



Un-"Clogging the System"

Obama Administration Announces "Common-Sense" Approach to Enforcement Stop-gap measure is much-needed step in right direction, but falls far short of real reform

In light of the continued legislative inaction to fix our broken immigration system, and in a clear response to [this week's public outcry against the controversial Secure Communities program](#), officials from the Department of Homeland Security (DHS) and the White House [announced yesterday](#) new "common-sense" deportation procedures that will focus limited DHS resources on only the [highest-priority individuals](#).

The freshly-minted policy change is designed to keep non-priority undocumented immigrants from "clogging the system," according to Obama administration officials.

On a case-by-case basis, DHS and the Department of Justice will seek to clear "[low-priority](#)" individuals out of the existing caseload of 300,000 cases, re-focusing deportation resources on "[high-priority](#)" individuals. [DHS will also seek to prevent low-priority individuals from getting caught in the deportation net](#). The announcement builds on existing immigration enforcement priorities announced by DHS last year and [re-affirmed in a memo on the use of prosecutorial discretion](#) issued earlier this year.

A little perspective.

The new approach is a much-needed step forward in providing relief to families being torn apart by current enforcement practices. However, this policy follows an aggressive enforcement agenda which has already deported record numbers, one million-plus immigrants, to date.



In the weeks to come, the real test will come in the implementation. We are cautiously optimistic. In the past, the Administration has repeatedly stated that its enforcement priority is to deport dangerous criminals. However, the current policy in practice tells another story, as thousands of non-

criminal, working parents and youth are caught in the net of deportation every year.

Furthermore, this policy does not fix our long-broken system. This is a temporary, stop-gap measure, one that still leaves us waiting for a real solution to come from Congress - a solution that includes a pathway to citizenship. We call on President Obama and on our Congressional leaders to continue to push for real reform.

What does it all mean?

Based on what we know, this policy means:

A joint workgroup, consisting of the Department of Justice and the Department of Homeland Security (which includes Immigration and Customs Enforcement, commonly known as ICE, and Customs and Border Patrol), will develop criteria for determining whether someone is "low-priority" based on positive factors identified in a [June memo from ICE Director John Morton](#). These priority criteria are not categorical, which means that each case will be reviewed and decided on a case-by-case basis and discretion will be used.

A few of those potential "low-priority" criteria include:

- Whether someone was brought to the US as a young child
- Completion of high school and pursuit of higher education
- Ties to the military, through service or immediate relatives
- Contributions to the community, including family relationships

The "high-priority" cases for deportation, based on a [March memo from ICE](#), include:

- Violent criminals and others who pose a "risk to public safety" or a "danger to national security"
- Recent border crossers and visa violators
- Previously deported individuals

For individuals currently in deportation proceedings, cases *may be* deferred and they may be eligible to seek work authorization IF they are not considered "high priority" and their case is determined to have sufficient positive factors to be considered "low priority."

For individuals who are detained by local law enforcement or ICE, discretion may be used so that they will not be put into deportation proceedings IF they are not considered "high priority" and their case is determined to have sufficient positive factors to be considered "low priority."

And finally, for individuals who have already been deported, this new policy does not provide any relief.

In all cases, decisions are discretionary and made on a case-by-case basis.

Based on what we know, this policy does NOT mean:

The change in policy does not offer any type of affirmative application for immigration relief, which means that individuals who are not in deportation proceedings cannot apply for work authorization or a stay of deportation under this policy. For those working with the immigrant community, it is important to caution people not to pay *notarios* or others to "file an application" based on this change in policy, as there is no application process.

This change does not provide individuals with a visa, a "green card," or any type of pathway to citizenship. It does offer the possibility of applying for work authorization--the ability to work legally--but does not guarantee that it will be granted.

This change does not end or modify the Secure Communities program. It does reinforce prior agency directives about Secure Communities' priorities. That means that when individuals' fingerprints are run through the Secure Communities program and it is determined that they are undocumented, ICE should make a case-by-case decision regarding whether the individual is "high priority" and should be detained or whether discretion should be used to release them.

**Let's keep the momentum going.**

Call (202-456-1111) or [e-mail](#) the White House to tell the Obama Administration , "Thank you for taking a step towards responsible immigration enforcement but please continue to flex your political muscle to get immigration solutions out of Congress."

Thank Senator Durbin for his continued leadership on enforcement reform and the DREAM Act and ask him to keep fighting for a permanent legislative solution by calling (312) 353-4952 or by [writing](#).



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