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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*

KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

January 13, 2016

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

Dear Secretary Johnson:

I write to request information on Rigoberto Arevalo Cubias, an undocumented immigrant from El Salvador who is on the run after allegedly raping a five-year-old girl in Fullerton, California. According to news sources, law enforcement began investigating abuse on December 21, 2016, after a hospital report of a child sexual assault victim.¹ News sources also say that Cubias illegally immigrated to the United States from El Salvador, has a fake California driver's license, and a \$50,000 arrest warrant for a 2014 DUI.² Fullerton Detectives believe that Cubias knows he is wanted, and is on the run.

To better understand Cubias' immigration and criminal history, please provide my staff on the Judiciary Committee with the following information as soon as possible, but not later than January 19, 2017:

1. The alien registration number for Rigoberto Arevalo Cubias, his complete alien file (A-file), including any temporary files or working files, and all documents and items contained in them that were generated by the Department of Homeland Security (DHS) or in their 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 and 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 and explain each and every encounter that DHS or any of its agencies has had with Rigoberto Arevalo Cubias, including the date of the encounter, whether the encounter resulted in detention or the issuance of a detainer or request for notification, whether the encounter resulted in the initiation of removal proceedings or reinstatement of a prior removal order against him, and the current status of those removal proceedings or reinstatement.

¹ *5-Year-Old Girl Sexually Assaulted; Suspect on the Run*, ABC NEWS, Jan. 11, 2017, <http://abc7chicago.com/news/girl-5-sexually-assaulted;-suspect-on-the-run/1697745/>; *Illegal Immigrant Suspected of Sexually Assaulting 5-Year-Old in California*, FOX NEWS, Jan. 12, 2017.

² *5-Year-Old Girl Sexually Assaulted; Suspect on the Run*, ABC NEWS, Jan. 11, 2017, <http://abc7chicago.com/news/girl-5-sexually-assaulted;-suspect-on-the-run/1697745/>.

3. Please identify each and every date on which Rigoberto Arevalo Cubias was arrested by a law enforcement agency in the United States, including criminal and civil arrests, the nature of the charges, the jurisdictions where the arrests occurred, the dispositions of the charges, the dates on which he was released from the custody of the law enforcement agencies, and the reasons for the release.
4. If a local law enforcement agency declines to honor a detainer or notify Immigration and Customs Enforcement (ICE) regarding Rigoberto Arevalo Cubias, what action will DHS take to ensure that he is not released from custody and allowed to reoffend?
5. Did Rigoberto Arevalo Cubias ever apply for any immigration benefit? If so, was any application approved? Please provide copies of any applications that Rigoberto Arevalo Cubias may have submitted, whether or not adjudicated.
6. What criminal gang(s) is or was Rigoberto Arevalo Cubias associated with? When did ICE become aware that he was associated with a criminal gang? Please explain.
7. If Rigoberto Arevalo Cubias had been encountered by DHS enforcement officials prior to his recent arrest for attempted murder, 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?
8. Have any victims associated with the crimes committed by Rigoberto Arevalo Cubias been contacted by officials at ICE? Please provide details.

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 of my staff at (202) 224-5225. Thank you for your cooperation.

Sincerely,



Charles E. Grassley
Chairman
Senate Judiciary Committee