

President Obama's Record of Dismantling Immigration Enforcement



 **FAIR** FEDERATION FOR AMERICAN IMMIGRATION REFORM

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Foreword

President Barack Obama came to office in 2009 and pledged that during his first year of office he would enact amnesty legislation for illegal aliens living in the United States. That, of course, did not happen — not because of any lack of ideological commitment on the part of the President, but because of pragmatic considerations. Only two years earlier, President Obama, then Senator Obama, watched as President George W. Bush tried to toss the American people into the boiling cauldron of comprehensive amnesty in 2007. It didn't work. Voters angrily crashed the Capitol switchboard on the day the Senate was set to vote and as a result, fourteen Democrats joined thirty-nine Republicans to vote down the amnesty legislation.¹ The President concluded, correctly, that there just is not an appetite in Congress for another politically bruising fight over comprehensive amnesty.

Understanding that Members of Congress ultimately would not ignore the unequivocal objections of their constituents to amnesty, the Obama Administration opted to adopt a strategy of dismantling immigration enforcement in order to achieve the same ends. The Administration hoped that while the American people were focused on unemployment, crashing real estate values, banking scandals, health care reform, foreign policy crises, and countless other issues, they would not notice just what was actually taking place.

This report details how the Obama Administration has carried out a policy of de facto amnesty for millions of illegal aliens through executive policy decisions. Since 2009, the Obama Administration has systematically gutted effective immigration enforcement policies, moved aggressively against state and local governments that attempt to enforce immigration laws, and stretched the concept of “prosecutorial discretion” to a point where it has rendered many immigration laws meaningless. Remarkably, the Administration has succeeded in doing all this with barely a peep of protest from Congress.

Thus, despite the fact that the U.S. Constitution grants Congress plenary authority over immigration policy, the Executive Branch is now making immigration policy unconstrained by constitutional checks and balances. This report chronologically highlights the process that has unfolded over the past three and half years. A review of the Obama Administration's record shows:

- The Administration's conscious effort to end policies that effectively enforce and deter illegal immigration. This includes the cessation of meaningful worksite enforcement against employers who hire illegal aliens and the removal of the illegal workers. It also includes ending effective partnership programs with state and local governments, such as the 287(g) program, that provide a structure through which state and local agencies may enforce immigration laws.
- The Administration's intimidation of state and local governments determined to enforce federal immigration laws. President Obama has turned the Department of Justice into the Administration's attack dog, filing lawsuits against states that pass their own immigration enforcement laws. When lawsuits fail, the Department's Civil Rights division launches meritless investigations designed to harass local governments and officials who attempt to enforce the law.

- The Administration’s dependence on illegal alien advocates to make U.S. immigration policy for the Executive Branch. President Obama has placed strident amnesty advocates in key positions throughout his Administration. These appointees have worked openly with advocacy groups to shape a series of policies that amount to backdoor amnesty.
- Outright deception on the part of the Administration designed to convince the American public that immigration laws are being vigorously enforced. The Obama Administration repeatedly engages in efforts to inflate its record of deporting illegal aliens. These deceptive practices include the release of data that is later exposed to be inaccurate. The Departments of Justice and Homeland Security carefully select data to claim that our “borders are more secure than ever,” even as violence along the southern border escalates to alarming proportions.

The Obama Administration’s strategy is to count on the fact that the public and the media will not take notice of each individual and incremental step they are taking to undermine immigration enforcement and grant de facto amnesty to as many illegal aliens as possible. This report exposes the strategy and the policy objectives behind it.

