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24TH DISTRICT, FLORIDA

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November 2, 2011

Hon. Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Napolitano,

Thank you for your recent testimony before the House Judiciary Committee. On Wednesday, October 26, we had the opportunity to discuss various issues surrounding the detention and release of dangerous criminal aliens in the United States.

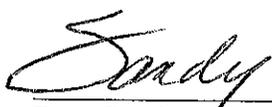
If you'll remember, we discussed the situation where a criminal alien is in deportation status, has served his sentence in the United States, but his home country refuses to repatriate him. You and I are both aware of *Zadvydas v. Davis*, 533 U.S. 678 (2001), where the Supreme Court held that aliens admitted to the United States, then ordered removed cannot be detained for more than six months if there is no reasonable likelihood of their being removed. This has caused thousands of dangerous criminal aliens to be released into communities in the United States and who often subsequently go on to commit heinous crimes against Americans.

But as you know, there is a statutory remedy for this situation. The Immigration and Nationality Act Section 243(d) says, "On being notified by the Attorney General (now Secretary of Homeland Security) that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Attorney General asks whether the government will accept the alien under this section, the Secretary of State shall order consular officers in that foreign country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Attorney General notifies the Secretary that the country has accepted the alien."

You had stated you were not aware of DHS making any recommendations of this kind, but would look into the matter after the hearing. Please provide to me information on how many recommendations your department has made to the Secretary of State that she discontinue granting visas to citizens, subjects, nationals, and residents of the country refusing to repatriate a criminal alien until the country accepts the alien, including your reasoning to pursue or not pursue such a recommendation.

I would appreciate having this information by November 18, 2011. I thank you for your consideration and prompt reply, and look forward to hearing from you soon.

Sincerely,

  
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Rep. Sandy Adams