United States Senate
WASHINGTON, DC 20510

April 24, 2014

President Barack Obama
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Obama:

We write to express our grave concerns over the immigration "enforcement review" that you ordered after meeting with advocacy groups on March 13, 2014, and that is now being carried out by the Department of Homeland Security (DHS). According to reports, the changes under consideration would represent a near complete abandonment of basic immigration enforcement and discard the rule of law and the notion that the United States has enforceable borders.

Clearly, the urgent task facing your administration is to improve immigration enforcement, not to look for new ways to weaken it. Since 2009, your administration has issued policy directives and memoranda incrementally nullifying immigration enforcement in the interior of the United States – to the point that unless individuals in the country illegally are apprehended, tried, and convicted for a felony or other serious offense, they are free to live and work in the country.

According to U.S. Immigration and Customs Enforcement's (ICE) own figures, in 2013, nearly all individuals removed from the United States were convicted criminals and recent border crossers.[1] As the *LA Times* reported, since 2009, there has been a 40% decline in removals of individuals living and working in the interior of the country.[2] And, recently revealed documents from ICE show that in 2013, the agency released 68,000 potentially deportable aliens deemed by ICE to pose a criminal threat.

As a result of your policies, individuals here illegally who do not meet administration "priorities" are not only largely exempt from the law, but are released even if they come into contact with federal law enforcement authorities. Because these priorities require at least one, and frequently multiple, criminal convictions, countless dangerous offenders are released back onto the streets on a continual basis. Since ICE frequently takes no action until after the most serious crimes have occurred and the offenders have been tried and imprisoned, the administration is allowing preventable crimes harming innocent people to take place every day.

Chris Crane, President of the National ICE Council, testified before Congress about the inability of ICE agents to do their jobs, saying: "I think most Americans assume that ICE agents and officers are empowered by the Government to enforce the law. Nothing could be further from the truth. With 11 million people in the country illegally, ICE agents are now prohibited from arresting individuals solely on charges of illegal entry or visa overstay—the two most frequently

[1] ICE Press Release, December 19, 2013.
[2] "High deportation figures are misleading," *Los Angeles Times*, April 1, 2014.

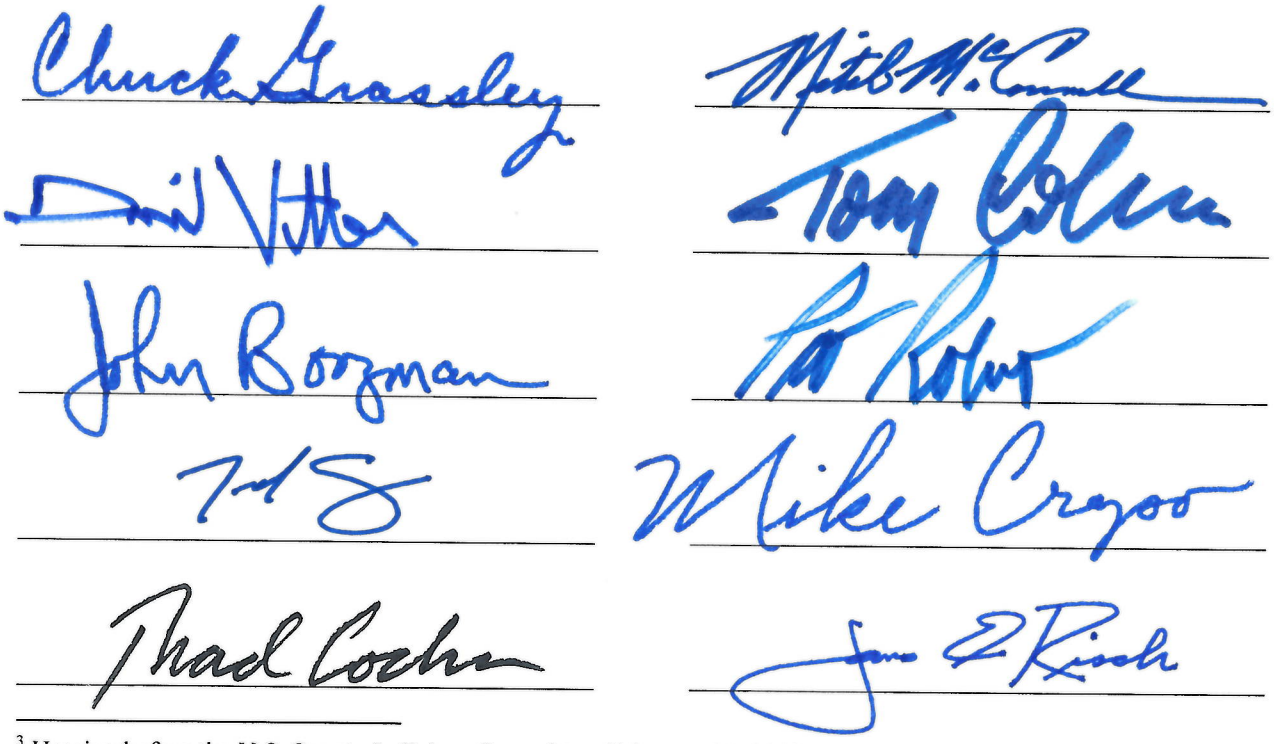
violated sections of U.S. immigration law." He also described how your administration is punishing ICE agents who want to uphold the oath they took to serve America. He stated: "As criminal aliens are released to the streets and ICE instead takes disciplinary actions against its own officers for making lawful arrests, it appears clear that Federal law enforcement officers are the enemy and not those that break our Nation's laws."[3]

These policies have operated as an effective repeal of duly enacted federal immigration law and exceed the bounds of the Executive Branch's prosecutorial discretion. It is not the province of the Executive to nullify the laws that the people of the United States, through their elected representatives, have chosen to enact. To the contrary, it is the duty of the Executive to take care that these laws are faithfully executed. Congress has not passed laws permitting people to illegally enter the country or to ignore their visa expiration dates, so long as they do not have a felony conviction or other severe offense on their record. Your actions demonstrate an astonishing disregard for the Constitution, the rule of law, and the rights of American citizens and legal residents.

Our entire constitutional system is threatened when the Executive Branch suspends the law at its whim and our nation's sovereignty is imperiled when the commander-in-chief refuses to defend the integrity of its borders.

You swore an oath to preserve, protect and defend the Constitution of the United States. We therefore ask you to uphold that oath and to carry out the duties required by the Constitution and entrusted to you by the American people.

Sincerely,



[3] Hearing before the U.S. Senate Judiciary Committee, February 13, 2013.