Timeline:2009

Dismantling Enforcement & Peddling Amnesty

JANUARY 29

Napolitano Delays E-Verify Requirement for Federal Contractors — Department of Homeland Security (DHS) Secretary Janet Napolitano delays the implementation of a rule requiring federal contractors with contracts over \$100,000 to use the E-Verify program from February 20 to May 21. The rule was promulgated to comply with executive order 13465 by President George W. Bush, which directed federal agencies to require those they contract with to verify the work authorization of their employees.² The original deadline for the rule's implementation was January 15, 2009, but it was delayed due to a lawsuit filed by the U.S. Chamber of Commerce.³

FEBRUARY 18

President Expresses Support for Amnesty — While appearing on a Spanish language radio show, the President reasserts his support for granting widespread amnesty to illegal aliens. He also acknowledges that “politically, it’s going to be tough” and says “some wonderful people on my White House staff” are already working on the issue.⁴

MARCH 18

Obama to Work with Congressional Hispanic Caucus to Address their Immigration Concerns — In an address to the Congressional Hispanic Caucus (CHC), President Obama expresses his intention to work closely with the organization to “address immigration concerns in both the short and long term.” Later in the day, Obama reiterates his support for amnesty at a town hall forum.⁵

APRIL 1

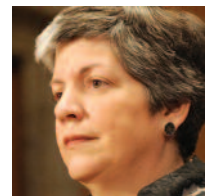
Release of Illegal Aliens in Washington State Signals End of Worksite Enforcement The Administration releases and grants work authorization to 28 illegal aliens previously arrested by U.S. Immigration and Customs Enforcement (ICE) agents during an investigation of the Yamato Engine Specialist plant in Bellingham, Washington. This event marks the Administration’s decision to actively dismantle worksite enforcement sending a clear message to illegal aliens that they will not be penalized for violating U.S. immigration law.⁶

APRIL 8

La Raza Lobbyist Turned White House Advisor: Amnesty Debate this Year — In an interview with *The New York Times*, White House Director of Intergovernmental Affairs Cecilia Muñoz, says the President “intends to start the [amnesty] debate this year.”⁷

APRIL 16

Napolitano Delays E-Verify for Federal Contractors, Again — Once again, Secretary Napolitano gives federal contractors a pass and extends the deadline to comply with a regulation requiring the use of E-Verify. Compliance is delayed until June 30.⁸





APRIL 16

Obama Meets with Mexican President, Discusses Amnesty — During a press conference in Mexico with President Felipe Calderon, President Obama reiterates his pledge to pass an amnesty bill.⁹

APRIL 30

DHS Stops Effective Worksite Raids, Switches to Audits — ICE issues new worksite enforcement guidelines for all of its agents in the field. The new guidelines came as no surprise, given that Homeland Security Secretary Janet Napolitano announced after the successful enforcement action in Bellingham, Washington, that her Department would reexamine ICE's procedures more closely. While the guidelines focus on the need to criminally prosecute employers who hire illegal aliens, they do not offer anything new with respect to enforcement against employees.¹⁰

MAY 6

Secretary Napolitano Voices Support for the DREAM Act — In testimony before the Senate Judiciary Committee, Senator Dick Durbin (D-Ill.) asks DHS Secretary Janet Napolitano for her opinion on the DREAM Act. Telling Durbin that “the DREAM Act is a good piece of legislation and a good idea,” Napolitano replies that she supported it as governor of Arizona and supports it now.¹¹

JUNE 3

Administration Delays E-Verify for Federal Contractors a 3rd Time — For a third time, DHS Secretary Napolitano delays compliance with a federal regulation requiring federal contractors to use E-Verify. The rule will finally be implemented on September 8, 2009.¹²

JUNE 25

President Holds Amnesty Summit — President Obama holds a closed-door summit with pro-amnesty Members of Congress to discuss immigration policy. In a media address after the meeting the President says the “Administration is fully behind an effort to achieve comprehensive immigration reform.”¹³

JULY 10

DHS Rewrites 287(g) Agreements to Curb Enforcement — DHS announces it is rewriting and standardizing the Memorandum of Agreements (MOA) with participating law enforcement agencies to ensure that 287(g) operations comport with ICE priorities, particularly the identification and removal of criminal aliens only. According to the Administration, the new MOA will “address concerns that individuals may be arrested for minor offenses as a guise to initiate removal proceedings.”¹⁴

