

United States Senate

WASHINGTON, DC 20510

COMMERCE, SCIENCE
AND TRANSPORTATION
FOREIGN RELATIONS
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
SMALL BUSINESS AND
ENTREPRENEURSHIP

January 8, 2015

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

Dear Secretary Johnson,

On November 20, 2014, the President, through your Department, announced several executive actions, including plans to expand the Deferred Action for Childhood Arrivals Program (DACA) and to extend “Deferred Action to Parents of Americans and Lawful Permanent Residents” (DAPA). These Executive Actions, specifically designed to circumvent Congress’ role raise serious legal and constitutional questions.

The President unilateral action will inevitably redirect DHS resources away from pursuing its core mission of securing our borders, enforcing our immigration laws, and keeping our homeland safe, as finite resources are diverted to provide benefits and special privileges to individuals who have broken our laws. In light of these concerns, and to assist us in our constitutional oversight responsibilities, please provide answers to the following questions detailed below.

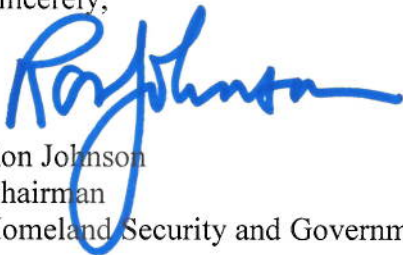
President Obama, through his Executive Action, stated that he will grant legal presence and immigration benefits, denied by law, for individuals who entered this country illegally provided that they:

- Have continuous residence in the United States since January 1, 2010:
 - 1) What documentation will be required to prove five year, continuous residency?
 - a. What agency will review and verify this documentation?
 - b. How many Full Time Employees will be required?
 - c. What is the estimated annual budget for verification?
 - d. What is the budget authority for this expenditure?
 - 2) How will you prevent fraud?
- Pass a Criminal Background Check:
 - 1) How will criminal background checks be conducted?
 - a. What agency will conduct the criminal background checks?
 - b. How many Full Time Employees will be required?
 - c. What is the estimated annual budget to conduct criminal background checks?
 - d. What is the budget authority for this expenditure?

- 2) Reports indicate that DHS, overwhelmed with 80,000 DACA applications, halted thorough background checks in the past. How does the agency anticipate handling 5 million requests if it could not properly process 80,000?
 - 3) What will the background check consist of?
 - 4) What crimes will be disqualifying under these new executive actions?
- Pay Taxes:
 - 1) How will we ensure that non-U.S. citizens eligible for DACA and DAPA pay their fair share of taxes?
 - a. What agency will assess and collect the taxes?
 - b. How many Full Time Employees will be required?
 - c. What is the estimated annual budget to assess and collect these taxes?
 - d. What is the budget authority for this expenditure?
 - 2) What taxes must be paid? Future taxes *and* back taxes, or only future taxes?
 - 3) What form of taxpayer identification will be issued: social security numbers or individual taxpayer identification numbers?
 - 4) Will non-U.S. citizens eligible for DACA and DAPA qualify for the Earned Income Tax Credit and Additional Child Tax Credit? If so, what is the estimated annual cost of those benefits?
 - 5) What other benefits will be paid to these non-U.S. citizens?

Please provide this information to our office by the close of business on January 22, 2015. Most of these questions should be easy to answer within that time frame. For specific questions that require more time to answer, please contact my office to request an extension. All documents and data should be produced in native format. Thank you for your attention to this important matter.

Sincerely,



Ron Johnson
Chairman
Homeland Security and Governmental Affairs Committee

cc: Senator Carper