

New rules could spare some immigrants from deportation

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Immigration agents and government attorneys should consider a wide range of factors when determining whether to enforce immigration law, including how long illegal immigrants have been in the United States and whether they have a criminal history, according to new agency guidance.

Immigration and Customs Enforcement Director John Morton issued two new memos dated Friday designed to provide guidance to ICE employees on how and when they should exercise prosecutorial discretion by declining to enforce immigration law.

In one memo, Morton explains that ICE — like any law enforcement agency — has discretion to decide which cases it chooses to pursue.

Considering the agency's limited resources, Morton wrote, ICE agents and attorneys should consider "all relevant factors" when deciding whether to enforce immigration law - from immigrants' contributions to the community to their criminal records.

The memo instructs ICE agents and attorneys to give special consideration to military veterans and their family members and to people brought to the U.S. as children - particularly those who graduated from high school and enrolled in college.

It also asks that ICE agents and attorneys consider whether the immigrants have relatives who are U.S. citizens or green card holders. The new agency guidance says how long illegal immigrants have been in the U.S. and whether they have a criminal history should be weighed.

Other important factors singled out include military service by immigrants and their family members and humanitarian cases involving people who are seriously ill or are sole-caretakers in a family.

The new guidelines also deals specifically with witnesses to and victims of crimes, including domestic violence.

Morton wrote that ICE should also consider negative factors, including whether the immigrant poses a "clear risk" to national security. He also singled out "serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind."