



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

August 5, 2016

The Honorable Ron Johnson, Chairman  
Committee on Homeland Security and Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Chairman Johnson:

Thank you for your July 26, 2016 letter requesting that our office review the status of a non-U.S. citizen who allegedly is related to a U.S. Customs and Border Protection (CBP) Chief Patrol Agent (CPA), Manuel Padilla Jr.

Our office completed an investigation regarding CPA Padilla in 2014. I am enclosing the final Report of Investigation, which reflects the following:

- Our investigation was initiated after receiving multiple allegations from the Joint Intake Center (JIC) in reference to CPA Padilla, including that his brother, Miguel Padilla, was arrested at a Border Patrol checkpoint for smuggling marijuana on December 16, 2013, and prior to being arrested, entered the U.S. through an official port of entry. During both incidents, Miguel Padilla allegedly invoked CPA Padilla's name. One of the reports to the JIC came from CPA Padilla himself, who self-reported his brother's arrest after learning about it from a Patrol Agent in Charge.
- Our investigation confirmed that Miguel Padilla entered the U.S. on December 16, 2013, through the Nogales Port of Entry. While being processed through the primary inspection lane he was sent to secondary inspection based on a TECS hit for immigration. Our investigation confirmed that Miguel Padilla invoked CPA Padilla's name during secondary inspection to vouch for his citizenship, but that CPA Padilla was never called and Miguel Padilla was released and allowed to enter the U.S. after brief inspection. Miguel Padilla should not have been allowed entry into the United States on December 16, 2013; our investigation revealed that this was a mistake on the part of the CBP Officer who conducted the secondary inspection, not as the result of any undue influence by CPA Padilla.
- Later on December 16, 2013, Miguel Padilla invoked CPA Padilla's name when arrested for possession of a controlled substance at the Interstate I-19 Border Patrol checkpoint. We developed no evidence that CPA



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Padilla was involved in or had knowledge of his brother's criminal activity. The Drug Enforcement Administration also reported to us that it developed no evidence linking Miguel Padilla's criminal activity to any DHS employee during its investigation.

- CPA Padilla disclosed that Miguel Padilla was his brother and also listed his brother's criminal history when he completed his SF-86 background investigation paperwork in 2012.
- We investigated an additional allegation that CPA Padilla had an extra marital affair with a subordinate's fiancé, but did not substantiate that allegation.

After our ROI was completed in February 2014, we provided the report to CBP's Office of Professional Responsibility (OPR) for whatever action it deemed appropriate based on our findings.

We have undertaken additional investigative work to answer the remaining questions in your letter. Based on preliminary information we have received from CBP OPR, however, we believe that Miguel Padilla is not a citizen or national of the United States. He was originally admitted into the United States in 1971 as a Lawful Permanent Resident, was subsequently ordered removed in 1998, and was removed in 2012, 2013, and 2015. According to CBP OPR, he does not possess any immigration documents or status allowing him to remain in the United States.

We will contact your staff once our additional investigative work has been completed. In the meantime, please contact me with any questions, or your staff may contact Erica Paulson, Director of Legislative Affairs, at (202) 254-4100.

Sincerely,

John Roth  
Inspector General

Enclosure

cc: The Honorable Thomas R. Carper  
Ranking Member