

# WALL STREET JOURNAL

## OBAMA EASING ON IMMIGRANT DEPORTATIONS EXPECTED TO BE MODEST

Wall Street Journal  
April 23, 2014

The Obama administration's review of deportation policy is considering questions such as whether people without serious criminal records should continue to be removed from the U.S. and how to assure that immigration field officers curtail deportations of low-priority illegal immigrants, people familiar with the review say.

The result could be fewer deportations among the small slice of illegal immigrants who are settled in the U.S. and have minor or no criminal records but get snagged by law enforcement. That group accounted for some 50,000 of the more than 360,000 deportations last year.

The outcome of the review, expected to be announced in coming weeks, will feel "modest" and fall far short of demands by many activists to give safe harbor to millions of undocumented immigrants, a senior administration official said.

Under pressure from supporters, President Barack Obama directed Department of Homeland Security Secretary Jeh Johnson last month to review deportation policy to see if it could be conducted "more humanely." Immigrant advocates have complained that the administration, which set a record for total deportations, is separating family members by deporting people who have longstanding ties to the community and pose no danger.

Critics say any loosening of deportation policy would be a mistake. "Without the threat of deportation, no one will feel they have to leave," said Roy Beck, executive director of NumbersUSA, which opposes liberalization of immigration rules. "My question is: Is the only way to get deported if you kill or mug?"

Last year, about two-thirds of people deported were caught at the border, officials said. Nearly 80,000 others had criminal records with at least one felony or multiple misdemeanors, DHS records show. Few people are suggesting that these cases should be shielded from deportation.

One group the review is examining is people with a single misdemeanor, such as driving without a license, or no criminal record, but who were deported because of a prior immigration violation. One option is to remove those people from the government's list of enforcement priorities, which would offer a measure of safe harbor. This idea was under consideration even before Mr. Obama's review, a former official said.

Another option would provide some protection from deportation to illegal immigrants living within 100 miles of the border who aren't considered priorities for removal, because they have no criminal or immigration violations on their record and aren't recent border-crossers. It would do this by applying to border-patrol agents rules that now apply to agents with Immigration and Customs Enforcement, which operates in the interior of the United States.

Advocates for a changing the deportation priorities point to cases like that of Fabio S., an illegal immigrant from Brazil.

In late 2011, he was stopped in Georgia for driving without a seatbelt, according to his attorney, Charles Kuck. When he couldn't produce a valid driver's license, a misdemeanor, the officer took him to a county jail and transferred him to ICE due to his illegal status, Mr. Kuck said.

The Brazilian, who asked that his full name not be disclosed, had been living in the U.S. for nearly a decade and had no criminal record, according to court filings. His lawyer presented ICE with letters from his employer and his child's school attesting to the immigrant's good moral character, arguing he shouldn't be a priority for removal under ICE guidelines.

The Brazilian remained under the threat of deportation until August 2013, when ICE closed his case, after DHS headquarters received an inquiry about the case from *The Wall Street Journal*.

One issue being considered as part of the review involves how to assure that enforcement priorities and other policies set in Washington are carried out in the field. "We're trying to figure out: Are agents actually implementing their own guidelines?" the administration aide said.

"ICE is supposed to exercise discretion," said attorney Marty Rosenbluth, who offers free legal services to immigrants in the Durham, N.C., area. But "90 percent of my docket has no criminal charges whatsoever or are low-level offenders."

The union representing more than 7,000 ICE agents has opposed the administration's decision to prioritize the deportation of certain people, such as those with criminal records, and to provide safe harbor to other illegal immigrants. The union filed a lawsuit to try to stop the policy, and argued the agency had "abandoned the . . . core mission of enforcing United States immigration laws and providing for public safety." Its president, Chris Crane, has repeatedly spoken out against the policy, including in testimony before Congress.

In general, there has been resistance in the field to directives from Washington, administration officials said. With that in mind, Mr. Johnson, who is conducting the review, has met with agents and supervisors on the front lines to get their input, a senior DHS official said.

"We can't make policy from Washington without any regard to the impact on the operator," he said. "We've heard from folks loud and clear it's almost impossible to decipher the intent of some of the documents they have to implement."

Meanwhile, activists say they believe it is possible the administration will announce more sweeping changes later in the year if the House hasn't acted on the immigration-overhaul legislation that passed the Senate last summer. The administration official said no decisions have been made.