

BOB GOODLATTE, Virginia
CHAIRMAN

F. JAMES SENSENBRENNER, JR., Wisconsin
LAMAR S. SMITH, Texas
STEVE CHABOT, Ohio
DARRELL E. ISSA, California
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio
TED POE, Texas
JASON CHAFFETZ, Utah
TOM MARINO, Pennsylvania
TREY GOWDY, South Carolina
RAUL R. LABRADOR, Idaho
BLAKE FARENTHOLD, Texas
DOUG COLLINS, Georgia
RON DeSANTIS, Florida
MINI WALTERS, California
KEN BUCK, Colorado
JOHN RATCLIFFE, Texas
DAVE TROTT, Michigan
MIKE BISHOP, Michigan

JOHN CONYERS, JR., Michigan
RANKING MEMBER

JERROLD NADLER, New York
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
PEDRO R. PIERLUISI, Puerto Rico
JUDY CHU, California
TED DEUTCH, Florida
LUIS V. GUTIÉRREZ, Illinois
KAREN BASS, California
CEDRIC L. RICHMOND, Louisiana
SUZAN K. DeLBENE, Washington
HAKEEM S. JEFFRIES, New York
DAVID CICILLINE, Rhode Island
SCOTT PETERS, California

ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

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

July 28, 2015

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson:

I write regarding last Friday's ruling of the United States District Court for the Central District of California, regarding the immigration detention of certain unlawful alien family units while they await immigration proceedings. The Court's decision, if left to stand, will essentially end the detention of family units. This will no doubt lead to large increases in the already excessively high numbers of aliens surging across the southwestern U.S. border and failing to appear for their removal proceedings. The Court gave you until August 3, 2015, to show cause why it should not rule that you must release family units currently housed in detention and refrain from further detention. I urge you to engage in a vigorous effort to defend the Department of Homeland Security's (DHS) ability to detain family units.

As you know, last summer the number of individuals in family units attempting to illegally cross the Southwest U.S. border skyrocketed -- the Border Patrol apprehended over 55,000. And while that number has fallen significantly during the current fiscal year, as of the end of June it was still around 25,000.

I have previously concluded, and continue to believe, that evidence proves that the border surge of unaccompanied alien minors, family units and other unlawful aliens in recent years is a direct result of the current Administration's many policies aimed at rewarding unlawful aliens by allowing them to remain in the United States. For instance, Immigration and Customs Enforcement's (ICE) 2011 memos regarding priorities for removal put many unlawful aliens on notice that they faced no prospects of being removed. Even more such aliens got that message pursuant to your November 20, 2014, memo further restricting the types of individuals who could be put into removal proceedings. And the President's planned implementation of the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program showed unlawful aliens that if they broke the law, this Administration would eventually attempt

to reward them with employment authorization and consider them to be legally present. Such Administration policies hold no one accountable for their illegal actions.

That said, I do applaud your efforts to increase available detention space for unlawful alien family units apprehended close to the southwestern border by opening detention facilities like those in Dilley and Karnes, Texas. Such facilities have a positive deterrent effect if unlawful aliens know that they will be detained as opposed to simply released into the U.S. You were correct on December 15, 2014, when you stated that family detention "is an effective deterrent."

Unfortunately the District Court's Friday ruling may shut down family detention for good.

Detention is the best way to ensure that unlawful aliens show up for their immigration court dates. In fact, new statistics from the Department of Justice's Executive Office of Immigration Review show that 84% of apprehended unlawful aliens with children who are not detained fail to appear for their court date, and according to Juan Osuna of the Executive Office of Immigration Review, 46% of apprehended unaccompanied alien minors fail to appear in immigration court.

I understand that to fight this case may be an arduous undertaking in the face of well-funded and very motivated advocacy groups that decry any immigration enforcement. But your duty is to the American people to prevent and deter unlawful border entries.

I request that, in your response and in any further proceedings with the District Court, you undertake an aggressive and vigorous defense of DHS authority to engage in detention of family units. I also request that, should the need arise, you request an emergency stay of any District Court order to do away with detention of family units, and appeal such a decision to the Ninth Circuit Court of Appeals.

Thank you for your attention to this matter and I look forward to your response to the Court by August 3, 2015.

Sincerely,



Bob Goodlatte
Chairman