



Written by [R. Cort Kirkwood](#) on October 24, 2011

Napolitano Says Illegals OK to Work Legally

In defending the policy, Napolitano also blurted out that it costs possibly three times as much as previously reported here and elsewhere to deport an illegal alien, and her answers to Grassley make clear that the Obama administration has unilaterally declared a major amnesty.



Questions and Answers

Grassley asked Napolitano point blank whether her agency is abetting illegals in their effort to build lives here, [CNS reported](#).

The ranking member of the Judiciary Committee, [Grassley asked Napolitano](#): “According to the information from your department, some individuals who are given relief will obtain work authorizations. So people with no right to be in the country will be allowed to work here. Is that correct?” Napolitano said,

Well, senator, since around 1986 there has been a process where those who are technically unlawfully in the country may apply for work authorization. This goes to CIS [Citizenship and Immigration Services]. It’s not an ICE [Immigration and Customs Enforcement] or CBP [Customs and Border Protection] function. And those cases are reviewed by CIS in a case-by-case basis. So there’s no change in that process. Like I said, that goes back to the mid-80s that is contemplated now.

Grassley wondered how any illegal can work in the United States given that illegals are, indeed, here in violation of American law. Napolitano said status doesn’t much matter.

[Reported CNS](#): “Sen. Grassley then asked, ‘But yes, some of them could have an opportunity to work here even though they are here illegally?’”

Replied Napolitano, “Well, that happens now, senator.”

“Prosecutorial Discretion” Again

CNS [also reported](#) that Napolitano admitted the obvious: that permitting aliens to work flows from the “prosecutorial discretion” policy ordered by Napolitano’s chief immigration deputy, John Morton, the head of Immigration and Customs Enforcement (ICE).

Napolitano claimed that the Obama administrator’s [decision to review](#) 300,000 pending deportation cases arises from Morton’s blanket approval of permitting illegals to stay for just about any reason.

Napolitano told the committee that the administration is trying to “to administratively close some of the low priority cases so that we can facilitate handling the higher priority cases.” [CNS concluded](#) that “some illegal immigrants will be allowed to stay in the country because their cases will be closed.”

Napolitano also told Grassley that cases must be prioritized, which is why the prosecutorial discretion policy is so valuable, [CNS reported](#).



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“We can just remove anybody without any priorities and that would be one way to do it,” she said, [CNS reported](#).

Or the other way and the better way ... is to say we want to focus on expediting the removal of those who are criminals; of those who are fugitives; of those who are repeat violators; of those who are recent entrants meaning within five years into the United States.

She called the latter cases “high priority,” [CNS reported](#).

Morton’s Memo

The “prosecutorial discretion” to which Napolitano referred and that creates the path for illegals to work comes from [a memo to ICE employees](#) from Morton.

In June, he created a lengthy list of criteria, including those found in the failed DREAM Act but adding many more, that ICE lawyers and agents must use to determine whether they should simply toss a deportation case in the trash can. Morton’s list of 30 considerations includes how long an illegal has been here and the age at which he arrived, his educational achievements and goals, whether he/she is or has relatives in the military, what his/her ties to his/her home country and the United States are, whether he/she cares for a sick relatives, whether he or she is sick or crazy, or if she is pregnant or nursing.

Indeed, Morton’s [list of criteria](#) is so long that almost any illegal alien can qualify.

[Obama’s moratorium](#) on 300,000 deportations followed, but even before Morton released his memo, he and Napolitano had repeatedly stated that aliens who would qualify to stay here under the failed DREAM Act would not be deported.

The Cost of Deportation

[CNS also reported](#) what Napolitano says it costs to deport one illegal alien: \$23,000 to \$30,000 each. That figure is between two and four times the cost the Associated Press reported recently — \$12,500. That also explains why her department isn’t much interested in deportations. Napolitano observed,

At some point in the process there needs to be decisions made about who is to be removed. It cost in the neighborhood of \$23,000 to \$30,000 to actually remove somebody. That’s our cost[;] [it] doesn’t include Justice Department cost. The Congress gives us the ability to finance removals of 400,000 people a year.

Given that the [Obama administration claims](#) to have deported 397,000 illegals thus far in 2011, [The New American put](#) the cost at \$5 billion.

But now, it turns out, that figure is way too low. Using Napolitano’s figures raises the cost to between \$9 billion and \$12 billion. And that cost may be low as well, Napolitano testified. The figure she offered does not include costs incurred by the U.S. Department of Justice.

Photo of Janet Napolitano: AP Images

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