

More Deportations Follow Minor Crimes, Records Show

By [GINGER THOMPSON](#) and SARAH COHEN APRIL 6, 2014

With the Obama administration deporting illegal immigrants at a record pace, the president has said the government is going after “criminals, gang bangers, people who are hurting the community, not after students, not after folks who are here just because they’re trying to figure out how to feed their families.”

But a New York Times analysis of internal government records shows that since [President Obama](#) took office, two-thirds of the nearly two million deportation cases involve people who had committed minor infractions, including traffic violations, or had no criminal record at all. Twenty percent — or about 394,000 — of the cases involved people convicted of serious crimes, including drug-related offenses, the records show.

Deportations have become one of the most contentious domestic issues of the Obama presidency, and an examination of the administration’s record shows how the disconnect evolved between the president’s stated goal of blunting what he called the harsh edge of immigration enforcement and the reality that has played out.

Mr. Obama came to office promising comprehensive immigration reform, but lacking sufficient support, the administration took steps it portrayed as narrowing the focus of enforcement efforts on serious criminals. Yet the records show that the enforcement net actually grew, picking up more and more immigrants with minor or no criminal records.

Interviews with current and former administration officials, as well as immigrant advocates, portray a president trying to keep his supporters in line even as he sought to show political opponents that he would be tough on people who had broken the law by entering the country illegally. As immigrant groups grew increasingly frustrated, the president held a succession of tense private meetings at the White House where he warned advocates that their public protests were weakening his hand, making it harder for him to cut a deal. At the same, his opponents in Congress insisted his enforcement efforts had not gone far enough.

Five years into his presidency, neither side is satisfied.

“It would have been better for the administration to state its enforcement intentions clearly and stand by them, rather than being willing to lean whichever way seemed politically expedient at any given moment,” said David Martin, the deputy general counsel at the Department of Homeland Security until December 2010. “They lost credibility on enforcement, despite all the deportations, while letting activists think they could always get another concession if they just blamed Obama. It was a pipe dream to think they could make everyone happy.”

Various studies of court records and anecdotal reports over the past few years have raised questions about who is being deported by immigration officials. The Times analysis is based on government data covering more than 3.2 million deportations over 10 years, obtained under the Freedom of Information Act, and provides a more detailed portrait of the deportations carried out under Mr. Obama.

The demographics of those being removed today are not all that different from those removed over the years. Most are Mexican men under the age of 35. But many of their circumstances have changed.

The records show the largest increases were in deportations involving illegal immigrants whose most serious offense was listed as a traffic violation, including driving under the influence. Those cases more than quadrupled from 43,000 during the last five years of President George W. Bush's administration to 193,000 during the five years Mr. Obama has been in office. In that same period, removals related to convictions for entering or re-entering the country illegally tripled under Mr. Obama to more than 188,000.

The data also reflect the Obama administration's decision to charge immigration violators who previously would have been removed without formal charges. In the final year of the Bush administration, more than a quarter of those caught in the United States with no criminal record were returned to their native countries without charges. In 2013, charges were filed in more than 90 percent of those types of cases, which prohibit immigrants from returning for at least five years and exposing those caught returning illegally to prison time.

"For years, the Obama administration's spin has been that they are simply deporting so-called 'criminal aliens,' but the numbers speak for themselves," said Marielena Hincapié, executive director of the National Immigration Law Center. "In truth, this administration — more than any other — has devastated immigrant communities across the country, tearing families away from loved ones, simply because they drove without a license, or re-entered the country desperately trying to be reunited with their family members."

Administration officials say the deportations are a result of a decade in which Congress has passed tougher immigration laws, increased funding for enforcement and stymied efforts to lay out a path to legal residency for the bulk of nation's 11.5 million illegal immigrants. "The president is concerned about the human cost of separating families," said Cecilia Muñoz, the White House domestic policy adviser. "But it's also true that you can't just flip a switch and make it stop."

In the spring of 2012, Mr. Obama announced a way for illegal immigrants who came to the United States as children — so called "Dreamers" — to avoid deportation. Facing a new wave of protests, he announced two weeks ago a review of the administration's deportation programs in an effort to make them "more humane."

