

Congress of the United States
Washington, DC 20515

September 27, 2011

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

The Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Secretary Napolitano and Attorney General Holder:

We applaud the August 18, 2011 announcement that the Department of Homeland Security (DHS) plans to close many low-priority immigration deportation proceedings. We especially commend DHS for stating that it will consider the family ties of lesbian, gay, bisexual, and transgender (LGBT) people as a factor in determining cases that merit relief from deportation, including for gay and lesbian foreign nationals who are the spouses and partners of U.S. citizens and permanent residents. We write to you today with two requests that will further the enforcement of this important mandate.

The August 18 announcement made clear that the identification of high-priority deportation cases would be based on the June 17, 2011 prosecutorial discretion memorandum released by the Director of Immigration and Customs Enforcement, John Morton, and explained that a DHS and Department of Justice (DOJ) interagency working group would be created to review removal cases and prepare guidance for the field. Director Morton's memorandum identifies "Factors to Consider When Exercising Prosecutorial Discretion." These factors include "the person's ties and contributions to the community, including family relationships" and "whether the person has a U.S. citizen or permanent resident spouse, child, or parent." The memorandum does not, however, explicitly say that LGBT family ties, including those of spouses and partners of U.S. citizens and permanent residents, are to be included among the family relationships that weigh in favor of an exercise of discretion.

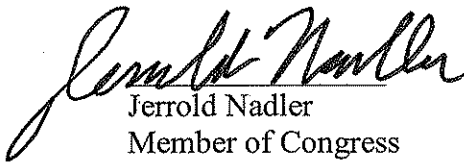
We ask that consideration of LGBT family ties be communicated in the guidance being prepared by the new DHS/DOJ working group. All field staff implementing the new policies in all relevant DHS and DOJ agencies must be made aware of this new consideration as they exercise discretion in deciding which new cases to place in removal proceedings and which current cases to close. Without specific guidance, it is unlikely that agency officers, agents, and attorneys making decisions about individual cases will be aware that LGBT family ties are a factor for consideration for exercising discretion in closing or not initiating removal proceedings.

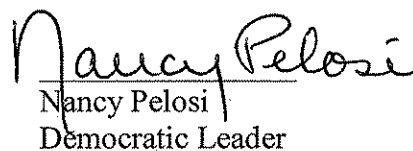
Additionally, we ask that the working group include a member experienced in working with LGBT immigrants and their families to ensure that these factors are recognized and understood in the working group's case-by-case review of all individuals currently in removal proceedings as well as its review of new cases placed in removal proceedings. The vulnerability of LGBT immigrants – the historical stigmatization of whom both within and outside the U.S. is well-documented – makes knowledgeable review a necessity.

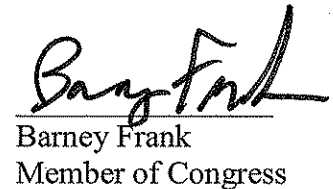
The announcement on August 18 constitutes a major step forward in ensuring that immigration enforcement resources prioritize enhancing border security, national security, and public safety as well as in exercising discretion when warranted. The recognition of LGBT family ties as a positive factor is a critical step forward in identifying key family and community ties to implement common-sense immigration enforcement. We ask that you ensure that this recognition is reflected in the work of DHS and DOJ employees and the newly-established working group in implementing your priorities for immigration enforcement.

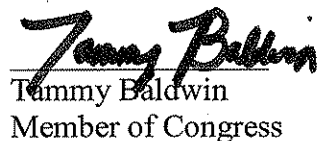
We appreciate your consideration of these two requests and look forward to working with you to address these important issues.

