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Rape at Maryland high school stirs up debate on sanctuary cities

Two suspects gained foothold as immigrants

Stephen Dinan and Andrea Noble

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Henry Sanchez-Milian was nabbed sneaking across the U.S. border in August, just 13 days shy of his 18th birthday.

Had he been 18, he might have been quickly deported back to Guatemala. But because he was a minor, he was given a court date, told to come back eventually, and released. He ended up in Montgomery County, Maryland, living with his father.

He now stands charged, along with 17-year-old Jose O. Montano, of raping a 14-year-old classmate at Rockville High School, in a case that is roiling the immigration debate and forcing a search for blame.

Some have pointed the finger at Montgomery County's sanctuary policy, which generally protects illegal immigrants from being turned over to federal immigration authorities. Other analysts trace the situation back to President Obama's lax enforcement policies, which allowed hundreds of thousands of young illegal immigrants to enter the U.S. and gain a foothold over the past four years.

"That type of stuff is happening all over the country every day," Chris Crane, head of the labor union that represents U.S. Immigration and Customs Enforcement agents and officers, told Congress on Wednesday.

The details of last week's deeply disturbing crime are laid out in graphic court documents.

The girl encountered Mr. Montano, whom she knew, in the school hallway the morning of March 16. As the two spoke, Mr. Montano made sexual advances, which the girl rebuffed. Mr. Montano then pushed her inside a boy's restroom and into an empty stall where he began to remove her clothing. Mr. Montano and Mr. Sanchez-Milian then took turns raping and sodomizing her.

Throughout the ordeal, the girl pleaded with her attackers to stop. The two men spoke to one another in Spanish, but continued.

How the two young immigrants, who could face life in prison if convicted of rape, arrived in Montgomery County isn't entirely clear. Both enrolled in the school system this fall, and due to their limited English proficiency and schooling were placed in special courses.

Before arriving in the Washington, D.C. region, immigration officials say Mr. Sanchez-Milian was apprehended on Aug. 12 by a Border Patrol agent in the Rio Grande Valley, Texas — ground zero for the surge of the tens of thousands of “unaccompanied alien children,” or UACs in government speak, who have made their way from Central America to the U.S. since 2013.

Mr. Sanchez-Milian, from Guatemala, was issued a court date and released. Though he was younger than 18, it's unclear whether he was treated like other UACs. Under federal law and Obama administration policy, UACs are supposed to be processed quickly and released to parents, relatives or other sponsors.

A local ABC station reported that Mr. Sanchez-Milian was living with his father here, while Mr. Montano, whom court records indicate was born in El Salvador, was living with an uncle. Immigration officials have declined to say anything about Mr. Montano's immigration status or background, citing his age.

In addition to lengthy prison sentences, the two now also face deportation, once the Montgomery County case concludes, suggesting Jose is also an illegal immigrant.

During their brief time in the D.C. region, Montgomery County police officials said neither had any run-ins with local law enforcement.

Brad Botwin, director of Help Save Maryland, a group that opposes illegal immigration, said he was saddened by news of the attack and disappointed by officials' response. He said local officials shirked their responsibility and that their policies helped set the scene for the brutal attack.

“The system failed this girl, and the electorate failed this young lady,” he said.

The Obama administration's policies on immigration opened the door for illegal immigrants to enter the country but Montgomery County officials have essentially rolled out the welcome mat for illegal border-crossers by adopting sanctuary policies that make the county a safe haven, Mr. Botwin said.

“If my kid didn't have a polio shot they wouldn't allow my son or daughter to enter the school but they're telling me they aren't screening them?” he said, adding that schools should at least have an obligation to determine whether immigrant students are really the age they purport to be.

Montgomery County Public Schools Superintendent Jack Smith said it is the school's responsibility to provide an education for all young people in the county, and that it couldn't conduct immigration status requests or background checks to vet prospective students.

“We serve every student who walks through our door. We are a public school system and we serve all of our students when they come to us,” Mr. Smith said during a news conference this week. “It’s not only the right thing to do... It’s also the law of the land.”

The two rape suspects, who both began classes in the county school system in the fall, were enrolled in the Multidisciplinary Educational Training and Support (METS) program for English language learners with limited or no previous schooling.

