

Roll Call

DEBATES OVER NEW DEPORTATION POLICY, TOUGH STATE LAWS MOVE INTO SPOTLIGHT

By David Harrison
November 28, 2011

Immigration advocates as well as those favoring stricter enforcement are vowing to keep up pressure on the Obama administration and on state governments in the weeks ahead.

Congress has not taken up a comprehensive «immigration» overhaul since 2007, when a bipartisan effort collapsed. Knowing they are unlikely to pass legislation anytime soon, lawmakers on both sides of the issue have been trying to use other means of leverage, including filing subpoenas and court briefs, traveling, and holding hearings and news conferences.

Democrats plan to monitor the administration's implementation of a new deportation policy that is supposed to give some respite to undocumented immigrants who stay out of trouble, enroll in college, join the military or have family ties in the country. The goal for Democrats has long been to find a way to legalize the status of at least some of the estimated 11 million people thought to be living in the United States illegally.

Republicans have derided the new policy as "administrative amnesty" and are pushing officials to step up deportations and secure the border.

The argument is likely to get increasingly heated as the Department of Homeland Security (DHS) starts reviewing deportation cases as part of the new policy, which was announced in August. «Immigration» has also emerged as an issue in the 2012 Republican presidential primary contest, almost guaranteeing that it will remain in the spotlight.

The new DHS policy represents an attempt by the Obama administration to clarify how the country's «immigration» law is to be enforced. Officials say they only have enough resources to deport about 400,000 people every year, and they argue that they should aim their resources at undocumented immigrants who commit serious crimes, even if it means turning a blind eye to other illegal immigrants.

Rep. Luis V. Gutierrez, D-Ill., said last week that Democrats plan to urge Homeland Security to not deport people who have no criminal record or who have been charged with only minor traffic offenses.

"What they are after is serious criminals," Gutierrez said. "Catching somebody for not making a full stop at a stop sign or a turn signal, not having a driver's license, is not a serious crime."

"They should be released to their families and communities," he said. Democrats plan to speak with Homeland Security Secretary Janet Napolitano on the issue soon.

GOP Response and State Laws

House Republicans, meanwhile, filed a subpoena Nov. 4 with the department for information on illegal immigrants who have been released by DHS. Officials sent almost 221,000 fingerprints to the House Judiciary Committee this month in response to the subpoena, but Judiciary Chairman Lamar Smith, R-Texas, said Nov. 18 that he was not satisfied with the department's cooperation and suggested that political motives might be to blame. The committee has not released the documents it has received.

"Although officials at the Department of Homeland Security promised they would provide the data requested on criminal immigrants, they have stonewalled my request and provided information that is completely useless to the committee," he said in a written statement. "It seems administration officials are afraid that the information will show that illegal immigrants intentionally released by ICE [U.S. «Immigration» and Customs Enforcement] have committed crimes that could have been prevented."

Democrats and Republicans are also fighting over tough «immigration» laws that have been enacted in six states, and more probably will be on the agenda when legislatures convene early next year.

A group of 39 Democratic lawmakers, including Minority Whip Steny H. Hoyer of Maryland, filed a brief recently asking a federal court to overturn Alabama's law, the most restrictive in the country. The Democrats argue that the law infringes on the federal government's authority in «immigration» matters and violates the rights of both citizens and noncitizens.

But Republican Sens. Jeff Sessions of Alabama, Jim DeMint of South Carolina and David Vitter of Louisiana have proposed limiting the Justice Department's authority to sue states over «immigration» enforcement laws.

Under Alabama's law, residents are barred from renting property to illegal immigrants, offering them jobs or giving them a ride, among other restrictions. Schools are required to collect data on students' «immigration» status and police officers can detain people thought to be in the country illegally. The law bars undocumented immigrants from receiving state services or enrolling in state colleges and universities.

The law has led to a sharp drop in the number of Hispanic students in Alabama public schools and has sparked outrage among social service organizations that serve people regardless of their legal status.

In August, two months after the law went into effect, the Justice Department sued the state to block the measure and a federal judge enjoined part of the law. Judges, responding to a variety of lawsuits, have also blocked parts of the other states' laws from taking effect.

House Democrats visited Alabama last week to draw attention to the law and to argue that it could have damaging effects.

State legislators who proposed the new laws say they were forced to act because Congress has not tackled illegal immigration.