

Los Angeles Daily Journal

Obama administration deports record number of illegal immigrants

By Robert Iafolla

WASHINGTON - The Obama administration set a new record by deporting nearly 400,000 people who were in the country illegally during fiscal 2011, U.S. Immigration and Customs Enforcement announced Tuesday.

That figure includes 77,000 people removed from ICE facilities in California, a 20 percent increase over the previous year's total and a new high for the state.

About 55 percent of the people deported were previously convicted of a crime, an 89 percent increase in the removal of criminals since fiscal year 2008.

ICE Director John Morton said in a statement that the deportation totals show the agency is making progress towards more targeted immigration enforcement "with more convicted criminals, recent border crossers, egregious immigration law violators and immigration fugitives being removed from the country than ever before."

Critics of the administration's enforcement policy, however, argued that the figures for deported criminals are misleading because many of those people were convicted for low-level, non-violent offenses.

"Yes, there are some aliens deported who have committed serious crimes, but that is a very small percentage," said Judy London, who directs a program at Public Counsel in Los Angeles providing legal services for low-income immigrants. "The vast majority of people were there for extremely minor misdemeanors, most commonly carrying false documents they used to be able to work or pay rent."

These critics contend that despite the administration's gestures towards a more selective, humane enforcement policy, the upshot has been the ratcheting up of deportations without any real improvement to the immigration system.

For example, in August the administration ordered the review of 300,000 illegal immigration cases, allowing prosecutors to shift away from deporting low-priority people, such as students who were brought to the country as children. But immigrant advocates said the result of the review has been inconsistent, without any pattern of when prosecutors grant requests for leniency or deport seemingly low-risk people.

Similarly, the U.S. Justice Department is fighting laws in Arizona, Alabama and elsewhere calling for robust immigration enforcement at the state level, even as the U.S. Homeland Security Department is demanding states participate in the Secure Communities program. That program, which has stirred controversy, allows federal authorities access to the immigration status of people arrested by local police.

Angelo A. Paparelli, a partner at Seyfarth Shaw LLP in Los Angeles specializing in immigration

law, said the record-setting deportation numbers in 2011 "underscore that Secure Communities is overkill."

The administration is also defending policies that raise serious due process concerns for immigrants facing deportation, said Ahilan T. Arulanantham, director of national security and immigrant rights for the American Civil Liberties Union of Southern California. The ACLU is involved in two cases in Los Angeles federal court, one fighting the authority of ICE to detain people for years without bond hearings, *Rodriguez v. Hayes*, 07-03239, and the other trying to get immigrants with mental disabilities legal representation in deportation proceedings, *Franco-Gonzalez v. Napolitano*, 10-02211.

Meanwhile, increased enforcement has failed to give the White House the political capital necessary to push comprehensive immigration reform through Congress, noted UC Davis School of Law Dean Kevin R. Johnson, who focuses on immigration law.

"It's a very mixed bag as far as whether the Obama administration is really doing anything that's changing the world we live in," Johnson said. "The undocumented population is roughly the same since it started- between 10 and 11 million people - and we're deporting a record number every year. Not much has changed, otherwise."