



U.S. Immigration
and Customs
Enforcement

MAY 05 2017

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley:

The purpose of this letter is to inform you of changes to the U.S. Immigration and Customs Enforcement (ICE) policy regarding the granting of stays of removal in connection with private immigration bills, effective immediately.

Private immigration bills introduced by Members of Congress serve as a last resort for individuals who have exhausted ordinary administrative and judicial immigration remedies. The majority of present-day private immigration bills are introduced to confer lawful permanent resident (LPR) status on beneficiaries by circumventing the normal immigration law framework, including inadmissibility grounds and legal requirements that ordinarily apply to those seeking LPR status.

As a matter of agency practice, ICE has in the past granted a stay of removal when it received a written request for an investigative report from the Chair of the House or Senate Judiciary Committee (or appropriate House or Senate Judiciary Subcommittee) regarding an individual for whom a private immigration bill had been introduced. Although it is not mandated by law or regulation, ICE routinely granted these stays of removal. The stay usually remained in place until Congress either took action on the bill or adjourned without taking action on the bill and the grace period (March 15 of the new Congress) expired.

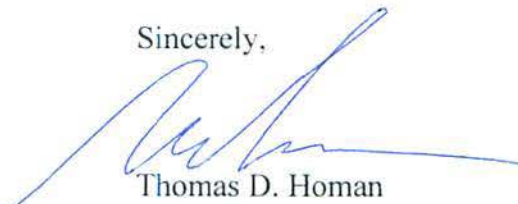
The stay mechanism, combined with the repeated introduction of bills, which are rarely, if ever enacted, could prevent ICE from removing aliens who fall within the enforcement priorities outlined in Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*, including those who pose a risk to public safety or national security. Therefore, ICE is implementing the following policy changes regarding the issuance of stays of removal in connection with private immigration bills:

1. ICE will consider and issue a stay of removal only if the Chair of the full Committee or Subcommittee expressly makes a written request that ICE stay the beneficiary's removal independent of any request for an investigative report. A request for an investigative report will no longer trigger an automatic stay of removal.

2. ICE will not grant a beneficiary more than one stay of removal through the private immigration bill process. As such, ICE will not honor subsequent requests for a stay of removal from the Chair of the Committee or Subcommittee for beneficiaries who have already received a stay through the private immigration bill process.
3. The duration of a stay of removal will be limited to 6 months. However, the ICE Director, at his or her discretion, can provide a 1-time 90-day extension beyond the initial 6-month stay if specifically requested by the Chair of the Committee or Subcommittee and, if necessary, to accommodate extenuating circumstances.
4. ICE will take appropriate action, including the removal of the alien-beneficiary, in cases where ICE discovers derogatory information about an alien-beneficiary after issuing a stay of removal. ICE will notify the appropriate Committee or Subcommittee of the action it takes.

Thank you for your continued support of ICE. If you have additional questions, please feel free to contact my office.

Sincerely,



Thomas D. Homan
Acting Director

cc: Senator John Cornyn
Senator Dianne Feinstein
Senator Richard Durbin