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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

July 26, 2016

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
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The Honorable John Roth  
Inspector General  
Office of Inspector General  
U.S. Department of Homeland Security  
245 Murray Lane, SW  
Washington, DC 20528

Dear Inspector General Roth:

Since becoming Chairman of the Homeland Security and Governmental Affairs Committee, I have made border security a top priority. The Committee has held more than a dozen hearings and roundtables to develop areas of agreement to improve our border security. I have also sent a number of letters to the Department of Homeland Security (DHS) and to the DHS Office of Inspector General (OIG) to protect whistleblowers who come forward with allegations of fraud, waste, or abuse. In this spirit, I write to request that DHS OIG review the status of an illegal alien who allegedly is related to a U.S. Customs and Border Protection (CBP) Chief Patrol Agent.

According to information provided to my staff, in January 2015, an Immigration Enforcement Agent interviewed Miguel Angel Padilla Heredia, a Mexican citizen, at the San Bernardino, California Immigration and Customs Enforcement/Enforcement Removal Operations (ICE/ERO) office. During this interview, Mr. Padilla allegedly provided information about his immigration status and eligibility for Deferred Action for Childhood Arrivals. Documents indicate an immigration judge initially ordered Mr. Padilla to be removed from the country, which allegedly occurred in October 2012 at the Nogales, Arizona port of entry. About a year later, in December 2013, near Nogales, Arizona, Mr. Padilla allegedly re-entered the United States. At this time, the whereabouts of Mr. Padilla are unknown.

During the same time of Mr. Padilla's 2013 re-entry into the United States, according to available information, Mr. Padilla was stopped on Interstate 19 at a border patrol checkpoint. Allegedly narcotics were discovered in his vehicle. It is unknown what occurred during this specific interaction, and whether this was the first instance in which Mr. Padilla attempted to smuggle narcotics into the United States. My staff further learned that Mr. Padilla has a long criminal record that includes robbery, prior drug smuggling, and aggravated felony.

My staff understands Mr. Padilla is the brother of Manuel Padilla Jr., the former Chief of the Tucson Sector of the U.S. Border Patrol and current Chief Patrol Agent for the Rio Grande Valley Sector.<sup>1</sup> Chief Patrol Agent Padilla led the Tucson Sector from April 2013 until November 2015—thus, it appears that some of his brother’s alleged interactions with CBP occurred during Chief Patrol Agent Padilla’s leadership of the Tucson Sector.<sup>2</sup> While the Committee is not aware of any direct evidence that Chief Patrol Agent Manuel Padilla took any action on behalf of his brother, the fact that his brother allegedly entered the country illegally during the time of Chief Patrol Agent Padilla’s leadership of the Tucson Sector raises concerns.

It is imperative that our nation work to address the problem surrounding our porous southern border, particularly as it fuels America’s insatiable demand for drugs. CBP standards of conduct prohibit a CBP employee from having an inappropriate relationship with an individual believed to be connected with a criminal enterprise.<sup>3</sup> In light of these allegations and concerns, I request you take the following course of action:

- 1) Is this the first time your office has received concerns about Mr. Miguel Angel Padilla Heredia? If not, please explain in detail what concerns your office received and the disposition of those concerns.
- 2) Please investigate the current disposition of Mr. Miguel Angel Padilla Heredia, while specifically answering the following questions:
  - a. Is he a national or citizen of the United States?
  - b. Is he a national or citizen of the country of Mexico?
  - c. On what date was he first ordered removed by an immigration judge?
  - d. How many times has he been deported by the United States?
  - e. How many re-entries has he made into the United States?
  - f. Does he possess documents that will allow him to enter or reside in the United States?
  - g. Does he meet the requirements for deferred action based on parental accountability?
  - h. Does he meet the requirements for expanded DACA edibility?
  - i. Has he served in the United States Armed Forces?
  - j. Does he have any applications or petitions pending with the U.S. Citizenship and Immigration Services?
  - k. Has he raised claims of fear if returned to his native country of Mexico?

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<sup>1</sup> Chief of Tucson Sector Border Patrol Departing Arizona for New Position as Chief of Rio Grande Valley Sector. Nov. 3, 2015. U.S. Customs and Border Protection Local Media Release. <https://www.cbp.gov/newsroom/local-media-release/2015-11-03-000000/chief-tucson-sector-border-patrol-departing-arizona>

<sup>2</sup> Manuel Padilla Jr., is also the Commander of the Joint Task Force-West, South Texas Corridor (JTF-W STC).

<sup>3</sup> Dep’t of Homeland Sec., U.S. Customs & Border Protection Directive, Standards of Conduct (Mar. 13, 2012) (Directive No. 51735-013A).

- 3) Please investigate the alleged December 2013 vehicular stop of Mr. Miguel Angel Padilla Heredia.
  - a. On what date did this stop occur?
  - b. Was Mr. Padilla placed under arrest? If not, why not?
  - c. Was Mr. Padilla smuggling narcotics during this stop?
- 4) At any time, did Chief Patrol Agent Manuel Padilla Jr., have any influence on Miguel Angel Padilla Heredia's immigration status?
- 5) During Chief Patrol Agent Manuel Padilla Jr.'s tenure at the Tucson Sector did he self-report his relationship with Miguel Angel Padilla Heredia?
- 6) Was Chief Patrol Agent Manuel Padilla Jr. subject to a CBP Internal Affairs (IA) criminal association investigation due to the activities of Miguel Angel Padilla Heredia? How many CBP IA criminal association investigations have been conducted since 2012?

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency and economy of operations of all branches of the Government."<sup>4</sup> Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes . . . ."<sup>5</sup> For purposes of responding to this request, please refer to the definitions and instructions in the enclosure.

I appreciate your assistance with this request. If you have any questions about this request, please contact Brian Downey of the Committee staff at (202) 224-4751. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Thomas R. Carper  
Ranking Member

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<sup>4</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>5</sup> S. Res. 73 § 12, 114th Cong. (2015).

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The Honorable Richard Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection  
U.S. Department of Homeland Security

Enclosure