

December 2, 2016

The President
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

I write to request that in the final weeks of your administration, you and your staff carefully examine all possible legal protections that could be extended to individuals currently registered under the Deferred Action for Childhood Arrivals (DACA) program, up to and including the use of the president's pardon power. This will be your last chance to ensure that these individuals, who are American in every way, are not targeted for removal by the incoming administration.

While there is little recent precedent for the use of the pardon power for civil offenses, I encourage you to weigh the consequences that DACA recipients will face in the absence of action before the end of your term.

I understand that a presidential pardon cannot grant any individual legal status under our immigration laws. Nevertheless, a presidential pardon would remove the technical offenses that precipitate removal proceedings. The use of the pardon power in this case would give Congress time to find a legislative solution for DACA recipients.

As you know, I am an outspoken critic of the government in situations where it takes actions in excess of its authority. I believe that in this case, action on your part to pardon DACA recipients for their offenses under our immigration laws is an appropriate use of your authority. The Constitution grants you broad authority in this area, and I believe that this case merits unprecedented action.

Sincerely,



MARTIN HEINRICH
United States Senator