Republicans immediately pushed back, warning that the changes he had already made had weakened enforcement. Despite the record deportations, they said his shift in emphasis to the border had resulted in a decline in the removals from the interior of the country — a trend borne

out by the records. And while immigrant advocates and some leading Democrats are outraged by the administration's policy of penalizing illegal entry at the border, many Republicans have accused the administration of using those cases to inflate its deportation numbers.

"The administration has carried out a dramatic nullification of federal law," said Senator Jeff Sessions, Republican of Alabama. "Under the guise of setting 'priorities', the administration has determined that almost anyone in the world who can enter the United States is free to illegally live, work and claim benefits here as long as they are not caught committing a felony or other serious crime."

The information on 3.2 million cases, obtained from Immigration and Customs Enforcement, or ICE, log every removal handled by the agency but do not provide enough information to determine which cases represent repeated deportations of the same person.

In places like Painesville, Ohio, a small town on the shore of Lake Erie sustained for decades by immigrants who work in greenhouses and factories, the spate of deportations has been felt one person at a time.

Anabel Barron, who has lived in the United States for nearly two decades, was facing deportation after being stopped for speeding and driving without a license. Her record showed that she had been removed previously and she said she returned to be with her four American-born children. At a regular Tuesday night meeting of immigrants at a converted church, she was fretting about her coming hearing.

"I am afraid of being deported," she said. "But for my children it's worse. They don't sleep the same. They don't eat. They don't want to go to school because they are afraid I am not going to be there when they get home."

Promise Collides With Reality

Deportations began rising sharply in the final years of the Bush administration. Having failed to win comprehensive reform in part because opponents argued that sufficient progress had not been made in securing the borders, that administration undertook a sweeping immigration crackdown. It stepped up military-style raids on factories and farms and granted local police the authority to check the immigration status of foreigners they suspected of being in the country illegally. Deportations reached 383,000 in 2008.

Congress supported the moves, doubling the immigration agency's budget to \$5.5 billion in 2008, and imposed a mandate that required the immigration agency to detain a daily average of 34,000 immigrants.

Mr. Obama attacked those policies during his 2008 campaign, saying, "When communities are terrorized by ICE immigration raids, when nursing mothers are torn from their babies, when children come home from school to find their parents missing, when people are detained without access to legal counsel, when all that's happening, the system just isn't working." He criticized his Republican opponent, Senator John McCain of Arizona, for abandoning the push for

immigration reform when it became “politically unpopular,” and promised to make it a priority in his first year in office.

But that promise collided with the reality of the recession and the bruising fight to get a financial stimulus package through Congress. “We did stimulus, and then, as we calculated the rest of the agenda, we saw health care as possible, energy as sort of possible, but super hard, and immigration as impossible,” said a former senior White House official. “The votes just weren’t there.”

Like Mr. Bush, both Mr. Obama and his first Department of Homeland Security secretary, the former Arizona governor Janet Napolitano, believed that to win comprehensive reform, they needed to demonstrate a commitment to enforcing existing laws. The Obama administration set out to keep deportation numbers up, but to make enforcement “smarter.”

Immigration officials set a goal of 400,000 deportations a year — a number that was scrawled on a whiteboard at their Washington headquarters. The agency deployed more agents to the border, according to several former immigration officials, where finding and removing illegal immigrants is legally and politically easier. The administration attempted to tread more carefully in the interior of the country, where illegal immigrants have typically been settled longer. It ended the worksite raids and rolled back the local police’s broad discretion to check foreigners’ immigration status. Instead, it expanded a pilot project started under Mr. Bush that required the state and local police to check everyone fingerprinted during an arrest.

Deportations rose sharply in the final years of the Bush administration, and have remained high under President Obama.

More people are being removed from the border. Meanwhile a growing portion of those caught illegally crossing the border have lived in the country for years.

Mr. Obama said he would focus on removing people who had committed serious crimes, but the percentage of deportees with either minor infractions or no criminal offenses at all remains high, especially at the border.

The Obama administration has expanded the use of removal proceedings that expedite deportations without providing an opportunity for appeal.

Source: New York Times analysis of more than 3.2 million individual actions taken by U.S. Immigration and Customs Enforcement. Excludes deportations that are handled exclusively by Border Patrol.

The change was made partly to address charges of racial profiling, but the new program — called Secure Communities — greatly expanded the pool of people who were checked, ICE officials said. And those found living in the United States illegally could be turned over to the immigration authorities regardless of the charges against them.