JULY 22

Administration Discusses Dismantling Enforcement with Sanctuary City Police — Obama Administration officials attend another amnesty summit, this time in Phoenix with sanctuary city law enforcement representatives. The Police Executive Research Forum (PERF) hosts the summit and participants are highly critical of local enforcement tools like 287(g) and voice support for a massive guest worker program.¹⁵

AUGUST 10

On Second Trip to Mexico, Obama says Amnesty Moving by End of Year — On his second trip to Mexico in only four months, President Obama predicts that Congress will pass an amnesty bill in 2010 and start moving the debate by the end of the year. He says, “Secretary Napolitano is coordinating these discussions.”¹⁶

OCTOBER 21

USCIS Director Reiterates Administration's Support of Amnesty — When asked during a press conference at the Foreign Press Center, “[W]hat do you think about the future of illegal immigrants?” U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas responds, “The President has spoken about his belief that a path to citizenship should be created as part of comprehensive immigration reform for a certain population of undocumented workers in this country today.”¹⁷

NOVEMBER 13

Napolitano Lays Out Three-Step Immigration Plan, Step 1: Amnesty — DHS Secretary Napolitano describes the Obama Administration's vision of immigration reform as a “three-legged stool” in a speech at the pro-amnesty think tank Center for American Progress. The so-called “stool” consists of: (1) a mass amnesty for the approximately 12 million illegal aliens currently living in the U.S.; (2) “improved legal flows for families and workers,” which means a dramatic increase in legal immigration; and (3) empty promises of “serious and effective enforcement.”¹⁸

Timeline:2010

Preventing State & Local Enforcement Department of Justice Becomes Instrument of Intimidation

MARCH 4

DHS Inspector General: Administration Plan to Undermine 287(g) only Partially Complete — A report from DHS's Office of Inspector General (OIG) indicates that the Obama Administration has only partially completed its plan to undermine state and local immigration enforcement by dismantling the 287(g) program. The OIG says the operations of 287(g) do not match the Administration's new directives and makes numerous recommendations for ICE to fully implement the Obama Administration's plan.¹⁹

MARCH 17

DOJ Threatens Employers Who Use E-Verify with Discrimination Investigations — Assistant U.S. Attorney General Thomas Perez, head of the Civil Rights Division at the Department of Justice (DOJ) and former board member of the open borders group CASA de Maryland, joins officials from USCIS to announce an information-sharing agreement that will increase investigations of employers who use E-Verify for possible discriminatory practices. Mr. Perez states that the new information will better enable DOJ to protect authorized workers from national origin or citizenship-status discrimination. Under the agreement, USCIS will share data from E-Verify queries, including citizenship status, with the DOJ Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) to assist them in identifying violations of the anti-discrimination provisions of the Immigration and Nationality Act (INA).²⁰



MAY 19

ICE Director Tells Agents not to Cooperate with Arizona — In an interview with the *Chicago Tribune*, ICE Director John Morton announces that his agency may not process illegal aliens transferred to the agency's custody by Arizona officials. Morton — the official charged with the interior enforcement of U.S. immigration laws — criticizes Arizona's new immigration law, SB 1070, and says "[t]he best way to reduce illegal immigration is through a comprehensive federal approach, not a patchwork of state laws."²¹

MAY 27

ICE Email Reveals Luxury Living in New Detention Facilities — ICE, working with a private prison contractor, makes a number of changes and "upgrades" to nine detention facilities housing illegal aliens. An ICE email reveals that "low-risk" detainees will be able to have visitors stay for an unlimited amount of time during a 12-hour window, be given access to unmonitored phone lines, email, and free internet calling. Illegal alien detainees will also be entertained with movie nights, bingo, arts and crafts, dance and cooking classes, tutoring, and computer training.²²



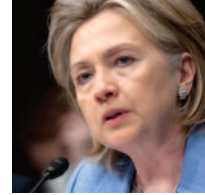
JUNE 2

Obama Administration Challenges Arizona E-Verify Law — The Obama Administration files an amicus brief on behalf of the U.S. Chamber of Commerce, asking the U.S. Supreme Court to strike down a 2007 Arizona law that punishes employers who knowingly hire illegal aliens. "The Legal Arizona Workers Act," signed by then Arizona Governor Janet Napolitano, requires all Arizona employers to use the federal E-Verify system and allows Arizona to suspend and/or revoke the business licenses of employers who knowingly hire illegal aliens.

