

Obama is using executive power to affect immigration law

By [Anita Kumar](#)

McClatchy Washington Bureau

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WASHINGTON -- President Barack Obama didn't wait for Congress to rewrite the nation's [immigration laws](#) to help millions who are in the United States illegally stay in the country.

He halted deportations of those who came to the United States when they were young, those who care for children and those who haven't committed crimes. And he's started allowing some relatives of [U.S. service members](#) living in the country illegally to stay as a way to alleviate additional stress on the military and reward veterans.

With a proposed immigration overhaul stalled in Congress, Obama is changing the policy step by step on his own. He's using executive actions to affect millions of people, part of a pattern he's embraced on a variety of topics in recent years to bypass [Capitol Hill](#).

"What this administration has undertaken has never happened to this degree," said [Mark Krikorian](#), the executive director of the Center for [Immigration Studies](#), a research center.

Obama's actions spark anger on both sides of the issue. Supporters of an immigration overhaul complain that he hasn't gone far enough. Opponents of an immigration overhaul say he goes too far.

Supporters have tried to block deportation proceedings at government buildings in a dozen cities, chained themselves to the gates outside the White House, even interrupted a presidential address.

"The president has the legal authority to exercise discretion in [immigration enforcement](#), and to date, that authority has been exercised poorly," said [Pablo Alvarado](#), the executive director of the National Day Laborer Organizing Network, which is leading the charge against deportations.

Critics have accused Obama of violating the Constitution, prompting a congressional hearing and a lawsuit by immigration agents who accuse the government of preventing them from fulfilling their sworn oath to uphold the law.

"The current administration is picking and choosing which laws to enforce," said Rep. Robert Goodlatte, a Virginia Republican who's the chairman of the [House Judiciary Committee](#). "The president cannot refuse to enforce a law simply because he dislikes it."

Obama broke his campaign promise to tackle immigration in his first year in office. Since then, though, he's consistently urged Congress to rewrite the [immigration laws](#), with no success.

The Democratic-controlled Senate passed the most significant overhaul of the nation's [immigration laws](#) in a generation last year. The Republican-led House of Representatives won't consider the bill, which provides a path to citizenship for the estimated 11 million immigrants who are in the country illegally, until the borders are secure.

While lawmakers argued, the [Department of Homeland Security](#) enacted a series of changes using prosecutorial discretion, the wide latitude given to prosecutors in determining whether to pursue apparent violations of the law.

“In the absence of any immigration action from Congress to fix our broken [immigration system](#), what we've tried to do is focus our [immigration enforcement](#) resources in the right places,” Obama said in 2012.

The president's opponents and those who want stricter enforcement say the tool was created to review individual cases, not entire categories of people, though it's been used occasionally for groups, including Cubans and Haitians.

[Kevin Johnson](#), an [immigration policy](#) expert who serves as the dean of the [University of California](#), Davis, School of Law, said the president could halt all deportations much the same way a governor could ban executions but that it would be a mistake because angry Republicans would refuse to consider an immigration overhaul.

“Could he put a moratorium on removals? Yes,” Johnson said. “But politically it would be a disaster. It would end the possibilities for comprehensive [immigration reform](#).”

Obama has said repeatedly that he doesn't believe that he has the authority to stop all deportations.

In late November, a heckler seated behind Obama at an immigration speech in [San Francisco](#) argued that the president has the power to stop deportations.

“The easy way out is to try to yell and pretend like I can do something by violating our laws,” Obama responded to him. “And what I'm proposing is the harder path, which is to use our democratic processes to achieve the same goal that you want to achieve – but it won't be as easy as just shouting. It requires us lobbying and getting it done.”

Krikorian accuses Obama of trying to have it both ways. “He is telling supporters he can't do it unilaterally, but he's doing a lot of it unilaterally,” he said.

Obama was initially skeptical of using his executive powers the way his Republican predecessor [George W. Bush](#) did.

In his first two years in the White House, when fellow Democrats controlled Capitol Hill, Obama largely worked through the regular legislative process to try to achieve his immigration agenda. But Republicans took control of the House in 2010, making that task more difficult.

The next year, after an intense lobbying effort from advocates, he began to use his own power to move his immigration agenda forward.

“Clearly, the pressure is what drove him to act,” said Frank Sharry, the executive director of America’s Voice, a group that seeks a path to citizenship for immigrants who are in the country illegally.

Overall, deportations have increased during the Obama administration to roughly 400,000 people a year, but not in all categories.

In 2011, the administration issued a memo that called for deporting only the most serious criminals, including those who pose threats to national security, have extensive criminal backgrounds and have recently crossed the border.

The next year, after a bill to create a path to citizenship for those who attend college or serve in the military failed, Obama announced that illegal immigrants who were brought to the country as children – so-called Dreamers – would be able to stay and obtain [work permits](#).

Last August, the administration said federal agents shouldn’t deport the parents or guardians of minor children. Three months later, agents were directed to allow the spouses, children and parents of [service members](#), reservists and veterans to stay.

“It’s an effort to shift priorities,” said Marshall Fitz, the director of [immigration policy](#) at the left-leaning Center for American Progress. “Doesn’t it make sense to prioritize?”

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