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U.S. ISSUES NEW DEPORTATION POLICY'S FIRST REPRIEVES

By Julia Preston
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The call came in the morning to the lawyer representing Manuel Guerra, an illegal immigrant from Mexico living in Florida who had been caught in a tortuous and seemingly failing five-year court fight against deportation.

With the news early Thursday that federal immigration authorities had canceled his deportation, Mr. Guerra became one of the first illegal immigrants in the country to see results from a policy the Obama administration unveiled in Washington that day. It could lead to the suspension in coming months of deportation proceedings against tens of thousands of immigrants.

Administration officials and immigrant advocates said Monday that the plan offered the first real possibility since President Obama took office — promising immigrants and Latinos he would overhaul the law to bring illegal immigrants into the system — for large numbers of those immigrants to be spared from detention and deportation.

For Mr. Guerra, who said he wants to remain in the United States to study to become a Roman Catholic priest, the news “was like something from above, from heaven. I don’t want to go back to Mexico,” he said, “and I’ve been fighting this for five years.”

A working group from the Homeland Security and Justice Departments met Friday to initiate a review of about 300,000 deportation cases currently before the immigration courts. Under the policy, immigration authorities will use powers of prosecutorial discretion in existing law to suspend the deportations of most immigrants who, although they have committed immigration violations (which generally are civil offenses), have not been convicted of crimes.

In particular, officials will look to halt deportations of longtime residents with clean police records who came here illegally when they were children, or are close family of military service members, or are parents or spouses of American citizens.

“This is a great first step,” said Hector E. Sanchez, a Hispanic labor leader who oversees immigration policy for the National Hispanic Leadership Agenda, a coalition of the country’s major Latino groups. “We really need to see action on a common-sense approach to immigration and not just promises.”

Mr. Obama had been facing increasingly vocal protests from disappointed Latino and immigrant groups after he made no progress in Congress on his immigration overhaul agenda, and enforcement authorities set a modern record for deportations, with nearly 800,000 foreigners removed in the past two years.

Homeland Security officials said Monday that their goal is to quickly identify noncriminals on swollen immigration court dockets and close those cases, clearing the way for speedier

removals of gang members, drug traffickers or foreigners who repeatedly return after being deported. Wait times for a hearing in immigration courts can now be as long as 18 months.

A senior Homeland Security official said that deportations would be canceled case by case. While many immigrants in those cases will be eligible for work permits, he said, employment authorization will come only after a separate process.

The immigrants will remain in a sort of legal limbo, not vulnerable to deportation but with no positive immigration status, which can be conferred only by Congress.

But White House officials and Congressional Democrats said they expected the measures would lead to relief during the coming year for virtually all young illegal immigrants facing deportation who might have won legal status under a bill called the Dream Act. A proposal to benefit illegal immigrant high school graduates who came to the country before they were 16, it failed in the Senate last year.

Mr. Guerra, now 27 and living in Indiantown, Fla., is one of those immigrants. He said he came to this country to escape a violent gang in Mexico. His lawyer, Richard A. Hujber, said Mr. Guerra's efforts to straighten out his legal status went wrong because they were originally mishandled by an accountant claiming falsely to be a lawyer.

In recent years, even though he was undocumented, Mr. Guerra has been a Florida leader of the illegal immigrant student movement, helping to organize a protest walk by four students to Washington and a mock university held by students wearing mortarboards on Capitol Hill.

"That was so big to me, all these students organizing a school so we could go without our papers," Mr. Guerra said. If he can obtain a work permit, he and Mr. Hujber said, he could be legally eligible for the first time to apply for financial aid that would allow him to continue his religious studies.

The administration's announcement also had an immediate impact on a case in Denver, where an immigration judge on Friday postponed the deportation of Sujei Pando, a lesbian from Mexico legally married in Iowa to an American from Colorado, Violeta Pando. Although federal law does not recognize same-sex marriages, administration officials said they would consider same-sex spouses as "family" in their review of deportation cases.

The judge, Mimi Tsankov, cited the flux in laws and policies affecting same-sex cases in delaying a decision on Sujei Pando's deportation at least until January, said Lavi Soloway, a lawyer for the couple.

Some Latino Democrats who have been deeply critical of Mr. Obama on immigration issues praised the policy shift.

"This is the Barack Obama I have been waiting for, that Latino and immigrant voters helped put in office to fight for sensible immigration policies," said Representative Luis V. Gutierrez of Illinois, a Latino leader on immigration issues who has been arrested twice in protests in front of the White House.

However, the announcement appeared to signal an end to efforts by the White House to court some of its Republican opponents, with administration officials acknowledging those efforts have failed and there is little chance for broad immigration legislation to pass before elections next year.

Republican leaders reacted to Mr. Obama's new policy by stepping up their rejection of his approach. Representative Peter T. King of New York, chairman of the Homeland Security Committee in the House, said the president was making "a blatant attempt to grant amnesty to potentially millions of illegal aliens in this country," which he called "totally unacceptable."