The Chamber of Commerce filed a lawsuit in 2007 seeking to strike down the Arizona law, arguing that federal law preempts both provisions.²³

JUNE 17

Clinton Announces DOJ Will Sue Arizona Over S.B. 1070 — News breaks that U.S. Secretary of State Hillary Clinton announced during a recent interview with an Ecuadorian television station that the Administration “will be bringing a lawsuit” against Arizona to block the implementation of SB 1070, the state’s immigration enforcement law passed in April 2010. The DOJ confirms this days later, its goal to intimidate other states from following Arizona’s lead.²⁴



JUNE 25

ICE Union Unanimously Votes No Confidence in Leadership — The National ICE Council, the union that represents more than 7,000 detention and removal agents within ICE, unanimously casts a “Vote of No-Confidence” in ICE Director John Morton and Assistant Director of the ICE Office of Detention and Policy and Planning, Phyllis Coven. According to the union, the vote reflects “the growing dissatisfaction among ICE employees and Union Leaders that Director Morton and Assistant Director Phyllis Coven have abandoned the Agency’s core mission of enforcing United States immigration laws and enforcing public safety, and have instead directed their attention to campaigning for programs and policies relating to amnesty...”²⁵

JUNE 26

Obama Names Sanctuary City Police Chief as Head of 287(g) Program — President Obama appoints an outspoken critic of local immigration enforcement as the new head of ICE’s 287(g) program, which deputizes local law enforcement agents so that they are able to identify illegal aliens by allowing them to investigate a suspect’s immigration status after an arrest has been made. Former Houston and Phoenix police chief Harold Hurtt has been highly critical of the very program he has been asked to lead. In 2008, Hurtt went so far as to describe the 287(g) program as a burden on local law enforcement agents who “don’t want to be immigration officers.” Hurtt also actively supported Houston’s sanctuary policies.²⁶



JULY 1

Obama Uses University Speech to Resurrect Amnesty Push — Less than two months after Members of Congress from both sides of the aisle declared immigration reform dead in 2010, President Obama tries to resurrect legislation to grant amnesty to the approximately 12 million illegal aliens currently living in the United States. Speaking at American University in Washington, DC, Obama reiterates his support for a “pathway for legal status” for illegal aliens.²⁷



JULY 6

DOJ Files Complaint to Enjoin Arizona’s S.B. 1070 — After months of speculation, President Obama’s Justice Department officially files suit against Arizona to preliminarily enjoin the state’s immigration enforcement law, SB 1070, from taking effect. The DOJ claims federal law preempts five sections of the Arizona law: Section 2 (status verification checks during lawful stops); Section 3 (alien registration crimes); Section 4 (smuggling prohibition); Section 5 (unlawful seeking of work); and Section 6 (warrantless arrest of illegal aliens). Disregarding Congressional intent that federal immigration laws be enforced, the complaint states that if SB 1070 were to take effect, it would “conflict with and undermine the federal government’s careful balance of immigration enforcement priorities and objectives.”²⁸

JULY 14

Obama Administration Refuses to Sue Sanctuary Cities — A week after suing Arizona to block its immigration enforcement law, SB 1070, the DOJ says it will not sue sanctuary cities for openly defying federal immigration law. A Justice Department spokeswoman inexplicably argues, “There is a big difference between a state or locality saying they are not going to use their resources to enforce a federal law, as so-called sanctuary cities have done, and a state passing its own immigration policy that actively interferes with federal law.”²⁹

