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2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

August 29, 2016

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

Dear Secretary Johnson:

On August 16, 2016, Eduardo Irhneis Escobar, an alien from Honduras illegally present in the United States, allegedly carjacked and robbed two women at gunpoint in Kansas City, Missouri. During the robbery, Escobar ordered the women, ages 63 and 91, out of their vehicle and began to drive away in the stolen car. According to police, when the 91 year-old victim failed to exit the vehicle as demanded, Escobar pushed her out of the moving vehicle and onto the roadside. He then led police on a high-speed chase at speeds of over a hundred miles per hour, driving into oncoming traffic lanes and colliding with at least one vehicle before crashing into a steep embankment. Police apprehended Escobar as he attempted to escape on foot. He is currently charged with first-degree robbery and armed criminal action, both felonies, for which he could be sentenced to a minimum of ten years, up to life imprisonment.

The level of apparent violence and callousness exhibited by Escobar toward the helpless victims of this robbery is astonishing. Equally astonishing is the fact that Escobar was not in the custody of U.S. Immigration and Customs Enforcement (ICE), despite his illegal presence and a 2010 conviction for felony assault. According to ICE, Escobar "has been encountered several times [by ICE] since 2010," and he was released from custody on August 8 due to a "clerical error." Moreover, Escobar falsely claimed to be a derivative United States citizen through his mother, who also falsely claimed to be a United States citizen using a stolen birth certificate and was criminally prosecuted and convicted in 2014 for making the false claim. As such, it would appear that ICE was aware that Escobar was an illegally present, removable alien with a felony assault conviction in 2014, if not before. So, it is incomprehensible that Escobar was not held in ICE custody pending proceedings to seek his removal from the United States. Instead, he was allowed to remain at large and brutally rob and attack these vulnerable victims.

Escobar is an unlawfully present alien with a violent felony conviction, who was known to ICE and apparently taken into custody, but inexplicably released back to the street. Thus, it would appear that the Department of Homeland Security (DHS) did not take all appropriate actions to ensure the safety and security of the American public.

Therefore, please provide the following information no later than September 12, 2016:

1. The alien registration number for Escobar, his complete alien file (A-file), including any temporary files, working files, or Service Center files, and all documents and items contained in them, all reports or notifications generated by DHS or in its possession about him, whether currently in written or electronic form, including, but not limited to, the Enforcement and Removal Operations (ERO) Executive Summary, criminal history or immigration summaries, detainers or requests for notification, I-213(s), and Notice(s) to Appear or other charging documents created to seek his removal from the United States.
2. Please identify each and every date on which Escobar was encountered by a law enforcement agency in the United States, to include criminal and civil arrests, the nature of the charge, the jurisdiction where the arrest occurred, the disposition of that charge, the date(s) on which he was released from the custody of that law enforcement agency, and the reason(s) for the release. Please provide the arrest and disposition documentation for each encounter.
3. How and when did Escobar enter the United States? Was he ever served with a Notice to Appear? Was it filed with an immigration court? Please explain.
4. Did Escobar ever apply for any immigration benefits, including deferred action? If so, was any application approved? Please provide copies of any applications that he may have submitted, whether or not adjudicated.
5. Has Escobar been removed previously? If so, when?
6. Has ICE issued a detainer or request for notification to any entity regarding Escobar? Please explain.
7. Has Escobar ever been a member of, or associated with any criminal gang? Please explain.
8. Has Escobar ever asserted a claim to U.S. citizenship? For every claim of U.S. citizenship asserted by Escobar, please state the date the claim was made, by whom and to whom it was made, the manner in which it was asserted, and all actions taken by ICE ERO and the Office of Principal Legal Advisor to investigate and determine the validity of such claim.
9. If Escobar had been encountered by DHS enforcement officials prior to his latest arrest for robbery, would he have met the requirements to be considered a priority for removal under the Administration's 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.

If you have any questions about this request, please contact Tracy Short, Counsel, Subcommittee on Immigration and Border Security, at (202) 225-3926. Thank you for your prompt attention to this matter.

Sincerely,



Bob Goodlatte
Chairman

cc: Hon. John Conyers, Jr.