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Fewer Youths to Be Deported in New Policy

By ROBERT PEAR

WASHINGTON — The Obama administration announced Thursday that it would suspend deportation proceedings against many illegal immigrants who pose no threat to national security or public safety.

The new policy is expected to help thousands of illegal immigrants who came to the United States as young children, graduated from high school and want to go on to college or serve in the armed forces.

White House and immigration officials said they would exercise “prosecutorial discretion” to focus enforcement efforts on cases involving criminals and people who have flagrantly violated immigration laws.

Under the new policy, the secretary of homeland security, Janet Napolitano, can provide relief, on a case-by-case basis, to young people who are in the country illegally but pose no threat to national security or to the public safety.

The decision would, through administrative action, help many intended beneficiaries of legislation that has been stalled in Congress for a decade. The sponsor of the legislation, Senator Richard J. Durbin of Illinois, the No. 2 Senate Democrat, has argued that “these young people should not be punished for their parents’ mistakes.”

The action would also bolster President Obama’s reputation with Latino voters as he heads into the 2012 election. Just a week ago the leaders of major Hispanic organizations criticized his record, saying in a report that Mr. Obama and Congress had “overpromised and underdelivered” on immigration and other issues of concern to Latino voters, a major force in some swing states.

The chairman of the House Judiciary Committee, Representative Lamar Smith, Republican of Texas, denounced the new policy.

“The Obama administration has again made clear its plan to grant backdoor amnesty to illegal immigrants,” Mr. Smith said. “The administration should enforce immigration laws, not look for ways to ignore them. Officials should remember the oath of office they took to uphold the Constitution and the laws of the land.”

White House officials emphasized that they were not granting relief to a whole class of people, but would review cases one by one, using new standards meant to distinguish low- and high-priority cases.

“The president has said on numerous occasions that it makes no sense to expend our enforcement

resources on low-priority cases, such as individuals” who were brought to this country as young children and know no other home, Ms. Napolitano said in a letter to Mr. Durbin.

She said that low-priority cases were “clogging immigration court dockets” and diverting enforcement resources away from individuals who pose a threat to public safety.

Mr. Durbin said he believed the new policy would stop the deportation of most people who would qualify for relief under his bill, known as the Dream Act (formally the Development, Relief and Education for Alien Minors Act).

Some experts have estimated that more than two million people might be eligible to apply for legal status under the Dream Act. Mr. Durbin’s office estimates that 100,000 to 200,000 could eventually earn citizenship, though the numbers are uncertain.

Under the new policy, the government will review 300,000 cases of people in deportation proceedings to identify those who might qualify for relief and those who should be expelled as soon as possible.

White House officials said the new policy could help illegal immigrants with family members in the United States. The White House is interpreting “family” to include partners of lesbian, gay and bisexual people.

Richard Socarides, a New York lawyer who was an adviser to President Bill Clinton on gay issues, said, “The new policy will end, at least for now, the deportations of gay people legally married to their same-sex American citizen partners, and it may extend to other people in same-sex partnerships.”

J. Kevin Appleby, director of migration policy at the United States Conference of Catholic Bishops, said the initiative would keep immigrant families together. “It is consistent with the teaching of the church that human rights should be respected, regardless of an immigrant’s legal status,” he said.

Cecilia Muñoz, a White House official who helped develop the new policy, said officials would suspend deportation proceedings in low-priority cases that, for example, involve “military veterans and the spouses of active-duty military personnel.”

Stephen W. Yale-Loehr, who teaches immigration law at Cornell, said the new policy could also benefit “illegal immigrants who were stopped for traffic violations and thrown into deportation proceedings, as well as people whose only violation of immigration law is that they stayed beyond the expiration of their visas or worked here illegally.” Ms. Napolitano said her agency and the Justice Department would do the case-by-case review of all people in deportation proceedings.

Those who qualify for relief can apply for permission to work in the United States and will probably receive it, officials said.

The new policy “will not provide categorical relief for any group” and “will not alleviate the need for passage of the Dream Act or for larger reforms to our immigration laws,” Ms. Napolitano said.

People in deportation proceedings stand to benefit most from the new policy. The new enforcement priorities also make it less likely that the government will begin such proceedings in the future against

people who have no criminal records and pose no threat to national security.

White House officials said the new policy ratified guidance on “prosecutorial discretion” recently issued by John Morton, the director of immigration and customs enforcement at the Department of Homeland Security.

The Senate majority leader, Harry Reid, Democrat of Nevada, praised the new directive, saying it would allow federal agents to “focus on serious felons, gang members and individuals who are a national security threat, rather than college students and veterans who have risked their lives for our country.”

Roy H. Beck, the president of Numbers USA, a nonprofit group that wants to reduce legal and illegal immigration, said he could understand the decision to defer deportation in some cases. But he said the decision to grant work permits was distressing.

“This is a jobs issue,” Mr. Beck said. “The president is taking sides, putting illegal aliens ahead of unemployed Americans.”