

Congress of the United States
Washington, DC 20515

December 12, 2012

The Honorable Janet Napolitano
Secretary
The Department of Homeland Security
310 7th Street, SW
Washington, DC 20528-0150

Dear Secretary Napolitano:

Under your leadership, the Department of Homeland Security (DHS) has adopted a more humane and effective approach to immigration enforcement, focusing more of its limited resources on serious criminals and shielding thousands of deserving young people from the threat of deportation. We encourage you to build on these important steps by heeding the advice of community groups, senior law enforcement officials, faith leaders and civil rights advocates by finally ending the deeply flawed 287(g) program. As you know, Immigration and Customs Enforcement (ICE) recently extended its 287(g) agreements with local law enforcement agencies for 90 days. Instead of perpetuating a program which is wasting millions of tax dollars, promoting racial profiling and harming relations between police and local communities, we strongly urge you to terminate these agreements and reject all future 287(g) applications.

Given its serious and persistent management shortcomings, spending \$51 million to continue the 287(g) program in the coming fiscal year would be exceptionally irresponsible. In a scathing September 2010 report, the DHS Office of Inspector General (DHS IG) found that "there is no assurance that funds allocated to the 287(g) program were used as intended." Since that time, ICE has failed to establish the "steering committees with external stakeholders" in every jurisdiction that the DHS IG recommended to improve management and oversight of the program. The agency has also declined to provide data to the public on enforcement actions under 287(g) despite doing so for the Secure Communities program.

More troublingly, the 287(g) program continues to undermine the trust of immigrant and minority communities in the officers who patrol their streets and protect their homes and businesses. As law enforcement leaders from across the country have repeatedly stated, when local police are deputized to enforce our immigration laws, fewer witnesses come forward and more victims choose to suffer in silence. The program therefore represents a serious threat to public safety, compromising the security and well-being of immigrants and U.S. citizens alike. As former Los Angeles Police Chief William Bratton wrote in explaining why his department would not participate in the 287(g) program, "My officers can't prevent or solve crimes if victims or witnesses are unwilling to talk to us because of the fear of being deported...Criminals are the biggest benef[iciaries] when immigrants fear the police."

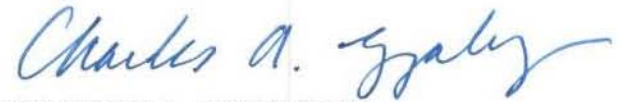
The federal government successfully argued in its litigation against Arizona's harsh anti-immigrant law, SB 1070, that immigration enforcement is essentially a federal matter. Contrary to this bedrock principle, the 287(g) program uniquely empowers state and local police to act as immigration agents. Terminating all existing 287(g) agreements would allow officers in these jurisdictions to focus on protecting the public and leave the complex task of immigration enforcement to your department and other federal authorities where it belongs.

For all of these reasons and because it would represent another critical step in the direction of the goal we share with President Obama—building an immigration system that reflects “our heritage and our values”—we respectfully request that you finally end the ill-conceived, discriminatory 287(g) program.

Sincerely,



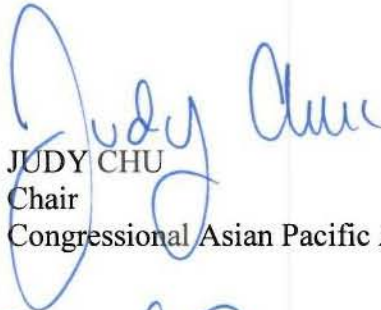
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Member of Congress



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Chair
Congressional Hispanic Caucus



LUIS V. GUTIERREZ
Chair
CHC Immigration Task Force



JUDY CHU
Chair
Congressional Asian Pacific American Caucus



MICHAEL M. HONDA
Chair
CAPAC Immigration Task Force



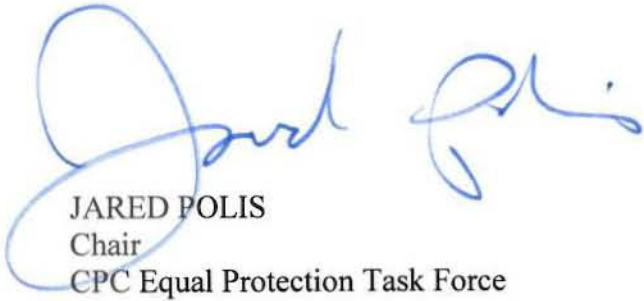
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Chair
CPC Equal Protection Task Force

Cc: Director John Morton
Acting Director Jeffrey Zients