United States Senate
WASHINGTON, DC 20510

July 26, 2010

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Nebraska Avenue Complex
245 Murray Lane, Mailstop 0150
Washington, DC 20528-0150

Dear Secretary Napolitano:

We remained concerned about potential plans for a large-scale effort to offer parole or to defer action on undocumented aliens in the United States. We realize that deferred action and parole are discretionary actions reserved for individual cases that present unusual, emergent or humanitarian circumstances. However, we do not believe that such actions should be used for a large population of illegal aliens or used to bypass Congress and the legislative process.

News articles report that your department has denied the charge, stating that grants of parole or deferred removal are based on the merits of individual cases. While we have not personally been assured that plans have not been drawn up, we are interested in data that will guarantee the American people that the Administration is not using these discretionary actions in cases that are not urgent or based on humanitarian reasons.

Therefore, we seek the following information about how the department is using its authorities. Specifically, we would like answers to the following questions no later than August 16:

- How many removal actions have been deferred each year over the past 5 years, including calendar year 2010, to date?
- How many times has parole been granted each year over the past 5 years, including calendar year 2010, to date?
- Of those granted deferred action or parole in the past five years, including 2010, how many have been provided work authorizations? In what circumstances are work authorizations not granted?
- What guidelines and procedures are in place when the department considers using its discretionary power to defer action or grant parole? Please describe the process from the initial request to the final approval, and please provide a copy of the written policies that employees of Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, and Customs and Border Protection must follow.

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Finally, in order to ensure that deferred action and parole are being used in a manner consistent with the law, we request to be notified in writing when the Administration defers removal action or grants parole to undocumented, deportable or inadmissible aliens. We would further request a summary of the case and the rationale for using the discretionary action. In that vein, we would like a summary (including demographic background) of the cases that so far have been approved in calendar year 2010.

We appreciate your attention to this matter and look forward to hearing from you.

Sincerely,

Chuck Grassley

Tom Coburn

Saxby Chambliss

Pat Roberts