

United States Senate

WASHINGTON, DC 20510

September 26, 2011

President Barack Obama
The White House
Washington, D.C. 20500

Dear Mr. President:

We write to express serious concern about your immigration policies and ask that you require the Department of Homeland Security to overturn recent directives regarding the increased use of prosecutorial discretion. We also request that the Administration halt any initiative, whether through regulation or otherwise, that circumvents Congress or aims to ensure that illegal immigrants are afforded every possibility to remain in this country.

After the release of the June 17th Immigration and Customs Enforcement (ICE) memorandum, which called for the increased use of prosecutorial discretion, several members of the Senate wrote to Assistant Secretary John Morton. While prosecutorial discretion is justifiable in certain cases, this initiative may result in an impermissible intrusion on Congress's plenary authority over immigration law. Accordingly, we asked Assistant Secretary Morton to rescind the memorandum outlining ICE's prosecutorial discretion policies. That request has been ignored.

We are also concerned that the initiative announced by Secretary Napolitano on August 18th will result in the administrative closure of an untold number of cases currently pending before our immigration and federal courts. In combination with the June 17th ICE memo, these new policies send the message that your Administration is turning a blind eye to those who have broken our immigration laws. We are also concerned that these policies appear to be a direct attempt to categorically legalize those who are unlawfully in the country and to allow undocumented individuals to remain in violation of the law without fear of apprehension or deportation. The security of our country depends on our ability to prevent unlawful entry and to respond when such criminals have overstayed their visa or avoided inspection. These policies have the potential to undermine the rule of law and threaten our nation's security.

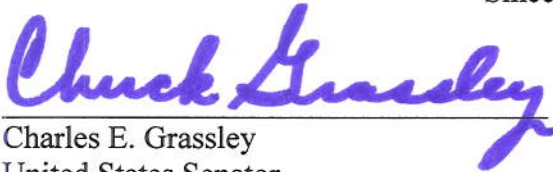
While we appreciate Secretary Napolitano's assurances that these initiatives will not provide categorical relief for any group, we remain concerned about statements being made by certain advocates and members of Congress. For example, in a September 20th speech on the floor of the U.S. Senate, Senator Dick Durbin stated that these initiatives "pave the way" for DREAM Act students. He further stated that "[the Administration] said recently that those eligible for the DREAM Act, good moral character, graduates of high school and pursuing college degrees are not going to be their targets." The United States Senate and the American people have rejected the DREAM Act and the Executive Branch is not entitled to bypass that determination by administrative fiat.

Further, in a recent speech before the Congressional Hispanic Caucus Institute, Congressman Luis Gutierrez stated: “[President Obama] said, ‘But I can’t bypass Congress,’ and people in the audience said, ‘Yes you can,’ and you want to know something? They were right – he could and he did.” Such statements will only create a rush to the border and encourage the undocumented population to come forward in hopes of receiving a benefit.

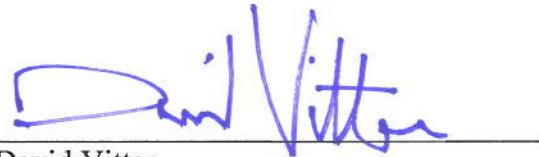
There is still time to correct this path. We request that you promptly rescind these initiatives, dismantle the working group designed to identify “low priority” cases before our immigration and federal courts, and direct the agencies within the Department of Homeland Security to abide by our Nation’s immigration laws. We also ask that you make Secretary Napolitano available to members of the Senate for questioning about the Department’s immigration enforcement policies, including granting parole, deferred action, and prosecutorial discretion to keep unlawful immigrants in this country.

Finally, we reiterate our strong commitment to ensuring that the Administration has all of the resources it needs to carry out and enforce our immigration laws. It is unjustifiable for the Administration to sidestep Congress to implement policies that are contrary to the law and the wishes of the American people. We look forward to your timely response.

Sincerely,



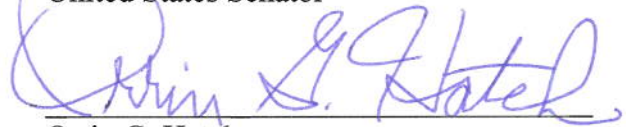
Charles E. Grassley
United States Senator



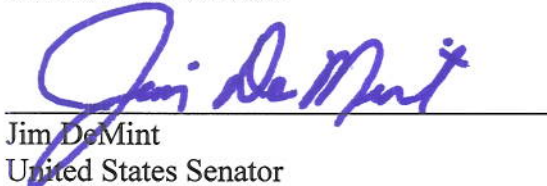
David Vitter
United States Senator



Jeff Sessions
United States Senator



Orrin G. Hatch
United States Senator



Jim DeMint
United States Senator



Tom Coburn
United States Senator



James E. Risch
United States Senator



Mike Crapo
United States Senator



John Boozman
United States Senator



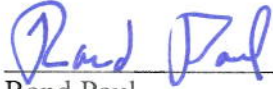
Mike Lee
United States Senator



James M. Inhofe
United States Senator



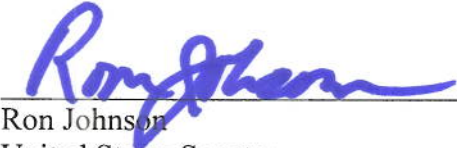
Johnny Isakson
United States Senator



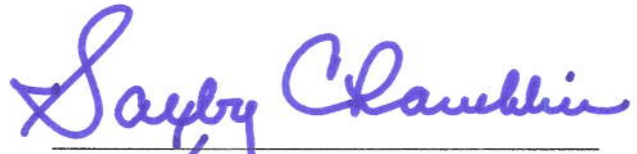
Rand Paul
United States Senator



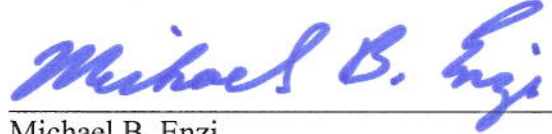
Mike Johanns
United States Senator



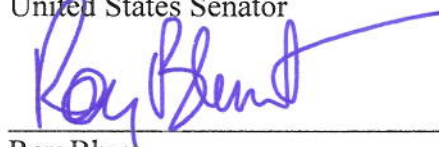
Ron Johnson
United States Senator



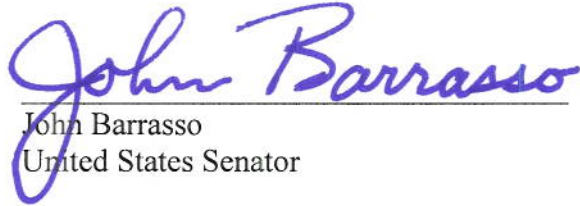
Saxby Chambliss
United States Senator



Michael B. Enzi
United States Senator



Roy Blunt
United States Senator



John Barrasso
United States Senator

cc: The Honorable Janet Napolitano
Secretary, Department of Homeland Security

The Honorable John Morton
Director, Immigration and Customs Enforcement