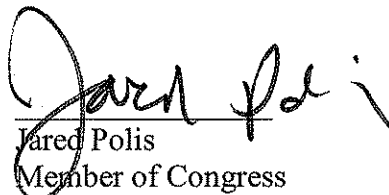
Sincerely,

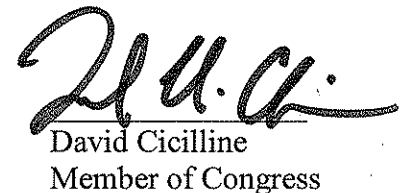

Jerrold Nadler
Member of Congress


Nancy Pelosi
Democratic Leader


Barney Frank
Member of Congress


Tammy Baldwin
Member of Congress

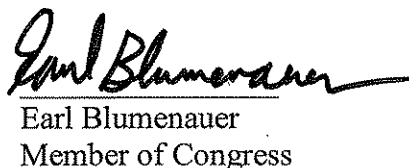

Jared Polis
Member of Congress


David Cicilline
Member of Congress

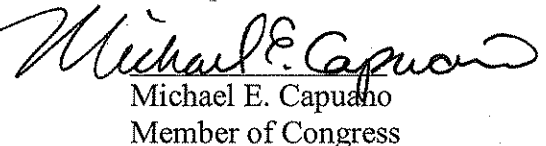

Gary L. Ackerman
Member of Congress


Shelley Berkley
Member of Congress

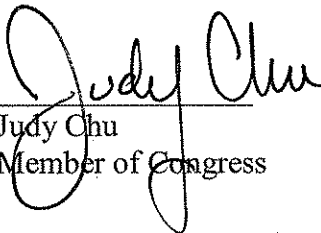

Howard L. Berman
Member of Congress


Earl Blumenauer
Member of Congress


Lois Capps
Member of Congress

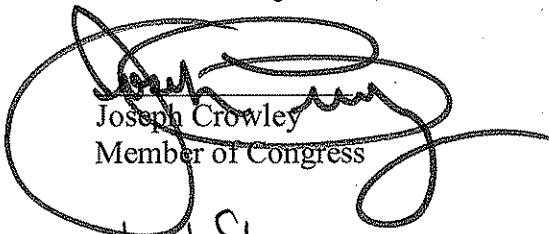

Michael E. Capuano
Member of Congress

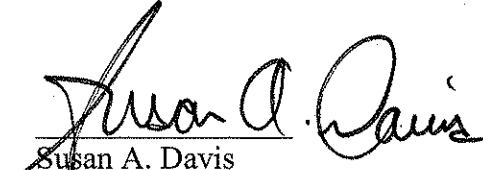

Andre Carson
Member of Congress


Judy Chu
Member of Congress

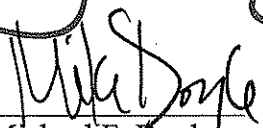

Yvette D. Clarke
Member of Congress


Joe Courtney
Member of Congress

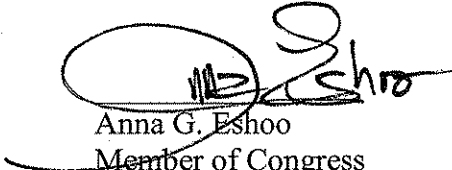

Joseph Crowley
Member of Congress

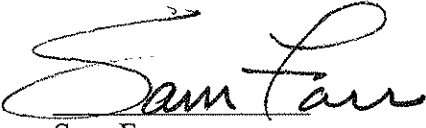

Susan A. Davis
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Michael F. Doyle
Member of Congress

