

# Deportations Drop as Obama Pushes for New Immigration Law

By Michael C. Bender December 17, 2013

The Obama administration has cut back on deporting undocumented immigrants, with forced departures on track to drop more than 10 percent, the first annual decline in more than a decade.

In his first term, President Barack Obama highlighted record deportations to show he was getting tough on immigration enforcement, which Republicans and even some Democrats have demanded as a condition for overhauling existing laws.

The last fiscal year was different. The government deported 343,020 people in the U.S. illegally from Oct. 1, 2012, to Sept. 7, 2013, the most recent Immigration and Customs Enforcement data show. If that pace continued through the Sept. 30 end of the fiscal year, removals would reach a six-year low.

The drop, which comes as Obama faces growing criticism from Hispanics over deportations, is a result of a new policy of focusing limited enforcement resources “on public safety, national security and border security,” ICE spokeswoman Barbara Gonzalez said. “ICE has been vocal about the shift in our immigration-enforcement strategy,” she said. “Our removal numbers illustrate this.”

Legislation to revamp the U.S. immigration system is stalled because of resistance from Republicans in the House of Representatives. Republican lawmakers opposed to changes backed by both Obama and former President George W. Bush, including offering a path to citizenship to the country’s estimated 12 million undocumented immigrants, have demanded tougher enforcement before considering new legislation.

## Pushing Back

Yet as deportations climbed to a record 409,900 in fiscal 2012, Obama has faced pushback from the Democratic Party’s Hispanic backers, who helped provide his victory margin in two elections. There have also been protests from immigration activists, most recently at a speech he gave last month in San Francisco.

“He’s going to continue to be confronted,” Representative Luis Gutierrez said of Obama, a fellow Illinois Democrat. “You can’t say you’re going to protect the undocumented and give them a pathway to citizenship, and then deport them in unprecedented numbers.”

Even with the recent decline, about 1.93 million people have been deported during Obama’s five years in office. That approaches Bush’s eight-year total and is almost as many as in the 108 years between the administrations of Presidents Benjamin Harrison, when Department of Homeland Security records begin, and Bill Clinton.

## Contractors Benefit

What's more, a decline in deportations doesn't necessarily mean fewer people will be locked up.

In 2009, a Democratic-controlled Congress set a minimum on how many undocumented immigrants should be detained each day pending hearings. It's now 34,000, up from about 20,000 in 2005.

Even a broad immigration bill approved by the Senate this year -- which creates a road to citizenship for undocumented workers -- would "increase the prison population by about 14,000 inmates annually by 2018" due to more spending on enforcement, a congressional cost-estimate projected.

That may have a positive effect on companies that the government increasingly relies on to detain those being held for deportation hearings, if it becomes law, said Kevin Campbell, who tracks private prison companies for Avondale Partners, a Nashville-based financial-services company.

"You think about immigration reform and you intuitively think that means less people prosecuted for immigration offenses, but it seems like it will be just the opposite," Campbell said.

## Policy Changes

The surge in deportations has benefited companies such as Boca Raton, Florida-based GEO Group Inc. ([GEO:US](#)), which runs prisons in five countries. ICE accounted for 17 percent of the company's \$1.48 billion in revenue ([GEO:US](#)) last year, up from 11 percent of \$1.04 billion in revenue in 2008, according to company filings ([GEO:US](#)).

Campbell and ICE officials said the drop in deportations stems from changes the administration started making in 2011.

In a departure from Bush's policies, which emphasized raids on businesses suspected of hiring undocumented immigrants, then-ICE Director John Morton said deportations should focus on "national security, public safety and border security."

Morton discouraged agents from detaining young immigrants, crime victims and "individuals pursuing legitimate civil rights complaints."

This "prosecutorial discretion" accounted for 16,300 immigration court cases being closed in 2013, according to data compiled for Bloomberg by Syracuse University's Transactional Records Access Clearinghouse. That's up from 9,700 last year.

About 58 percent of deportations in 2013 were of "criminals," ICE data show. In 2008, it was 31 percent.

## **More Exemptions**

The list of exemptions has continued to grow.

In June 2012, five months before his re-election, Obama exempted from deportation certain undocumented immigrants brought to the U.S. as children, known as Deferred Action for Childhood Arrivals.

Last month, the Department of Homeland Security halted deportations for families of U.S. military members because of the “stress and anxiety” that possible forced removals puts on those in the Armed Services.

The change has provoked administration critics.

“These are policies that severely restrict ICE agents from arresting and charging illegal aliens,” said Jessica Vaughn, policy director at the Center for Immigration Studies in Washington, which opposes increased immigration.

## **Beyond Limits**

House Judiciary Committee Chairman Bob Goodlatte, a Virginia Republican, said during a Dec. 3 hearing that the changes “push executive power beyond all limits.”

“President Obama is the first president since Richard Nixon to ignore a duly enacted law simply because he disagrees with it,” he said.

House Minority Leader Nancy Pelosi, a California Democrat, said she wants to “see action from the president” to halt deportations.

“If somebody is here without sufficient documentation, that is not reason for deportation,” Pelosi said in an interview with Telemundo, according to a transcript provided by her office.

The president isn’t ignoring the law, White House press secretary Jay Carney said yesterday.

“We have to enforce the law,” he said. “There is prosecutorial discretion, and that is applied. The focus is on those who’ve committed felonies.”

That approach, he said, is “not a replacement for comprehensive immigration reform.”

## **Do More**

Advocates for the Senate bill want Obama to do more. This month, 29 House Democrats, including Gutierrez, signed a letter calling on Obama to suspend deportations.

That has backing from the AFL-CIO. The federation of labor unions with 13 million members spent at least \$6.4 million supporting Obama in his 2012 re-election campaign, according to the Center for Responsive Politics.

“The president has the authority and the ability to ease this crisis,” said Ana Avendano, director of immigration and community action at the AFL-CIO.

Obama was interrupted at an immigration rally on Nov. 25 in San Francisco when Ju Hong, a college student standing on the riser behind him, yelled that the president has “power to stop deportations for all.”

“Actually, I don’t,” Obama replied. “If, in fact, I could solve all these problems without passing laws in Congress, then I would do so. But we’re also a nation of laws.”

## **Stalled Legislation**

The bill that the Senate passed in June with bipartisan support has stalled in the House, where Republican Speaker John Boehner said on Nov. 13 that he has “no intention” of considering it.

That doesn’t mean attempts to change the law are dead. Boehner said he prefers passing parts of the legislation separately, and Obama has said he’s willing to support that approach.

Boehner this month hired Rebecca Tallent, who as the Bipartisan Policy Center’s director of immigration policy helped on immigration bills as a staff member for Senator John McCain and former Representative Jim Kolbe. The two Republicans supported easing immigration laws.

With an average of about 1,000 deportations a day this year, that means more than 165,000 immigrants have been removed from the country since the Senate bill passed.

“We just want the chance to be able to work,” said Rebeca Nolasco, a 21-year-old who received deferred action and whose mother, Diana Ramos, is in an Arizona detention center facing deportation. “It doesn’t harm anyone.”

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