JULY 28

Obama Administration Wins Federal Injunction Against Arizona — U.S. District Court Judge for the District of Arizona, Susan R. Bolton, issues her injunction of Sections 2, 3, 5, and 6 of SB 1070, handing a victory to the Obama Administration in its war against state enforcement legislation. Judge Bolton adopts the DOJ’s argument that executive branch priorities, rather than congressional intent, can preempt state law.³⁰

JULY 30

Leaked Agency Memo Reveals Intent to Grant Administrative Amnesty — An official USCIS memo reveals the Administration’s intent to circumvent Congress on immigration policy and grant amnesty administratively. In the memo, entitled “Administrative Alternatives to Comprehensive Immigration Reform,” senior officials at USCIS offer Director Alejandro Mayorkas a variety of ways to “reduce the threat of removal for certain individuals present in the United States without authorization” and extend benefits and protections to many individuals and groups until amnesty is granted.³¹

AUGUST

Immigration Officers Stop Detaining Illegal Aliens During Traffic Stops — ICE begins circulating a draft policy that would significantly limit the circumstances under which ICE would take custody of illegal aliens. The memo provides that immigration officers shall issue detainers — or official notification to local law enforcement agencies that ICE intends to assume custody of the alien — only after a law enforcement agency has independently arrested the alien for a criminal violation.³²

AUGUST 24

Homeland Security Begins Dismissing Deportation Cases — The *Houston Chronicle* reveals that DHS has begun to dismiss deportation proceedings against certain aliens. According to the paper, DHS began systematically reviewing thousands of pending immigration cases and moving to dismiss those filed against suspected illegal aliens without serious criminal records. The local Houston office of ICE is reviewing 2,500 cases and other ICE offices around the country are expected to follow suit. Subsequent reports by the *Chronicle* reveal the policy shift resulted in Texas immigration courts dismissing hundreds of deportation cases, increasing the rate of dismissal of such cases 700 percent between July and August of 2010.³³



SEPTEMBER 15

Obama Promises Hispanic Caucus He Will Fight for Amnesty — President Obama asserts that due to the failure to pass amnesty legislation “states like Arizona have taken matters into their own hands.” He says he is fighting the Arizona law because he feels it was the wrong way to deal with this issue. According to the President, the Arizona law “interferes with federal immigration enforcement. It makes it more difficult for ... local law enforcement to do its job. It strains state and local budgets. And if other states follow suit, we’ll have an unproductive and unworkable patchwork of laws across the country.”³⁴

SEPTEMBER 16

Memo: DHS Reveals Administrative Amnesty Plan — A 10-page memo leaked to *The American Spectator*, and dated February 26, 2010, details how DHS has “long envisioned” a two-phase amnesty program to legalize “those who qualify and intend to stay here.” The first phase would include registration, screening, and the granting of “interim status that allows illegal aliens to work in the U.S.” The second phase would grant legal permanent resident status (i.e. green cards) to those who meet additional requirements.³⁵

OCTOBER 8

ICE Presents Misleading Deportation Data — According to ICE’s deportation statistics, from October 2009 until September 2010 the agency deported 392,862 illegal aliens. Roughly half of the deportations—more than 195,000—were of *criminal* illegal aliens. However, Napolitano fails to mention that while the deportation of criminal illegal aliens has risen, the change in the total number of *overall* deportations is statistically insignificant. In fact, the number of deportations of non-criminal illegal aliens has decreased.³⁶

DECEMBER 6

Public Learns Homeland Security Padded FY 2010 Deportation Numbers — In October, DHS announced it had “removed more illegal aliens than in any other period in the history of our nation” during the 2010 fiscal year. However, interviews and internal communications cited in the *Washington Post* indicate the Department’s record number of 392,862 deportations (also called “removals”) was padded. First, the article charges that ICE included 19,422 removals in FY 2010 that were really from the previous fiscal year. The *Post* article also describes how ICE extended a Mexican repatriation program beyond its normal operation dates, adding 6,500 to the final removal numbers.³⁷

