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2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

December 10, 2014

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Secretary Johnson,

President Obama's recent decision to recklessly and unilaterally change U.S. immigration law ignores the will of the American people and flouts the Constitution. The American people are deeply concerned about the direction in which our country is heading and overwhelmingly voted in November to reject the Administration's policies. However, rather than listening to the American people and changing course, President Obama continues to ignore duly enacted laws, thereby putting the public at risk and preventing executive branch employees from doing their jobs. Such actions have a direct effect on the ability and confidence with which those employees perform.

I am concerned because DHS was just ranked last on the list of large federal agencies on the 2014 Best Places to Work in the Federal Government Survey. Further, a recent *Washington Post* article entitled, "Top-level Turnover Makes it Harder for DHS to Stay on Top of Evolving Threats," makes clear that Department of Homeland Security (DHS) employees in particular experience "abysmal morale" and that this has been happening for "quite a number of years."

The article reports that DHS Deputy Secretary Ali Mayorkas said the Department has hired a consulting firm "to develop recommendations to improve morale." This is a gross waste of taxpayer dollars. The way to improve morale at DHS is to simply let DHS employees do their jobs and enforce the immigration laws that have been enacted by Congress. Specifically, this can be accomplished by rescinding the directives you issued on November 20, 2014, as well as each administrative decision implemented at DHS over the last six years that has undercut the ability of officers, agents, attorneys, adjudicators and other DHS employees to actually perform their jobs.

There is no doubt that morale would improve at Immigration and Customs Enforcement (ICE) if agents and officers were not required to adhere to “priorities” aimed at ignoring existing law. While these priorities claim to target the “worst of the worst” convicted criminal aliens, the reality is that many of these convicted criminal aliens will still be released simply if they show “factors” demonstrating that they are not a threat. ICE officer morale would also improve if convicted criminal aliens were no longer released under parental directives guidelines simply because they have children present in the U.S. In addition, if ICE attorneys were permitted to defend their cases in removal proceedings or more broadly defend the agency’s legal authorities, including its detainer authority, morale would improve. Morale would also improve if the Administration did not continuously work to undermine laws enacted by Congress. Indeed, as Chris Crane, President of the ICE National Council, has stated before the House Judiciary Committee:

Currently, ICE officers cannot arrest or remove most illegal immigrants they come in contact with, even if officers believe those individuals present a risk to public safety. To avoid offending special interests, ICE officers are also prohibited from making street arrests, and are also prohibited from arresting illegal immigrants who are public charges or who violate laws involving fraudulent documents. ICE officers are under orders to wait until immigration violators commit and are convicted of criminal offenses and placed in jail by state authorities before they can act in their capacity as Federal immigration officers and make an arrest. Even though illegal entry and visa overstay violations account for the majority of the 11 million illegal immigrants currently residing in the United States, DHS and ICE have directed ICE officers not to enforce the laws related to these offenses.

Morale would also improve if the Administration actually permitted Customs and Border Protection (CBP) agents to secure the border. As the recent influx of illegal immigrants across the southern border demonstrated, it does not matter how many aliens are apprehended along the border if apprehension itself becomes a golden ticket into the country. During August of this year, morale at U.S. Border Patrol was reported to be at an all-time low because agents felt that they were forced to stand by and watch helplessly as teenage criminal and unlawful aliens, including gang members and even murderers, were released into the United States. Chris Cabrera, the Vice President of the National Border Patrol Council Local 3307 in the Rio Grande Valley, stated:

Morale is at an all-time low. Our agents aren't allowed to do the job they were hired to do. We're walking more and more people out the door. Criminal aliens are coming in. If there's no criminal history in the U.S., we're releasing them out the door into the country ... even if they're admitted gang members. We've had a couple that admitted to murders in their own country. The U.S. government thought it fit to release them to their parents here in the U.S.... "I've heard people come in and say, 'You're going to let me go, just like

you let my mother go, just like you let my sister go. You're going to let me go as well, and the government's going to take care of us.

Employees of United States Citizenship and Immigration Services (USCIS) are not immune from the pervasively low morale at DHS, which stems from a culture that pressures them to rubberstamp applications rather than effectively perform their jobs. Kenneth Palinkas, President of the National Citizenship and Immigration Services Council, the union representing 12,000 United States Citizenship and Immigration Services adjudications officers and staff, has stated that "USCIS adjudications officers are pressured to rubber stamp applications instead of conducting diligent case review and investigation. The culture at USCIS encourages all applications to be approved, discouraging proper investigation into red flags and discouraging the denial of any applications. USCIS has been turned into an approval machine."

Such allegations are not new. In fact a January 2012 DHS Office of Inspector General (OIG) report found the existence of a leadership-driven "get to yes" mentality for adjudications. According to the OIG report, "[S]everal USCIS employees informed us that [Immigration Service Officers] have been required to approve specific cases against their will. Some ISOs told us that they complied with the demands of their supervisors and approved visa applications containing suspect information." Pressuring adjudicators to approve applications, despite factors such as fraud which indicate that the applicant may not in fact be eligible, no doubt deals a serious blow to the already low morale among employees.

I urge you to stop wasting taxpayer funds paying for a consulting firm to determine the reason for low employee morale, when a much more straightforward solution is obvious: allow DHS employees to enforce U.S. immigration laws as currently written. Thank you in advance for your prompt attention to this matter.

Sincerely,



Bob Goodlatte
Chairman

Cc. John Conyers, Jr.
Ranking Member