

# New policy slow to clear deportation backlog

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Federal immigration officials have closed less than 2 percent of the more than 230,000 cases they have reviewed in the past six months in their effort to reduce backlogged immigration courts and focus more attention on deporting serious criminals.

The number falls far short of the expectations of immigrant advocates who had hoped a year-old deportation policy would help counter the record number of deportations that have taken place under President Barack Obama's administration.

Supporters of immigration enforcement, however, are criticizing the case closures, saying the government is giving illegal immigrants a free pass by allowing them to remain in the country.

National statistics released by U.S. Immigration and Customs Enforcement show that of the 232,181 cases reviewed involving immigrants not being held in detention, 20,608, or 9 percent, qualify for closure because they meet the criteria for what is known as prosecutorial discretion.

The discretion policy allows officials to halt the deportation cases of immigrants who, in general, haven't committed serious crimes and have lived in the U.S. for many years and have U.S. citizen children, are students or came to this country when they were minors.

Of those, 4,363, less than 2 percent of the total number of cases, have been closed or dismissed, ICE officials said.

Immigrant advocates say the low numbers could further hurt President Barack Obama's support among politically important Latino voters, already upset over the record number of deportations that have taken place under his watch.

"He's lost the enthusiasm he had among Latino voters. They aren't going to go out and vote for him like they did (in 2008)," said Alfredo Gutierrez, a former state senator and immigrant advocate, citing the low numbers.

The majority of the cases closed, 3,302, involved people who had lived in the U.S. for years and have immediate family members who are U.S. citizens and showed they had made "compelling contributions" to the United States, ICE officials said.

The remaining cases will be offered prosecutorial discretion provided they pass background checks, ICE said.

ICE also released statistics showing that officials had reviewed 56,180 cases of immigrants who are facing deportation and were being held in detention facilities. Of those, 40 qualify for prosecutorial discretion, ICE said.

Statistics for individual states have not yet been released. But Gerald Burns, a Chandler immigration lawyer, said the number of cases closed in Arizona have been “extremely low.”

He said he expected far more cases to have been closed by now, considering that the majority of cases he sees in Immigration Courts fit the criteria.

“That is just a drop in the bucket,” Burns said.

“Based on the type of people who seem to be flooding the Immigration Courts, that number seems extremely low and insignificant.”

Immigration Courts in Arizona and across the nation have been flooded with deportation cases as the result of ICE’s efforts to beef up enforcement by expanding programs like Secure Communities. The program runs the fingerprints of every person booked into jail through federal databases to look for illegal immigrants and legal immigrants who have committed serious crimes that render them deportable from the United States.

Until last year, ICE officials attempted to deport virtually every illegal immigrant placed in their custody through Secure Communities and other enforcement efforts regardless of their ties to this country or lack of criminal history.

But to reduce mounting backlogs in Immigration Courts, ICE Director John Morton announced a new deportation policy last June that directed ICE officials to use discretion to halt low-priority cases in order to focus on deporting dangerous criminals.

Immigrants who have seen their cases closed don’t receive any legal status, though some have received permits that allow them to work in the U.S.

After a slow start, President Barack Obama announced in August that ICE would begin implementing the policy.

In December, immigration prosecutors began systematically reviewing each of the nearly 300,000 deportation cases pending in the nation’s 58 Immigration Courts. About 10,000 of those cases are in Arizona, the majority of them in Phoenix, ICE officials have said.

The new policy angered Republicans who said the policy bypasses Congress and essentially grants amnesty to some illegal immigrants.

The release of the results of the review brought fresh criticism.

Steven Camarota, research director at the Center for Immigration Studies, a group in Washington, D.C., that favors stricter immigration enforcement, said he doesn’t believe any deportation cases should be closed because it allows people that the government knows are in the country illegally to go free.

“It’s one thing to prioritize who you are looking for, but if you are already aware of someone and you have that person in custody, you are essentially saying that for this 20,000 the immigration law simply

doesn't matter. ... You can go. You are free to go out there, get a job, live in the United States and violate the law, and that is extremely problematic."

The move was seen as a political gesture by Obama to re-energize Latino voters who helped him win the election in 2008. Many have become disillusioned over his failure to deliver on a campaign promise to pass immigration reform compounded by the record number of deportations that have taken place under his watch.

On Friday, some immigrant advocates called the revamped deportation policy a failure after ICE released its numbers.

"We really thought it was going to usher in a new day where (ICE) was going to focus on the worst of the worst," said Frank Sharry, executive director of the pro-immigrant group America's Voice in Washington, D.C.

Instead, Sharry said, "we believe the implementation of the policy is failing."

Sharry placed the blame not on Obama but on Department of Homeland Security officials, who he says are unwilling to vigorously implement the policy under pressure from conservative Republicans who strongly oppose closing the cases of any illegal immigrants, which effectively allows them to remain in this country, often with work permits.

"I think that DHS is more concerned with angering Republicans' critics than with the priorities recommended by the Obama administration," Sharry said.

As a result, he predicted that many of the Latino voters who came out in large numbers to support Obama in 2008 will now stay home in November, hurting Obama's chances of winning states with large Latino populations.

"It may be one of the biggest threats to Obama's administration, DHS' refusal to implement Obama's deportation policy," Sharry said.

Allert Brown-Gort, associate director of the Institute for Latino Studies at Notre Dame University, doesn't think the low number of deportation cases that have been closed will further hurt Obama with Latino voters and may still help him in November.

"It did what it was supposed to do," which was to demonstrate to Latino voters that he tried to do something, Brown-Gort said. "In prosecutorial discretion, he can legitimately say that he tried to push it further but it just wasn't possible."

What's more, Brown-Gort said, closing too many cases of illegal immigration could have opened him up to increased attacks from Republicans.

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