A June 2010 memo from the Immigration and Customs Enforcement director at the time, John Morton, for the first time set priorities for enforcement. They included any immigrants who had entered the country illegally, overstayed visas or had ignored prior deportation orders, regardless of their criminal history or how long they had lived in the United States. Although the memo was meant to focus enforcement, the categories were so broad, former officials of the immigration agency said, that they easily covered a third of the country's 11.5 million illegal immigrants.

The administration also broadened the use of expedited proceedings, which gave illegal immigrants limited opportunities to consult a lawyer, seek asylum or present extenuating circumstances to judges. The number of expedited removals nearly doubled from the Bush to the Obama administrations. The Obama administration also expanded the pursuit of people who had failed to comply with previous deportation orders. And a majority of them involved immigrants who either had no criminal history, or had been convicted for immigration or traffic offenses. "Even as we recognize that enforcing the law is necessary," Mr. Obama said in a 2011 speech in El Paso, "we don't relish the pain that it causes in the lives of people who are just trying to get by and get caught up in the system."

Torn Families in Ohio

Painesville, Ohio, 30 miles east of Cleveland, offers a snapshot of some people caught up in the system. Every Tuesday night at a nondenominational church downtown, several dozen immigrant families cram together to talk about ways they can help loved ones who are either facing deportation or who have already been removed. The stories spill out so fast, and they all seem to share the same general narrative arc — immigrant drives through red or yellow light, police officer asks for driver's license, immigrant lands in Immigration and Customs Enforcement custody, children reel from uncertainty.

"It's been hard without my husband here," said Elizabeth Perez, a 35-year-old American-born woman and a former Marine who briefly served in Afghanistan. Her husband was deported to Mexico in June 2010 after the police detained him during a traffic stop and the authorities found 14-year-old misdemeanor charges for assault and marijuana possession.

As she spoke, her 3-year-old son was fidgeting wildly in her arms and tugging on her long hair. Her 4-year-old daughter had plopped onto the floor and began screaming for her mother's attention. "We were supposed to do this together," she said, trying to quiet her restless brood. "Raise the kids, I mean."

Esperanza Pacheco, who said she has lived illegally in the United States for 20 years, was detained with her husband three years ago for illegally re-entering the country. He was deported, but he was allowed to return after winning a court fight last year. And her deportation has been temporarily suspended. Still, she said, the ordeal hangs over her four daughters. The eldest of the girls, 16-year-old Esmeralda Moctezuma, piped up, "School is hard because we feel like people are pointing at us."

An informal tally among the immigrants gathered that recent Tuesday night found a total of 22 people who either had a spouse who had been deported or were in deportation proceedings

themselves. All told, those parents had 59 children. All but nine of the children were born in this country.

Five of them had fathers who were deported, and two of the men had died of exposure in the Arizona desert trying to make it back to their families.

The last word David Lomeli's three children had of their father was the note from forensics officials who found his remains in July 2012. It read, "Subject was lying on his stomach with his head facing north. He was lying on a ripped-open black trash bag. The body was in an advanced state of decomposition with the skull fully exposed. He was wearing blue jeans (no shoes, socks or shirt). Subject appears to have been at this location for approximately one month."

Half a dozen of the children had dropped out of school to help fill the void left by their fathers' deportations. "It's like a light that was inside of them has gone out," said Manuela Martinez, referring to her six sons.

In April 2010, an 11-year-old girl named Arlette Rocha, with long brown hair and a cherub's cheeks, was found hanging from the stairway at home in an apparent suicide some eight months after her father was deported to Mexico. Her mother had taken a job on the second shift at a local plastics molding factory, forcing Arlette to take care of three younger siblings.

When the family petitioned to have the father's deportation reversed, Dr. Archie S. Wilkinson, who had tried to resuscitate Arlette, wrote a letter to authorities, pleading with them to return him for the sake of her surviving siblings.

Dr. Wilkinson wrote that in his view, Arlette had been suffering "from the profound grief of missing her dad, and the extra burden placed on her when their family's main support was taken away." He ended, writing, "Please give this family a chance."

One teenager's plea reached all the way to the White House. Ivan Maldonado, 18, who lives in what has become a typical mixed-status immigrant household, was 3 years old when his parents illegally moved him and an older brother to the United States from Mexico. His parents had four more sons in Ohio. Then in 2010, their father was deported after the authorities found he had failed to obey a previous removal order.

