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Deportations Continue Despite U.S. Review of Backlog

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After seven months of an ambitious review by the Obama administration of all deportations before the nation's [immigration](#) courts, very few of them have been halted, disappointing immigrants [President Obama](#) hopes to court for his re-election bid.

Under the [review of more than 411,000 deportation cases](#), the first of its kind, fewer than 2 percent have been closed so far. The numbers fall far short of expectations raised among immigrants, including many Latinos, when top administration officials announced they would comb through backlogged court dockets to close cases where the immigrants had strong family ties to this country and no criminal records.

[Department of Homeland Security](#) officials say the review has been slowed by bureaucratic delays with criminal background checks of the immigrants. They said many thousands more deportations could be suspended in coming months.

Immigrant leaders and Democratic lawmakers said the review was faltering because the administration was offering too little help to too few immigrants who would qualify. Even when prosecutors close their cases, immigrants are left in legal limbo, without immigration status or authorization to work.

The court review is the administration's most important effort to ease the impact on immigrant communities of tough enforcement by Mr. Obama, with more than 1.1 million people deported in the last three years. The president has made no headway in Congress toward an overhaul he favors to give legal status to illegal immigrants. Latino voters could be crucial for Mr. Obama in several contested states.

The review started in November. As of May 29, immigration prosecutors had examined 288,361 cases, according to new official figures. To date, 4,403 deportation cases have been closed.

"It's a lot of work for not very much," said Representative Zoe Lofgren of California, a leader among Democrats in the House on immigration issues.

Department of Homeland Security officials said the review had identified about 20,600 immigrants facing deportation who were eligible to have their cases closed, or about 9 percent. Thousands of those cases have been stalled in background checks, they said, though few immigrants have failed the checks.

By the end of the review this year, the officials said, at least that many illegal immigrants will be offered the chance to have their deportations suspended.

“This is a massive undertaking,” said one Department of Homeland Security official, who was not authorized to speak publicly about the program. “At the end of the day we are going to say to more than 20,000 people: ‘We will not deport you.’ That is a very significant thing.”

Immigrant leaders and lawyers said excitement surged in June 2011 when John Morton, the director of [Immigration and Customs Enforcement](#), announced a strategy shift to focus deportations on criminals and to spare illegal immigrants with clean records. Officials said the review would trim dockets, clearing the way for judges to focus on deporting dangerous offenders.

But with so few deportations closed under the review, it has hardly registered in communities. “The prosecutorial discretion policy was received with a great sense of hope,” said Angelica Salas, executive director of the Coalition for Humane Immigrant Rights of Los Angeles. “We thought this was a way we can keep our families together. But at this point it feels like one more failed attempt at relief.”

The review has entailed a huge effort by prosecutors and judges. In eight major cities so far, all regular immigration court hearings were suspended for as long as two weeks so prosecutors could focus on the review.

Guidelines from Mr. Morton for prosecutorial discretion favor illegal immigrants who are close relatives of American citizens, or who came to this country as children, or who have served in the military.

When cases are closed, deportations are suspended but not canceled and immigrants do not receive work permits. Many have declined prosecutors’ offers, choosing instead to fight in court. If immigrants win, they could become full legal permanent residents.

According to the figures, to date 3,998 immigrants have declined prosecutors’ offers, nearly half of those who received one. Many immigrants believed they had strong arguments to present to judges, lawyers said, and they were discouraged by the prospect of staying in the country without being able to work legally or obtain a driver’s license and other documents.

“We have been telling the administration they are not going to get good results, because people are not going to take this offer,” said Gregory Chen, director of advocacy for the American Immigration Lawyers Association.

The administration has proceeded cautiously with the prosecutorial discretion policy because of strong criticism from Republicans, who say it is an end-run around Congress that rewards illegal immigrants at a time when many Americans are struggling to find jobs.

“Any discretion granted to the president by Congress was intended to be limited and rarely used,” said Representative Elton Gallegly, a California Republican who is chairman of the House

Judiciary subcommittee on immigration. “Granting a backdoor amnesty to tens of thousands of illegal immigrants in the process of being deported is a clear abuse of the president’s discretion.”

Results of the review have varied widely in courts across the country. In Seattle, lawyers said prosecutors had worked with lawyers to identify immigrants who qualified for help and would be deported if they did not take it.

“It definitely had a noticeable impact here,” said Matt Adams, legal director of the Northwest Immigrant Rights Project. “We have to acknowledge that it has been a positive change.”

But in Los Angeles and Chicago, immigrant leaders said very few deportations had been canceled. Immigrant organizations have joined with federal lawmakers and church groups to press Department of Homeland Security officials to offer relief to a broader group of immigrants.

Homeland Security department officials said the new figures revealed a trend indicating that many fewer illegal immigrants who have families here and no criminal records will end up in immigration court in the future. In a little-noticed change of policy, they said, immigrants who apply through legal channels for immigration status and are denied will no longer be automatically placed in deportation. That change led to a sharp drop in new deportation cases this year.

But Jordana Vera, a young woman from Argentina who has lived illegally in the United States since she was 12, said she spent nine months in detention after her arrest last July in a raid where agents were looking for someone else. Lawyers finally convinced officials that she had committed no serious offense and met the criteria to have her deportation halted, but only after students in New Jersey, where she lives, staged protests.

“The system is not working,” said Mary Meg McCarthy, executive director of the National Immigrant Justice Center in Chicago, which represented Ms. Vera. “Families are being separated, and we are bleeding ourselves dry to get relief for a handful of people.”

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