Timeline:2011

Rewriting the Rules Amnesty by Administrative Action

JANUARY 25

Obama Promotes Failed DREAM Act in State of the Union Address — Less than a month after the Democrat-controlled Senate rejected the DREAM Act, President Obama uses his State of the Union address to renew the call for its passage. There are “hundreds of thousands of students excelling in our schools who are not U.S. citizens,” he said. Many of these “live every day with the threat of deportation.” Urging Congress to tackle illegal immigration “once and for all”, the President says he is “prepared to work with Republicans and Democrats to protect our borders, enforce our laws and address the millions of undocumented workers who are now living in the shadows.”³⁸



FEBRUARY 15

Less than Half of Southern Border Under Operational Control — As a result of President Obama’s failure to enforce U.S. immigration law, House Subcommittee on Border and Maritime Security Chairwoman Candice Miller (R-Mich.) notes that only 69 of roughly 4,000 miles along the northern border are under “operational control,” and that only 873 of about 2,000 miles are under “operational control” along the southern border.

The 2006 Secure Fence Act mandated that Homeland Security achieve and maintain operational control of the borders and defined “operational control” as “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.”³⁹

MARCH 2

Morton Memo #1: Administration Outlines Enforcement “Priorities”; Limits to Criminal Aliens — In a departmental memo, ICE Director John Morton outlines new enforcement priorities and encourages immigration agents to not enforce the law against illegal aliens who do not meet these priorities. Morton refers to this non-enforcement policy as the use of “prosecutorial discretion.” The prioritized categories include: convicted criminals, terrorists, gang members, recent illegal entrants, and fugitive aliens. Additionally, the memo sets out guidelines for limiting detention for certain illegal aliens.⁴⁰

MARCH 30

9/11 Commissioner Warns U.S. Needs Programs Put on Hold by Obama — Chairman of the 9/11 Commission, Tom Kean, testifies before the Senate Homeland Security Committee that “border security remains a top national security priority, because there is an *indisputable nexus* between terrorist operations and terrorist travel.” He further explains that, “Foreign-born terrorists have continued to exploit our border vulnerabilities to gain access to the United States,” and emphasizes that while the government has made some improvements, troubling vulnerabilities in border security remain. He recommends implementing US-VISIT and REAL ID – two programs the Obama Administration refuses to execute.⁴¹

APRIL 13

Obama Administration Exposed for Suspending Over 34,000 Deportations of Illegal Aliens in 2010 — According to data USCIS sent to Senator Chuck Grassley’s (R-Iowa) office, DHS granted deferred action and humanitarian parole to 34,448 illegal aliens residing in the U.S. in fiscal year 2010.⁴²

APRIL 19

President's Immigration "Stakeholders" Meeting Stacked with Amnesty Advocates

President Obama hosts a meeting on immigration reform with 70 pro-amnesty guests including former Governor Arnold Schwarzenegger, New York City Mayor Michael Bloomberg, Los Angeles City Council President Eric Garcetti, Rev. Al Sharpton, and former Commerce Secretary Carlos Gutierrez. Although the White House press release on the meeting stated that the President planned to discuss how to "build a bipartisan consensus in Congress" on immigration reform, the White House failed to invite any Members of Congress, border state governors, or law enforcement representatives.⁴³

APRIL 27

Border Smuggling So Severe, Feds Decline to Prosecute — Witnesses testify in front of the House Border and Maritime Subcommittee that due to massive illegal activity, federal prosecutors in districts along the Southwest border decline to charge drug smugglers and illegal border crossers unless the amount of narcotics and/or aliens smuggled into the country reaches a certain threshold.⁴⁴

APRIL 28

Obama Hosts Celebrity Amnesty Meeting — On the heels of his pro-amnesty "stakeholders" summit, President Obama holds another immigration meeting at the White House, this time with celebrities from the Hispanic community to discuss "comprehensive immigration reform" and the failed DREAM Act. Notable attendees include actresses Eva Longoria and America Ferrera, television hosts Jose Diaz-Balart of Telemundo (the brother of U.S. Rep. Mario Diaz-Balart (R-Fla.)) and Maria Elena Salinas of Univision, Emilio Estefan (husband of singer Gloria Estefan), and executive director of the pro-amnesty group Voto Latino, Maria Teresa Kumar. After the meeting, Longoria says, "We will be reintroducing [the DREAM Act] next week and hopefully get it to pass."⁴⁵