His mother has been allowed to stay to take care of the children, and Mr. Maldonado and his older brother have been granted temporary legal status.

In 2011, Mr. Maldonado, who recently dropped out of high school to work at the same factory that once employed his father, went on a trip to Washington organized by advocates where he shared his story with Ms. Muñoz, Mr. Obama's lead adviser on immigration. "She told me she would never forget me," he recalled. "It made me feel that maybe there was hope my dad might come home."

Anger at Obama

The issue of deportations has reached the White House repeatedly, turning immigration into a contentious issue between Mr. Obama and the Hispanic and Asian communities that are a critical part of his political base.

“We assumed that a Democratic president who wanted to move immigration reform would not pursue a strategy of deporting the people who he was intent on legalizing,” said Deepak Bhargava, executive director of the Center for Community Change. “That was a totally wrong assumption. And there is a lot of anger about that.”

One of the first confrontations played out in March 2010, when immigrant organizations announced plans to hold a march in Washington to demand that Congress pass immigration reform and that Mr. Obama stop the expansion of Secure Communities. Three former administration officials said the White House quickly began an effort aimed at damage control, summoning leading immigrant advocates to meet with the president.

Having just emerged from a bruising fight for [health care reform](#), the president saw the sudden pressure from immigration groups as a betrayal, the former aides said. But, at the White House meeting, the advocates also expressed betrayal.

“They were like: ‘This deportation thing is important. Families are being ripped apart,’ ” recalled a former senior White House official, who requested anonymity to recount the meeting. “They’re almost crying. Their faces are turning red. Every one of them had a story.”

Chung-Wha Hong, the former executive director of the New York Immigration Coalition, recalled that the president “kept saying that he was not above the law, and that if we were suggesting that he stop enforcing the law then there was no point in continuing the conversation.” She added: “We weren’t asking him not to enforce the law. Our point was simply that there were things he could do to protect good people from bad laws.”

At some point, the former White House official recalled, the president made clear he had heard enough.

“Finally the president was like, ‘Hey, you know what? You don’t have to convince me. I’m dealing with a Congress that won’t move on this, and the politics they’re looking at won’t force them to move,’ ” the former official said, recalling Mr. Obama’s words, and adding, “So the thing we should spend our time talking about is what can you do and what can I do to change the political calculus.” The former official said that the meeting ended with Mr. Obama and the advocates both angry, and the immigration march in Washington went ahead as planned.

Last month, facing renewed pressure, Mr. Obama announced that he had ordered his new secretary of homeland security, Jeh Johnson, to review deportation programs. “When you hear enough stories about separating families or removing people who are not truly dangerous,” Mr. Johnson said, “it leads you to want to dig in to make sure you’re getting the policy and the implementation right.”

Janet Murguia, the president of the National Council of La Raza, the country's largest Hispanic civil rights organization, joined a growing chorus of unions, religious groups and immigrant advocacy organizations that have labeled Mr. Obama the nation's "deporter in chief," and demanded that he make good on his promises to protect immigrant families from unfair removal policies. The pressure has prompted similar calls from leading congressional Democrats, including some of Mr. Obama's closest allies, who are worried about, among other things, the impact deportations may have on Hispanic turnout in this year's midterm elections.

After ordering the review, Mr. Obama called the advocates together again. While the White House hoped to intensify pressure on Republicans for comprehensive reform, the advocates had all but given up hope, and have instead directed much of their attention — and outrage — at the administration.

Mr. Obama asked them to skip the stories of pain and suffering, not because he did not care, but because he felt it more productive to discuss strategy for winning permanent relief, people who attended the meeting said.

The odds were not good, Mr. Obama acknowledged. But he asked the advocates to stick with him another 90 days, and press hard on Congress. If those efforts failed to lead to reform, Mr. Obama said he would work with them on administrative relief. The advocates and others told the president that their communities had waited long enough.

"When the president told us he was going to only go after criminal aliens, we all said, 'OK, go do that, but don't go after people whose only crime is that they're living here undocumented,'" said Richard Trumka, the president of the A.F.L.-C.I.O. who attended the meeting. "But that's not what happened. Now immigrant communities are feeling under attack. And it's hard for them to focus on trying to win reform, when they're afraid they could be pulled over for running a red light, and get torn away from their families."

<http://www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html>