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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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March 23, 2017

**VIA ELECTRONIC TRANSMISSION**

The Honorable John Kelly  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Kelly:

I write to obtain information regarding two unaccompanied minors who crossed the border illegally from Central America and are accused of brutally raping a 14-year-old female at Rockville High School in Maryland. On March 16, 2017, 17-year-old Jose Montano and 18-year-old Henry Sanchez Milian allegedly solicited the girl for sex, and when she refused, forced her into the boy's bathroom where they took turns raping her. Both teens are being charged as adults with first-degree rape and two counts of first-degree sexual offenses.<sup>1</sup>

According to information released by Immigration and Customs Enforcement (ICE), Montano and Sanchez Milian entered the U.S. illegally in 2016, and were detained by Customs and Border Protection (CBP) agents in April 2016.<sup>2</sup> Although agents gave the teens notices to appear (NTAs) in immigration court, no charges were filed because they were not considered priorities for enforcement. Both teens were later released and flown to Maryland to reunite with family.

Upon arrival in Maryland, the two suspects, though much older than the victim and most other students in the class, enrolled as freshman at Rockville High School. Henry Sanchez Milian, a citizen of Guatemala, has had at least one previous encounter with CBP. According to

<sup>1</sup> <http://www.fox5dc.com/news/maryland-news/242719805-story>

<sup>2</sup> <http://www.baltimoresun.com/news/maryland/crime/bs-md-rockville-high-school-rape-20170323-story.html>

ICE, Sanchez Milian was stopped by a border patrol agent in Rio Grande Valley, Texas, in August 2016.<sup>3</sup> The agent determined that Sanchez had illegally entered the U.S. from Mexico without proper documentation. He was detained for 12 days before being placed with the Health and Human Services' Office of Refugee Resettlement, but ICE later relocated him to Maryland to join his father.<sup>4</sup> Jose Montano, is an unaccompanied minor from El Salvador who entered the country illegally in April 2016.<sup>5</sup>

According to news reports, ICE has issued an immigration detainer for Sanchez Milian as result of the rape charges. Sanchez Milian is due in court on April 14, 2017, and Montano is scheduled to appear March 31, 2017.

To better understand the details surrounding this case and the immigration and criminal history of the perpetrators, please provide the following information as soon as possible, but not later than April 7, 2017:

1. Any information on Jose Montano or Henry Sanchez Milian, including but not limited to their immigration history, executive summary, and copies of the U.S. Citizenship and Immigration Services (USCIS) alien files (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 Jose Montano or Henry Sanchez Milian, 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.
3. Please identify each and every date on which Jose Montano and Henry Sanchez were 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.

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<sup>3</sup> <http://www.cnn.com/2017/03/21/us/maryland-undocumented-student-rape/>

<sup>4</sup> <http://wtop.com/montgomery-county/2017/03/border-patrol-had-questioned-md-rape-suspect-in-texas/>

<sup>5</sup> <http://www.fox5dc.com/news/maryland-news/242719805-story>

4. Montgomery County, Maryland is a well-known sanctuary jurisdiction. If Montgomery County or any other local law enforcement agency declines to honor a detainer or notify Immigration and Customs Enforcement (ICE) regarding Jose Montano and Henry Sanchez Milian, what action will DHS take to ensure that they are not released from custody and allowed to reoffend?
5. Did Jose Montano and Henry Sanchez Milian ever apply for any immigration benefit? If so, was any application approved? Please provide copies of any applications that Jose Montano and Henry Sanchez Milian may have submitted, whether or not adjudicated.
6. What criminal gang(s) is or was Jose Montano and Henry Sanchez associated with? When did ICE become aware that they were associated with a criminal gang? Please explain.
7. If Jose Montano and Henry Sanchez Milian had been encountered by DHS enforcement officials prior to their recent crime, would they have met the requirements to be considered a priority for removal? If so, please provide the exact reason for such consideration. If not, why not?
8. On January 25, 2017, President Trump called on DHS to establish the Victims of Immigration Crime Engagement Office (VOICE) to provide assistance to victims of crimes committed by undocumented immigrants. Please provide details on how DHS has implemented the request to establish VOICE. Have any victims associated with the crimes committed by Jose Montano and Henry Sanchez Milian been contacted by officials at DHS? Please explain.
9. According to one news report, ICE issued a final order of removal for a male named Henry Sanchez as early as June 2015, but canceled deportation in response to rallied support from activist groups.<sup>6</sup> The same source indicates that he was arrested in California in May 2016 in relation to the outstanding deportation order.<sup>7</sup> Please confirm this information and whether the Henry Sanchez cited in that report is the same involved in the Rockville High School case. If yes, please explain why he was not removed.
10. What actions are being taken to pursue individuals with outstanding deportation orders?

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements

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<sup>6</sup> <http://www.scpr.org/news/2016/05/20/60863/young-central-american-immigrant-arrested-after-de/>

<sup>7</sup> Id.

of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this important matter. Should you have any questions, please contact Katherine Nikas of my Committee staff at (202) 224-5225. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley  
Chairman  
Senate Judiciary Committee

cc:

The Honorable Diane Feinstein  
Ranking Member  
Senate Committee on the Judiciary