apply to Congressional committees conducting oversight of federal agencies and case files are not classified, HHS unilaterally and arbitrarily applied redactions throughout the materials it made available to the Committee.⁷⁶ For example, HHS originally redacted immigration information both in documents produced to the Committee and those provided for the Committee’s review *in camera*, only later confirming when pressed that Garcia Rodriguez’s sponsor was himself an illegal alien.⁷⁷ HHS redacted other information about the sponsor, who had a history of sponsoring potentially unrelated UACs, including information

⁶⁸ Off. of Refugee Resettlement, *ORR Unaccompanied Children Program Policy Guide: Section 2*, U.S. DEP’T OF HEALTH AND HUMAN SERVS., <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-5#5.8.2> (last accessed July 18, 2024).

⁶⁹ E-mail from Off. of Ass. Sec’y for Legis., U.S. Dep’t of Health and Human Servs., to Comm. staff, H. Comm. on the Judic. (Apr. 30, 2024) (on file with Comm.). While there is conflicting information in his case file that is unclear based on the redactions applied to materials produced to the Committee, according to HHS ASL staff Garcia Rodriguez’s “sponsor previously sponsor[ed] two Category 3 unaccompanied children.”

⁷⁰ Garcia Rodriguez Case File, *supra* note 55, at 1709.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.* at 1710.

⁷⁶ See generally Letter from Jim Jordan, Chair, H. Comm. on the Judic., to Xavier Becerra, Sec’y, U.S. Dep’t of Health and Human Servs. (Nov. 13, 2023).

⁷⁷ E-mail from Off. of Ass. Sec’y for Legis., U.S. Dep’t of Health and Human Servs., to Comm. staff, H. Comm. on the Judic. (Apr. 30, 2024) (on file with Comm.).

about his criminal history and background checks,⁷⁸ previous and potential sponsorships,⁷⁹ almost all responses under the heading “Trafficking and Fraud,”⁸⁰ and information about sponsor and address flags found during his previous sponsorships.⁸¹

Despite HHS’s obstruction, case file materials indicate that Garcia Rodriguez’s sponsor may have a history of criminal activity in his home country. While the sponsor initially told case managers that he had no criminal history, he later contradicted himself, describing his arrest in Guatemala around 2010 or 2011 after his former employer “accused him of theft.”⁸² While the sponsor claimed to be innocent, stating that his former employer was “making it up because he left his job without notice,” he also stated that he repaid his accuser the amount of the stolen items in order to be released from police custody.⁸³ Despite the sponsor’s admission of criminality, his status as an illegal alien, and his failure to enroll unrelated UACs he sponsored previously in school, on February 4, 2023, HHS released Garcia Rodriguez to the sponsor’s custody.⁸⁴

Garcia Rodriguez is among the at least 85,000 UACs of whom the Biden-Harris Administration has lost track. According to Garcia Rodriguez’s case file, although case managers attempted to make contact with the UAC and his sponsor, the calls went unanswered just one month after his release.⁸⁵ A few months later, in May 2023, a case manager again attempted to make contact with the UAC, his sponsor, and his family in his home country on multiple occasions, but received no response.⁸⁶ As a result, on June 7, 2023, the caseworker noted that “due to lost family procedures, the caseworker was unable to initiate [post-release services],” and, accordingly, “clos[ed] the case” and “flagged the sponsor[,] as the sponsor has failed to communicate and cooperate with the [] caseworker.”⁸⁷

Below: In March 2023, one month after his release, HHS lost track of Juan Carlos Garcia Rodriguez.

Subject: Garcia Rodriguez, Juan Carlos
Response Date: 3/6/2023
Completed By: [REDACTED]

Follow-up Phone call

Please indicate the phone call date using

Did Youth/Sponsor Answer?	No
Was a voicemail left for youth/sponsor?	No
Did staff speak to youth?	No
Did staff speak to sponsor?	No

⁷⁸ Garcia Rodriguez Case File, *supra* note 55, at 1694.

⁷⁹ *Id.* at 1695.

⁸⁰ *Id.* at 1699-1702.

⁸¹ *Id.* at 1702.

⁸² *Id.* at 1616.

⁸³ *Id.*

⁸⁴ *Id.* at 1730.

⁸⁵ *Id.* at 1737.

⁸⁶ *Id.* at 1735-36.

⁸⁷ *Id.*

Below: In May 2023, HHS case workers again attempted to make contact with the UAC, his sponsor, and his family in Guatemala, but could not make contact and ultimately closed his case.

The caseworker attempted to contact the sponsor and minor at [REDACTED] on 5/3/23 and 5/4/23 to complete the 24-hour call and was not successful.

The caseworker attempted to contact the sponsor again on 5/12/23 and was unable to reach him at [REDACTED]

On 5/12/23, the caseworker contacted the alternative caregiver, [REDACTED] at [REDACTED] and asked for the sponsor and minor. A gentleman answered the phone and stated that he did not know the minor nor the sponsor.

