



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

February 27<sup>th</sup>, 2013

The Honorable Janet Napolitano  
Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, D.C. 20393

Dear Secretary Napolitano,

I am very concerned that the Department of Homeland Security (DHS) is using the pending sequester as a justification to further the Administration's goal of granting backdoor amnesty to the nation's illegal immigrant population.

According to recent reports, your Department is releasing illegal immigrants already in its custody back into the general public. In fact, on February 26, 2013 Immigration and Customs Enforcement (ICE) spokeswoman Gillian M. Christensen released a statement saying that the agency was releasing certain illegal immigrants in "order to make the best use of our limited detention resources in the current fiscal climate and to manage our detention population under current congressionally mandated levels."

Using the sequester as an excuse to initiate this unprecedented mass release of illegal immigrants is a patently political and deliberate move that undermines law enforcement and places our nation's security at risk.

In addition to releasing illegal immigrants already in custody, you have stated your intent to use the sequester to circumvent the law and to further limit your Department's detention and removal efforts. During a White House news briefing on February 25, 2013 you stated, "Under sequestration, ICE will be forced to reduce detention and removal and would not be able to maintain the 34,000 detention beds as required by Congress."

During the same White House news briefing you also stated your intent to cut the jobs of 5,000 Border Patrol agents, which would further place our nation's security at risk. Few positions within DHS are arguably more essential to the agency's mission than that of Border Patrol agents. My hope is that before you decide to cut 5,000 Border Patrol agent jobs, you considered cutting the position of Public Advocate within ICE.

As Secretary of Homeland Security, you are charged with enforcing our nation's immigration laws and securing our borders. Your recent actions, however, contravene the goals of the office you have been sworn to uphold. In order to better understand how your Department plans to



implement the sequester and the impact such actions will have on U.S. immigration policy and national security, I respectfully request that you provide detailed answers to the following questions:

- 1) How is "low-priority" defined by DHS?
- 2) Has DHS written an official policy allowing it to release "low-priority" or other illegal immigrants already in its custody related to the pending sequestration?
- 3) What are the criteria for releasing a detained illegal immigrant pursuant to sequestration?
- 4) How many illegal immigrants has DHS released as a result of the pending sequestration?
- 5) Of those illegal immigrants released due to sequestration, how many have been convicted or charged with violent offenses?
- 6) Of those illegal immigrants released due to sequestration, how many had previously entered the country unlawfully?
- 7) Is DHS cutting the position of Public Advocate within ICE?
- 8) Will DHS be cutting 2-3% of its Political Appointee positions?
- 9) Are DHS Political Appointees deemed a higher priority than Border Patrol agents by the agency?
- 10) Does DHS have a plan for tracking the illegal immigrants it releases pursuant to the sequester? Will they be required to check-in with DHS officials in-person? If so, under what conditions and how often?
- 11) Has the Department conducted an analysis showing the economic necessity of releasing illegal immigrants pursuant to the sequester? If so, how much money does the Department estimate it will save by releasing detained illegal immigrants?
- 12) Has the Department conducted an analysis showing the costs of administering its Deferred Action for Child Arrivals (DACA) program? If so, how much does this program cost taxpayers?
- 13) Has the Department conducted an analysis of its case-by-case review of pending deportation cases carried out pursuant to your letter dated August 18, 2011 to Senate Majority Leader Harry Reid? If so, how much does administering these reviews cost taxpayers?

Given the time sensitive nature of the sequester, I respectfully request that you respond to my questions, including any relevant documentation, no later than March 15, 2013. Thank you in advance for your timely attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Diane Black".

Diane Black  
Member of Congress