APRIL 29

Obama Pushes DREAM Act in Commencement Speech — One day after the celebrity meeting, President Obama continues to push for the DREAM Act while delivering the commencement address at Miami Dade College in Florida. He tells the audience, "I know that several young people here have recently identified themselves as undocumented... And I will keep fighting alongside many of you to make the DREAM Act the law of the land." Senate Democrats reintroduce the bill on May 11.⁴⁶

MAY 10

Obama Falsely Declares Border Secure — In a speech at the border in El Paso, Texas, President Obama tells Americans the border is secure. The President quickly follows these remarks by declaring that it is now time for Congress to pass "comprehensive" immigration reform. However, the fence is not complete, checks on both borders have decreased, and violence along the border continues. At the same time, a Rasmussen Report poll reveals that 64 percent of U.S. citizens believe the border is not secure.⁴⁷

JUNE 17

Morton Memo #2: Obama Administration Bypasses Congress, Will Not Prosecute Illegal Aliens Eligible for the DREAM Act

— ICE Director John Morton issues a memorandum directing ICE agents to refrain from enforcing U.S. immigration laws against certain segments of the illegal alien population, including those who qualify for the DREAM Act. The memorandum lists 19 different factors agents should consider when deciding whether to take an illegal alien into custody. Criterion include the Agency's enforcement priorities as stated in his March 2 memorandum, the alien's length of presence in the U.S., whether the alien entered the U.S. as a minor, the alien's pursuit of education in the U.S., whether the alien or their spouse is pregnant or nursing, and whether the alien's nationality makes removal unlikely.⁴⁸

JUNE 17

Morton Memo #3: Non-Enforcement Against Illegal Aliens Claiming to be Victims

ICE Director John Morton issues a second memorandum that same day, directing ICE agents to refrain from enforcing U.S. immigration laws against crime victims, witnesses to crime, and “individuals pursuing legitimate civil rights complaints;” however, his directive is much broader. In particular, he instructs ICE personnel to consider individuals engaging in a protected activity related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions) who may be in a non-frivolous dispute with an employer, landlord, or contractor.⁴⁹

JUNE 23

ICE Union Outraged Over Morton DREAM Act Memo

— Leaders of the National ICE Council, a union representing roughly 7,000 ICE agents, officers and employees, express outrage over the June 17 administrative amnesty memorandum authored by ICE Director John Morton. The Council says that since the Administration was “unable to pass its immigration agenda through legislation, [it] is now implementing it through agency policy.” It also accuses ICE officials of working “hand-in-hand” with the open-borders lobby, while excluding its own officers from the policy development process.⁵⁰

JUNE 27

ICE Emails Reveal Cover-up of Administrative Amnesty Policy

— Internal memos confirm that once the *Houston Chronicle* (on Aug. 24, 2010) exposed DHS’ directive to review and dismiss deportation cases, ICE officials attempted to publicly distance themselves from such lenient policies and deny that they ever existed. The revelations in the emails obtained through the *Chronicle’s* FOIA request, however, make clear that such a directive did exist and was even praised by senior ICE officials.⁵¹

JUNE 29

Obama: No Mandatory E-Verify without Amnesty

— When asked at a White House press conference whether he would sign mandatory E-Verify legislation, the President indicates that his priority is amnesty. He adds, “We may not be able to get everything that I would like to see in a package, but we have to have a balanced package.”⁵²



JULY 6

Administration Quietly Signs Agreement to Open U.S. Borders to Mexican Trucks

— A provision of NAFTA granting Mexican trucks access to U.S. highways has repeatedly been delayed due to a number of safety and economic concerns. Despite those concerns compounding in recent years — due to the presence of violent drug cartels and human smuggling operations along the border — the Obama Administration decides to implement that provision even though the U.S. lacks the capability to inspect more than a small fraction of the trucks that will be crossing the border.⁵³