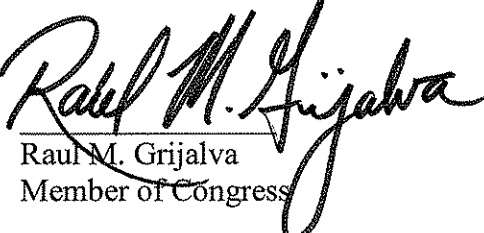

Eliot L. Engel
Member of Congress


Anna G. Eshoo
Member of Congress


Sam Farr
Member of Congress

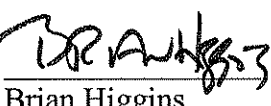

Bob Filner
Member of Congress


John Garamendi
Member of Congress

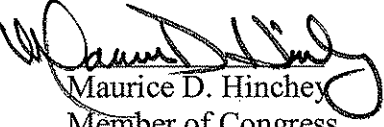

Raul M. Grijalva
Member of Congress


Luis V. Gutierrez
Member of Congress


Alcee L. Hastings
Member of Congress

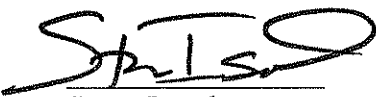

Brian Higgins
Member of Congress


James A. Himes
Member of Congress

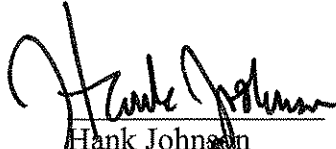

Maurice D. Hinchey
Member of Congress

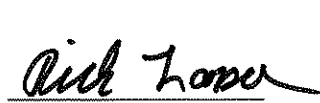

Rush D. Holt
Member of Congress


Michael M. Honda
Member of Congress


Steve Israel
Member of Congress


Jesse L. Jackson, Jr.
Member of Congress


Hank Johnson
Member of Congress


Rick Larsen
Member of Congress

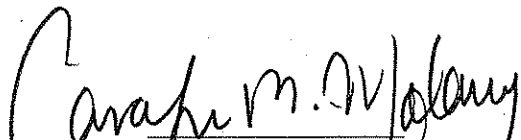

John B. Larson
Member of Congress


Barbara Lee
Member of Congress


Sander M. Levin
Member of Congress


John Lewis
Member of Congress


Zoe Lofgren
Member of Congress


Carolyn B. Maloney
Member of Congress

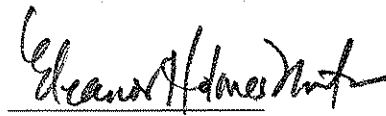

Doris O. Matsui
Member of Congress


Jim McDermott
Member of Congress

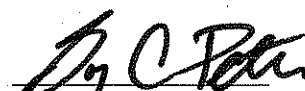

James P. McGovern
Member of Congress


Gwen Moore
Member of Congress


James P. Moran
Member of Congress

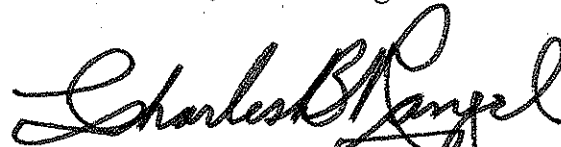

Eleanor Holmes Norton
Member of Congress


John W. Olver
Member of Congress


Gary C. Peters
Member of Congress


Chellie Pingree
Member of Congress


Mike Quigley
Member of Congress


Charles B. Rangel
Member of Congress

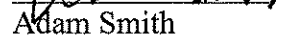

Steven R. Rothman
Member of Congress

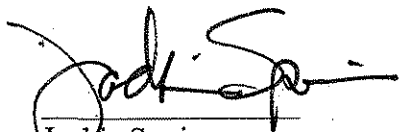

Lucille Roybal-Allard
Member of Congress

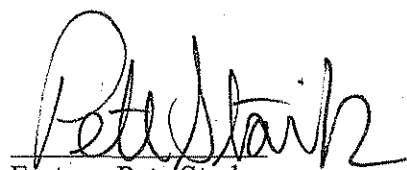

Jim D. Schakowsky
Member of Congress

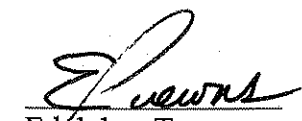

Adam B. Schiff
Member of Congress

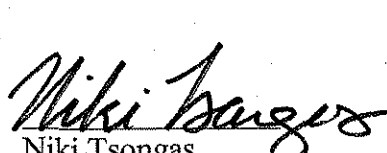

Jose E. Serrano
Member of Congress


Adam Smith
Member of Congress

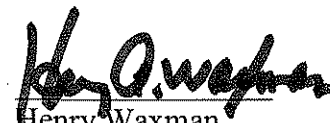

Jackie Speier
Member of Congress

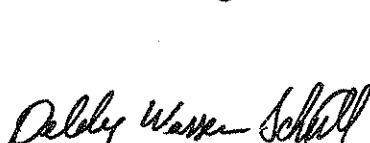

Fortney Pete Stark
Member of Congress


Edolphus Towns
Member of Congress

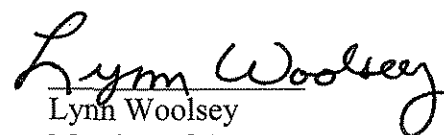

Niki Tsongas
Member of Congress


Nydia M. Velazquez
Member of Congress


Henry Waxman
Member of Congress


Debbie Wasserman Schultz
Member of Congress


Peter Welch
Member of Congress


Lynn Woolsey
Member of Congress