On 5/15/23, the caseworker mailed a lost family contact letter to the sponsor to the following address, [REDACTED]

On 5/19/23, the case worker continued to contact the sponsor and was unsuccessful.

On 5/19/23, the caseworker attempted to contact the minor's [REDACTED] and was unable to reach him.

On 5/24/23, the caseworker attempted calling the sponsor again and there was no response.

On 5/24/23, the caseworker attempted to call the minor's [REDACTED] in home country again and there was also no response.

On 5/31/23, the caseworker attempted to contact the shelter caseworker at [REDACTED] however an answer was not received.

The PRS caseworker completed several attempts to establish contact with the sponsor and minor.

However, due to lost family procedures, the caseworker was unable to initiate PRS services with the family. The case is closing due to the PRS provider being unable to establish contact with the released child/sponsor within 30 days of being released. PRS has flagged the sponsor as the sponsor has failed to communicate and cooperate with the PRS caseworker to ensure that the minor is safe and receives needed information. The minor's location is currently unknown. Due to this, the caseworker was unable to ensure the minor's safety.

Mere months after HHS lost track of Garcia Rodriguez, he was arrested for brutally assaulting and murdering 11-year-old Maria Gonzalez. After presumably running away from his Louisiana-based sponsor, Garcia Rodriguez made his way to the suburbs of Houston, Texas.⁸⁸ On August 12, 2023, press reports indicate that Maria Gonzalez was viciously assaulted and murdered in the apartment she shared with her father, after messaging her father that morning that someone was knocking on their door.⁸⁹ Her father cautioned her not to open it.⁹⁰ When she did not answer, he called on nearby family members to check on her, but there was no sign of her.⁹¹ Maria's father later found "his daughter's body wrapped in a trash bag and stuffed in a laundry basket that was put beneath her bed."⁹²

⁸⁸ Galvan & Alexandra, *supra* note 38.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

Maria’s father also happened to find a silver key on the floor, evidence that would ultimately lead to Garcia Rodriguez’s arrest.⁹³ According to reports, after police spoke to neighbors at the complex, Garcia Rodriguez’s roommates revealed that the alien told them he was moving out of the apartment and that “he had a new job . . . but refused to give back the key.”⁹⁴ Police later confirmed that the key found on the floor matched the locks of the apartment where Garcia Rodriguez had been staying.⁹⁵ While Garcia Rodriguez claimed he was not “at the crime scene and said he was with friends,” his friends refuted his story.⁹⁶ Instead, on the day of the murder, Garcia Rodriguez had reportedly “been drinking until the early morning hours.”⁹⁷ Prosecutors say that after first denying his involvement in the crime, Garcia Rodriguez later admitted he was involved, but unbelievably claimed that “he was forced at gunpoint by two Black males to commit the sexual assault.”⁹⁸ A criminal court denied Garcia Rodriguez bail.⁹⁹ In a statement, Maria’s family thanked law enforcement, writing:

We want to say thank you to the Pasadena Police Department and to Louisiana police and any officials that participated in bringing this cold-blooded murderer into custody. This arrest has brought the family and community some peace. We are extremely thankful that he cannot cause this type of pain to anybody again. I ask for those who are in charge to give us justice. May he be burdened with the full weight of the law, for what he has done to my daughter.¹⁰⁰

CONCLUSION

The disastrous immigration policies of the Biden-Harris Administration have had real-world consequences for American citizens. The effects of those policies will be felt for years to come, with criminal aliens in American neighborhoods harming families and hurting public safety across the country. The family of Maria Gonzalez will never be the same because the Biden-Harris Administration’s policies incentivized illegal alien Juan Carlos Garcia Rodriguez to enter the country and fast-tracked his release. Tragically, the Gonzalez family is not alone.

For 15 months, President Biden, Vice President Harris, and Senate Democrats have failed to consider the House-passed H.R. 2, the Secure the Border Act of 2023, despite rapidly deteriorating conditions both at the border and in the interior. To secure America, the Senate must pass, and President Biden must sign into law, H.R. 2. In the meantime, the Committee and

⁹³ Fox 26 Digital, *Pasadena crime: Bail denied for Juan Carlos Garcia Rodriguez in death of Maria Gonzalez*, FOX 26 HOUSTON (Aug. 24, 2024), <https://www.fox26houston.com/news/pasadena-crime-bail-denied-for-juan-carlos-garcia-rodriguez-in-death-of-maria-gonzalez>.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Nakia Cooper, *Bond denied for man accused of strangling, sexually assaulting 11-year-old Pasadena girl; had history with ICE*, CLICK2HOUSTON (Aug. 23, 2023), <https://www.click2houston.com/news/local/2023/08/23/extradited-man-accused-of-strangling-sexually-assaulting-11-year-old-pasadena-girl-headed-back-to-texas/>.

Subcommittee will continue to conduct vigorous oversight to inform legislative reforms to address President Biden and Vice President Harris's dangerous immigration policies.