Congress of the United States
Washington, DC 20515

June 12, 2014

President Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. President,

We share your goal of enacting comprehensive immigration reform and applaud your efforts to push for its passage. We agree that only Congress can fully fix the country's broken immigration system, but your administration should take greater administrative action within its legal authority to revise our immigration enforcement and detention procedures. We believe you have the legal authority to provide additional relief from detention and deportation, prioritizing our resources to remove those who pose a public safety or national security risk. Your recent call for a more humane deportation policy, directing Homeland Security Secretary Johnson to review current agency practices, was a positive step in this direction.

While we commend the steps your administration has taken previously to exercise prosecutorial discretion including through the Deferred Action for Childhood Arrivals (DACA) initiative, we are concerned that the U.S. Department of Homeland Security (DHS) continues to detain and remove hundreds of thousands of immigrants who pose no threat to public safety, separating families and disrupting communities.

In order to achieve meaningful reform, DHS should ensure that every person apprehended or detained is screened for prosecutorial discretion and that prosecutorial discretion is applied consistently. DHS should make clear that discretion is particularly appropriate and important for close relatives of U.S. citizens, Lawful Permanent Residents, and DREAMers; Lawful Permanent Residents; and individuals who have long resided in the U.S. or have other strong community ties. In addition, DHS has the authority and should designate specific categories of individuals for whom it will suspend enforcement action such as those populations listed above and individuals whose family members serve in the U.S. military. Finally, those individuals who have only committed immigration status violations should not be priorities for enforcement.

Moreover, DHS is currently detaining 430,000 individuals each year. Record-high detention levels are costing American taxpayers $2 billion annually, despite the availability of alternatives to detention at a fraction of the cost. The current detention system uses a one-size-fits-all approach, often resulting in inhumane and prolonged detention of vulnerable populations. Many detainees have little knowledge of why they're in detention or what their legal rights are. Immigration and Customs Enforcement (ICE) currently detains thousands of individuals, including long time U.S. residents, who pose no threat to public safety. DHS should not waste taxpayer dollars needlessly detaining immigrants who could be successfully and safely released

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through alternatives to detention. We share your belief that we should increase funding and resources to make alternatives to detention more widely available and encourage DHS to focus their enforcement efforts on individuals who pose legitimate public safety or national security risks. We specifically recommend you adopt a rule, mandating a hearing before a judge for anyone detained for more than six months and clarifying that the term "custody" includes the use of alternatives to detention. Individual detention assessments will better ensure the legal rights of detainees and protect against arbitrary detention.

Over the last five years, DHS has removed a record two million people at a time when border crossings are at a 40-year low. When individuals pose no threat to public safety, they should not be separated from their families and forced to leave the country they call home. We must fix this broken system. While we work towards the goal of comprehensive immigration reform in Congress, we encourage you to exercise your authority to provide relief to millions of families from unnecessary detention and deportation.

Sincerely,

Mike Quigley
Member of Congress

Suzan K. DelBene
Member of Congress

Julia Brownley
Member of Congress

Matt Cartwright
Member of Congress

Lois Capps
Member of Congress

Judy Chu
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