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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

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June 24, 2014

The Honorable Barack Obama  
President of the United States  
1600 Pennsylvania Ave., N.W.  
Washington, DC 20500

Dear President Obama,

As you know, an unprecedented number of unaccompanied alien minors and family units have been surging across our southern border and overwhelming our immigration enforcement agencies and local communities around the nation, causing an immigration and national security nightmare. It was reported in the press on Friday that Deputy Secretary Alejandro Mayorkas of the Department of Homeland Security (DHS) told reporters that "[w]e are surging resources to increase our capacity to detain individuals and adults with children, and to handle immigration court hearings. . . . This will allow Immigration and Customs Enforcement – or ICE -- to return unlawful migrants from Central America who are ordered removed to their home countries more quickly."<sup>1</sup>

Deputy Secretary Mayorkas' statement begs the question as to whether the federal government can actually obtain removal orders against these aliens or otherwise remove them. The Safe Passage Immigration Project, a division of the Justice Action Center at New York Law School that works with volunteer attorneys and New York Law School students to provide representation to unaccompanied alien minors in the immigration process, states that "[o]ur organization . . . finds that nearly 90 percent of the unaccompanied minors we meet who are facing deportation qualify for immigration relief, allowing them to remain in the United States legally."<sup>2</sup> I respectfully request answers to the following questions:

- Do you believe that there are provisions contained in current immigration law, including applicable court settlement agreements that have put up roadblocks in the way of DHS's ability to secure removal orders or otherwise remove the aliens unlawfully surging across our southern border?

<sup>1</sup> White House to speed up deportation of illegal children flooding into country, The Guardian, June 20, 2014.

<sup>2</sup> Lenni Benson & Claire Thomas, Lawyers for Immigrant Youths, The New York Times, May 27, 2014 (letter to the editor); see also Safe Passage Project website.

- Do you believe that the settlement agreement in Flores v. Reno<sup>3</sup> that encourages DHS to release unaccompanied alien minors to the unlawful aliens who paid to smuggle them into the U.S. impedes DHS's ability to remove them?
- Do you believe that DHS's inability under current law to put unaccompanied alien minors in expedited removal proceedings impedes DHS's ability to remove them?
- Do you believe that the minimal standard under current law to show a credible fear of persecution encourages fraudulent claims results in the release of apprehended family units and impedes DHS's ability to remove them?
- Do you believe that the lack of a ground of inadmissibility under current law for being a member of a violent criminal gang impedes DHS's ability to remove minors who are members of such gangs?
- Do you believe that DHS's inability under current law to voluntarily return unaccompanied alien minors from Central America impedes its ability to remove them?
- Do you believe that the requirements under current law for DHS to notify the Department of Health and Human Services (HHS) within 48 hours upon the apprehension or discovery of an unaccompanied alien minor and to transfer them to HHS custody within 72 hours are practicable?

If you believe that any of these provisions of current immigration law, or any others, are impeding DHS's ability to remove the unaccompanied alien minors and family units unlawfully surging across our southern border, will your Administration request appropriate legislative changes from Congress and provide proposed legislative language to do so?

Additionally, do you believe that a lack of resources at DHS, HHS, or the Executive Office for Immigration Review is impeding DHS's ability to remove the unaccompanied alien minors and family units unlawfully surging across our southern border? If so, will your Administration request appropriate additional resources from the Appropriations Committee?

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<sup>3</sup> Flores v. Reno, No. CV 85-4544-RJK(Px) (C.D. Cal. Dec. 7, 2001)(stipulation extending settlement agreement and for other purposes; and order thereon); Flores v. Reno, No. CV 85-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997)(stipulated settlement agreement).

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I, as Chairman of the House Judiciary Committee, would be delighted to work with you on legislative reform efforts if you believe them necessary to successfully obtain removal orders against or otherwise remove the unaccompanied alien minors and family units overwhelming our southern border. Please feel free to call me or have Administration officials contact George Fishman, Chief Counsel of the Subcommittee on Immigration and Border Security (202-225-2127). I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Bob Goodlatte". The signature is written in a cursive, flowing style with a prominent initial "B".

Bob Goodlatte  
Chairman

Cc. The Honorable John Conyers, Jr.