

# Feds push immigration officials to focus on deporting criminals

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For Raul Cárdenas, the Obama Administration's new deportation policy, which gives enforcement officials "prosecutorial discretion" to allow illegal immigrants without criminal records to stay in the United States, is good news — sort of.

After nine years fighting Immigrations Customs and Enforcement, Cárdenas, an illegal immigrant living in Colorado, got notice this week his final deportation court hearing had been canceled. While he was excited to learn he'll be able to stay in the country with his U.S. citizen wife and children for now, without a work permit his future is still uncertain.

"I'm just useless," he said. "I can't work. I can't support my family."

This is just one issue the federal government hopes to iron out during a six-week pilot program in Colorado and Maryland designed to make enforcement agencies focus on high-priority cases. Attorneys from the Department of Homeland Security and the Justice Department are reviewing 7,800 deportation cases in Denver and 5,000 cases in Baltimore. If the experiment succeeds, the program will be expanded nationwide.

Under the new deportation policy, [announced in June](#), illegal immigrants who do not have a criminal record, have served in the military, who came to the United States under the age of 16 or are pursuing higher education are eligible for reprieve — among others.

Since the policy change was announced, immigration enforcement agencies have been slow to jump onboard. According to a [survey released](#) in November by the American Immigration Lawyers Association, agents and attorneys in the majority of Immigration and Customs Enforcement offices have not implemented the new guidelines for prosecutorial discretion. Many of those surveyed said they needed additional guidance before adjusting procedures while others indicated they "had no intention of complying" and that their "jobs are to arrest and deport people."

"This is a classic example of leadership saying one thing and the rank and file doing another," Gregory Chen, director of advocacy for the lawyers association, [told the New York Times](#).

In response to the resistance from the field, ICE and the Office of Homeland Security started a training campaign in September. Until now, officials said, deportation has been black and white: if someone was in the country illegally, they should be deported. It will take time for agents to change their mind set and begin to analyze individual cases.

"Like any major change in enforcement policy, this is a work in progress," said John Morton, ICE director. "I have been handling much of the initial explanation myself, because I feel so strongly about it."

The policy change is a politically charged move, as President Barack Obama is on the outs with Latino voters. Obama failed to push through an immigration overhaul, which would have included paths to legal status for illegal immigrants. At the same time, this year, immigration authorities [broke records](#) by deporting close to 400,000 foreigners.

Immigrant rights groups are excited about the push to prioritize.

"Our immigration system is overwhelmed because current enforcement programs cast too wide a net and ICE can only deport so many people a year," said Laura Lichter, president-elect, American Immigration Lawyers Association. "By reviewing the overloaded immigration court docket, ICE can take this opportunity to conduct triage. If properly implemented, the current review will cut out those cases that common sense would agree are not high enforcement priorities, allowing ICE to focus on serious threats to our communities."

She compared using prosecutorial discretion to determine which illegal aliens should be deported to a policeman choosing to let a jay walker go while he chases down a bank robber.

Many, though, call the policy back door amnesty.

In a [memo](#) for the Center for Immigration Studies, Janice Kephart, director of national security policy, said the policy "sets a course that prevents the enforcement of immigration law, provides de facto amnesty and is effectively worker authorization for much of the current illegal population."

<http://www.deseretnews.com/article/700205468/Feds-push-immigration-officials-to-focus-on-deporting-criminals.html>