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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

August 10, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

I write to you regarding a disturbing allegation that a 13 year-old-girl seeking entry into the United States was released to an unrelated adult male claiming to be her father, who then raped, assaulted, and abused her.¹ According to reports, Ramon Pedro crossed into the United States at an El Paso, Texas port of entry, and claimed he was traveling with his “daughter.” The Committee has learned that Pedro was found inadmissible for failing to possess valid visa documents, was issued an Expedited Order of Removal, and was released with his “daughter” into the interior of the United States. U.S. Customs and Border Protection (CBP) processed and released the “family unit” after determining there was no bed space at a family residential center.

Reportedly, the abused girl’s mother sent her on the dangerous journey from Guatemala to the United States to accompany Pedro who promised to help her find a job.² Pedro undoubtedly understood the likelihood of being released from immigration custody with a “daughter” was higher than making the journey alone. This is a horrific example of how smugglers and other criminals seek to defraud the United States government by creating fraudulent family units and crossing the border illegally.

Unfortunately, it is difficult to determine how long – or to what extent – the 13 year-old-girl was abused. Pedro was reportedly released with Alternatives to Detention monitoring and required to check in with federal officials. However, despite ATD monitoring, it was only after

¹ Stephen Dinan, *Police Nab Illegal Immigrant ‘Family’ after Man Found to Have Raped Girl*, The Washington Times, (Aug. 7, 2018), available at <https://www.washingtontimes.com/news/2018/aug/7/illegal-immigrant-family-nabbed-after-man-found-ha/>

² *Id.*

Pedro and the girl were admitted to a hospital in Fresno, California for tuberculosis screening that doctors discovered that the girl had been sexually assaulted.³

Upon discovering the abuse, police arrested Pedro for rape, forcible sexual penetration, child endangerment, and other similar charges.⁴ He is being held in detention on \$310,000 bond. However, since California is a sanctuary state, it is unlikely Immigration and Customs Enforcement (ICE) will be notified, meaning Pedro will likely vanish into the community, free to abuse again. According to sources, if ICE had the appropriations to hold Pedro and the girl for less than two weeks while waiting for travel documents back to Guatemala, this terrible tragedy may have never occurred.

It is unconscionable to think that our immigration policies may lead bad actors like Pedro free to exploit and viciously prey on children to get across our border and released into American communities. We must repeal the *Flores* restriction on keeping children with adults for longer than 20 days in facilities until parentage may be carefully determined. Until this happens, more children remain vulnerable to sexual abuse and assault.

To better understand this situation, please provide knowledgeable staff to brief the Committee on this circumstance, including the ATD monitoring Pedro was subjected to, no later than August, 15, 2018.

Thank you for your attention. Should you have any questions, please contact Katherine Nikas or Aakash Singh of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Senate Committee on the Judiciary

cc: The Honorable Richard Shelby
Senate Committee on Appropriations

³ Stephen Dinan, *Police Nab Illegal Immigrant 'Family' after Man Found to Have Raped Girl*, The Washington Times, (Aug. 7, 2018), available at <https://www.washingtontimes.com/news/2018/aug/7/illegal-immigrant-family-nabbed-after-man-found-ha/>

⁴ *Id.*