Schools can’t turn away students due to immigration status, so they’ve come under increasing pressure in recent years due to the surge of illegal immigrants coming from Central America, said Jessica Vaughan, policy studies director at the Center for Immigration Studies.

She said it was unfair that anyone would exploit the attack to score political points.

“We think the pain of this woman should not be used by anyone to further their political views and to attack immigrants and to try to get immigrants out of this country,” Ms. Durand said.

The two rape suspects, who began classes in the county school system this fall, were enrolled in the Multidisciplinary Educational Training and Support program for English language learners with limited or no previous schooling. Neither Mr. Montano nor Mr. Sanchez-Milian was in any of the same classes as the ninth-grade victim, but school officials said both were considered freshmen because of their limited schooling.

Addressing questions about whether it was appropriate to have 18-year-old Mr. Sanchez-Milian in the same grade as younger students, Montgomery County Public Schools Superintendent Jack Smith said the student “was enrolled in the appropriate program to give him the services he needed.”

“We have a great number of 18-year-olds and 19-year-olds enrolled across all 25 of our high schools,” he said.

The attack has, however, prompted the county to reconsider how it assesses placement of students in its programs.

“Certainly we will take a good hard look at how we place students,” Mr. Smith said.

Jessica Vaughan, policy studies director at the Center for Immigration Studies, said the Obama administration could have done more to combat the surge of illegal immigrants from Central America in recent years.

Instead, the administration created policies that its own agents said invited more people to attempt the journey, hoping to take advantage of lax enforcement.

Once the children were in the U.S., the Obama administration put serious pressure on localities to make sure they ended up in schools.

“I think this is a problem that was dumped on Montgomery County and lots of other school systems,” Ms. Vaughan said. “Even the decision to place them in the high schools — even that,

it sounds crazy, but at least one other school system got in trouble for not mainstreaming them, faced legal action. So their hands are tied on these kids.”

Though it’s unclear whether the two students were officially part of the UAC program, illegal immigrant children from Central America have put increasing stress on public schools across the country — and in the metropolitan Washington area in particular.

The children are usually delivered to relatives, and the District of Columbia’s surrounding counties have a high population of immigrants from Guatemala, El Salvador and Honduras, which are the main countries that make up the surge.

Since the beginning of 2014, Montgomery County has been the destination for 3,286 UACs. Prince George’s County has received 4,144, and Fairfax County in Virginia has taken in 3,925.

But groups that work with local immigrant communities said children who come here as immigrants, illegally or legally, deserve access to an education.

“It is good not only for the individuals, but for the society,” Fernanda Durand, a spokeswoman for Casa, a Maryland-based organization that helps provide resources for low-income Latino and immigrant communities. “We would not want a situation where a whole class of people was uneducated.”

The attack has prompted questions about whether it was 18-year-old Mr. Sanchez-Milian in the same grade as younger students. While Mr. Smith said the student “was enrolled in the appropriate program to give him the services he needed” and that there are plenty of 18-year-olds and 19-year-olds in the school district’s high schools, the county is reconsidering how it assesses placement of students in its various programs.

“Certainly we will take a good hard look at how we place students,” Mr. Smith said.

Immigrant rights advocates said the crime was a tragedy but warned against tarring all immigrants, or even all illegal immigrants, with blame.

“This is about rape, and the case lies with prosecutors. Those who would turn it into an immigration debate are pursuing their own agenda,” said Tom Jawetz, vice president for immigration policy at the Center for American Progress.

He said studies show immigrants — including those in the country illegally — have lower rates of criminality than native-born Americans.

A study released last week by the Cato Institute said illegal immigrants account for about 9 percent of the total U.S. population ages 18 to 54 but just 5.6 percent of the incarcerated population. By contrast, the native-born make up 82.4 percent of the U.S. population and 91.5 percent of the population in prisons and jails.

Legal immigrants have the lowest rate of all, making up 8.5 percent of the U.S. population ages 18-54 but less than 3 percent of the incarcerated population, Cato said.

Immigrant rights activists also said the rape case should not sour Maryland jurisdictions on becoming sanctuaries that refuse cooperation with federal immigration agents.

The House of Delegates this week approved a bill to prevent prisons and jails from honoring detainer requests from ICE, which often asked for illegal immigrants to be held for pickup. Gov. Larry Hogan, a Republican, has threatened a veto.

Ms. Durand said it was unfair that anyone would exploit the attack to score political points.

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