



**One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

August 9, 2010

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

We are writing regarding a recently disclosed U.S. Citizenship and Immigration Services (CIS) internal memorandum entitled "Administrative Alternatives to Comprehensive Immigration Reform."

This memorandum appears to have been produced to provide options for the Department of Homeland Security (Department) to carry out the Administration's misguided vision of large-scale amnesty, referred to as comprehensive immigration reform, without Congressional authorization. The memo clearly states that "the following options – used alone or in combination – have the potential to result in meaningful immigration reform absent legislative action."

We are greatly concerned that the options provided in the memorandum contemplate inappropriately extending to entire classes of aliens forms of relief that are properly reserved for individual aliens on a case-by-case basis in extraordinary circumstances. Moving forward on the recommendations contained in this memorandum in the absence of legislative action by Congress would amount to nothing more than a backdoor amnesty, which neither the American people nor their elected Federal representatives support.

This memorandum is just the most recent example of the Administration putting the interests of those who have disregarded our nation's immigration laws ahead of those who are trying to enforce them. For example, the Department of Justice has filed a lawsuit to prevent implementation of Arizona's immigration law, which seeks to make a state crime that which is already illegal under Federal law. At the same time, the Administration has failed to take action against sanctuary cities that openly refuse to cooperate with Federal immigration enforcement efforts.

This memo raises many serious questions that deserve answers, especially given the Administration's efforts to block implementation of Arizona's immigration enforcement law and the President's support for providing a path to citizenship for those who have violated our nation's immigration laws.

Therefore, we would appreciate your answers to the following questions:

1. Who, if anyone, within the Department or White House directed the production of this memorandum?
2. Were you aware of, or consulted in any manner about, the production of this memorandum?
3. Does the Department's Office of General Counsel agree that current law provides authority to implement any or all of the options proposed in the memorandum?
4. Does the Department plan to implement any or all of the options proposed in the memorandum?
5. Does the Department plan to provide Congress with specific written guidance, regulatory language, implementation protocols, outreach and training materials, or any other written directives prior to the implementation of any or all of the options proposed in the memorandum?
6. Have you discussed this memorandum or provided any guidance to CIS Director Mayorkas about whether any or all of the options proposed therein should be pursued or rejected?
7. Do you agree with the memorandum's finding that it is "possible to grant deferred action to an unrestricted number of unlawfully present individuals . . .?"
8. Do you agree with the memorandum's finding that CIS should refrain from issuing a Notice to Appear "where no relief exists in removal for an applicant without any significant negative immigration or criminal history?"
9. How does the Department define "any significant negative immigration or criminal history?"
10. How many of the estimated 10.8 million illegal aliens currently in the United States would qualify for relief under the options proposed by the memorandum?
11. Would implementation of any or all of the recommendations included in the memorandum preclude any security checks or background screenings to which individuals would otherwise be subjected absent such relief?
12. The recently released Bottom Up Review states that to support the mission area of enforcing and administering the Nation's immigration laws the Department will pursue comprehensive immigration reform. Are the methods put forth in the CIS memorandum how the Department intends to achieve this "reform?"

We would appreciate your answers to these questions no later than Friday, September 3, 2010. Please have your staff direct any questions about this matter to Mr. Jerry White or Ms. Kerry Kinirons with the Republican staff of the House Committee on Homeland Security at (202) 226-8417.

Sincerely,



CANDICE S. MILLER
Ranking Member
Subcommittee on Border,
Maritime and Global
Counterterrorism



GUS M. BILIRAKIS
Ranking Member
Subcommittee on Management,
Investigations and Oversight