

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

September 27, 2012

The Honorable Jerrold Nadler
U.S. House of Representatives
Washington, DC 20515

Dear Representative Nadler:

Thank you for your July 31, 2012 letter regarding the exercise of prosecutorial discretion with respect to lesbian, gay, bisexual, and transgender (LGBT) individuals.

As you are aware, U.S. Immigration and Customs Enforcement (ICE) Director John Morton's June 2011 memorandum, "Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens," requires ICE personnel, when considering whether an exercise of prosecutorial discretion is appropriate, to consider the totality of the circumstances presented in individual cases, including whether an individual has close family ties to the United States, when making enforcement decisions.

In an effort to make clear the definition of the phrase "family relationships," I have directed ICE to disseminate written guidance to the field that the interpretation of the phrase "family relationships" includes long-term, same-sex partners. As with every other factor identified in Director Morton's June 11 memorandum, the applicability of the "family relationships" factor is weighed on an individualized basis in the consideration of whether prosecutorial discretion is appropriate in a given case.

Thank you again for your letter. The Members who cosigned your letter will receive separate, identical responses. Should you need additional assistance, please do not hesitate to contact me at (202) 282-8203.

Yours very truly,

A handwritten signature in black ink that reads "Janet Napolitano". The signature is fluid and cursive, with the first name "Janet" being particularly prominent.

Janet Napolitano