

The Honorable Janet Napolitano
Secretary of Homeland Security
Department of Homeland Security
Washington, D.C. 20536

Dear Secretary Napolitano:

We are writing to encourage the Department of Homeland Security (DHS) to exercise prosecutorial discretion available under current law to prevent or defer the removal of young people who would be eligible to benefit from the provisions of the DREAM Act and who are facing imminent removal to countries they may barely remember. This issue is of an urgent nature because of the equities that many of these students have accrued, the psychological and physical risks associated with the detention and/or deportation of these young people, and the sympathy and support that they engender among classmates, teachers, and clergy.

As you know, the DREAM Act passed 216-198 out of the House of Representatives and won a majority vote in the Senate, but failed to garner enough votes to overcome the Republican filibuster. At a press conference reflecting on his accomplishments of 2010, the President said, "my biggest disappointment was this DREAM Act vote." In his 2012 State of the Union Address, in numerous meetings and speeches, the President has made a compelling case for the DREAM Act, and called on both parties to work with him on comprehensive immigration reform. We are committed to working with this Administration to win immigration reform however, in the interim, administrative action is necessary.

In our meetings with the White House and DHS staff, we have been encouraged to learn that many people share our concern about the fate of these young people who are, by general acknowledgment, victims of circumstance rather than choices they have made. We are nevertheless gravely concerned about the process that ICE district offices have used to address some of the deferred action cases that have also come to DHS for review in recent months. Although some of the young people at issue, with extraordinary circumstances, have been granted deferred action, this often has not happened until they are within days or hours of their scheduled departure, and after an enormous expenditure of effort by friends, family, community supporters, and nonprofit national organizations. It has also often taken the personal intervention of their Representatives and Senators.

The criteria that have been applied to these cases seem inconsistent and the process appears ad hoc and far from transparent. We urge you in the strongest possible terms to use all of the tools available to the Department under the law to ensure favorable consideration of these cases, to make such considerations more uniform and routine, and to make the application process and criteria for review more clear.

We would like to request a meeting with you to discuss how we can work with you and DHS as advocacy organizations that have long-standing trust and relationships with many impacted youth.

If you should have any questions, please contact Adey Fisseha at the National Immigration Law Center 917-569-0373 or at fisseha@nilc.org.

Thank you for your attention to this important matter. We look forward to hearing from you soon.