

United States Senate

WASHINGTON, DC 20510

November 20, 2009

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 write to express disappointment about recent statements you made regarding comprehensive immigration reform, particularly comments made at the Center for American Progress on the Obama Administration's desire to enact a legalization program.

Specifically, we take exception to your argument that legalizing millions of undocumented individuals would be a benefit to our economy. You said, "Requiring illegal immigrants to register to earn legal status...will strengthen our economy as these immigrants become full-paying taxpayers. As labor leaders have made clear to me, immigration reform will be a boon to American workers. Think about it: unions will never achieve the best terms for workers when a large part of the workforce is illegal and operates in a shadow economy. By contrast, the status quo not only hurts American workers, it also stifles potential opportunities to grow our economy."

With all due respect, legalizing those who have no legal right to be in the United States will not be a "boon" to American workers. Rather, it would only exacerbate the unfair competition American workers currently face as they struggle to find jobs. Last month, the number of unemployed persons in the U.S. increased by 558,000 to 15.7 million. The unemployment rate rose to 10.2 percent, the highest rate since April 1983. Americans want to work; rewarding illegal aliens with the right to hold jobs will not improve the chances Americans have of finding jobs, paying their mortgages, and feeding their families. Therefore, we strongly encourage you to cease any discussion about enacting a legalization program that will only hurt U.S. workers and make it harder for law abiding citizens to weather this economic downturn.

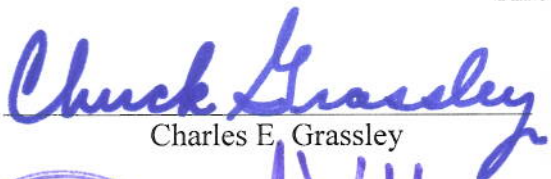
In that same speech, you also stated that "Americans need to know that their government is committed to enforcing the law and securing the border – and that it takes this responsibility seriously." Unfortunately, we have seen a dilution of enforcement initiatives in the last several months that make us question your commitment to this endeavor. For instance, the Obama Administration has rescinded the "no-match" rule that clarified employers' legal obligation to conduct due diligence when they are confronted with evidence that a significant number of their employees may have used false or stolen Social Security numbers to obtain work. The Administration repeatedly delayed and then finally weakened the rule requiring contractors of the Federal government to use E-Verify. The 287(g) program that allows local law enforcement to arrest and detain illegal aliens has been changed dramatically to reduce its effectiveness in many

communities. The worksite enforcement strategy of Immigration and Customs Enforcement, which claims to target employers rather than individual illegal aliens, has replaced worksite enforcement with the Clinton-era policies of administrative paperwork audits, and has led to a dramatic reduction in arrests and deportation of those who are working illegally in this country. Interestingly, the Department's boasts about a renewed emphasis on enforcement against employers are not matched by actual prosecutions of such employers. Instead, prosecutions of employers have fallen dramatically.

We applaud the Administration for improving U.S. Citizenship and Immigration Service's website, and for continuing the expansion of E-Verify. We also recognize the attention given to the Bush Administration's Secure Communities Initiative, and appreciate the Department's willingness to expend dollars provided by Congress for increased drug interdiction at the border.

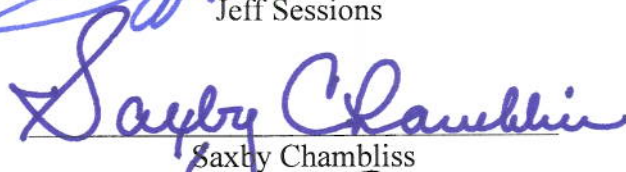
However, we believe a commitment to the law must start at the top, and that enforcement of our laws should not be undermined by policies that tie the hands of law enforcement officials across the country. We hope you'll find renewed energy to hold employers accountable, ensure that undocumented workers are not taking jobs from Americans, and enforcement of our laws is being aggressively pursued in the interior and at the border.

Sincerely,


Charles E. Grassley

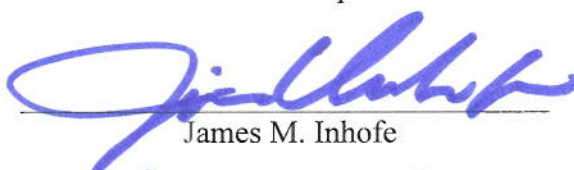

Jeff Sessions

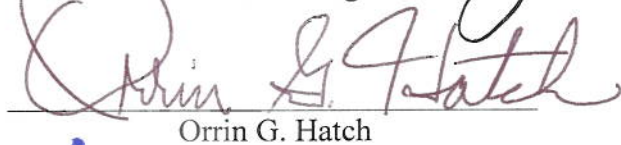

David Vitter


Saxby Chambliss

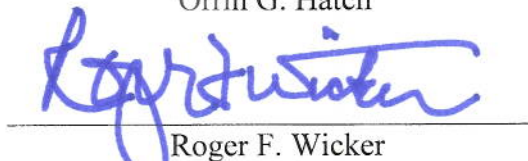

Mike Crapo

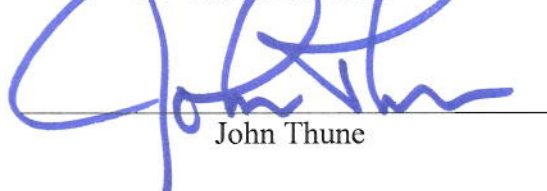

Jim Bunning

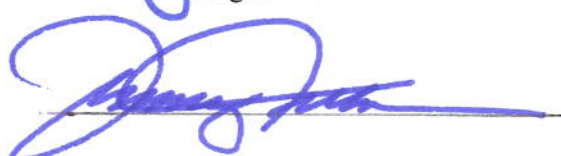

James M. Inhofe


Orrin G. Hatch


James E. Risch


Roger F. Wicker


John Thune


Dan Claitor