AUGUST 1

DOJ Files Complaint to Enjoin Alabama’s HB 56

— The DOJ files a lawsuit to preliminarily and permanently enjoin from taking effect nearly a dozen provisions in Alabama’s immigration enforcement law, HB 56. Some of the provisions the DOJ seeks to block include: making it a criminal offense in Alabama to violate federal laws which require aliens to carry their registration cards and register with the federal government; allowing Alabama law enforcement officers to verify an individual’s immigration status with the federal government if reasonable suspicion of unlawful presence arises during a lawful stop, detention or arrest; making it a crime to knowingly conceal, harbor or shield an illegal alien from detection; and requiring public elementary and secondary schools to determine the citizenship status of enrolling students for reporting purposes.⁵⁴

AUGUST 18

Secretary Napolitano Announces Review of Pending and Incoming Immigration Cases; Administration to Release Non-Criminal Aliens — In an unprecedented move, Homeland Security Secretary Janet Napolitano announces that DHS is establishing an “interagency working group to execute a case-by-case review” of all pending and incoming deportation cases. According to Napolitano, this review is intended to ensure that proceedings only continue against aliens who fall under the Department’s priorities. While the exact composition of the “working group” remains secret to-date, Napolitano states that DHS and DOJ attorneys, in addition to other personnel, will identify “low-priority” deportation cases (currently over 300,000) at every stage of the process that should be considered for an exercise of discretion. It will also issue guidance to prevent “low-priority” cases from even entering the system in the first place. This case-by-case approach, Napolitano writes, “will enhance public safety.”⁵⁵

SEPTEMBER 28

President Admits at Hispanic Roundtable that Interior Enforcement is Negligible — In an attempt to deflect criticism from illegal alien advocates, the President argues that new deportation statistics are misleading and acknowledges that he has virtually stopped interior enforcement of our immigration laws. He says, “[T]he statistics are actually a little deceptive because what we’ve been doing is...apprehending folks at the borders and sending them back. That is counted as a deportation, even though they may have only been held for a day or 48 hours.”⁵⁶

OCTOBER 12

ICE Director Admits White House Role in Amnesty Memos — In testimony before the House Immigration Policy and Enforcement Subcommittee, ICE Director John Morton admits that White House officials reviewed his June 17 memorandum directing personnel to refrain from taking action against illegal aliens who would qualify for amnesty under the failed DREAM Act prior to his issuance of it. He also testified that White House Director of Intergovernmental Affairs and former National Council of La Raza employee (now White House Domestic Policy Director), Cecilia Muñoz, assisted in its preparation.⁵⁷

OCTOBER 18

ICE Does Nothing after Santa Clara County Votes to Ignore Immigration Detainers The Obama Administration refuses to act after the Santa Clara County, California, Board of Supervisors votes 3-1 to stop using county funds to honor ICE detainers, except in limited circumstances. The County adopts the policy as retaliation for what it considers forced participation in the Secure Communities program.⁵⁸

OCTOBER 18

DHS Deceives Public with High Deportation Stats — Homeland Security Secretary Janet Napolitano attempts to calm the open borders lobby by explaining that the new level of deportations was reached by deporting a greater number of criminal aliens, not illegal aliens whose “only” infraction is unlawful entry or presence.⁵⁹

OCTOBER 19

ICE Does Nothing after D.C. Mayor Orders Police to Disregard Immigration Laws — The Obama Administration refuses to act after District of Columbia (D.C.) Mayor, Vincent C. Gray, issues an executive order to prevent D.C. police from enforcing U.S. immigration law. Among other things, the order prohibits all public safety agencies from inquiring about an individual’s immigration status or from contacting ICE if there is no nexus to a criminal investigation.⁶⁰

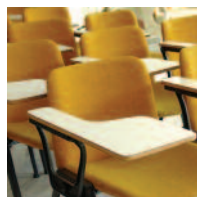


OCTOBER 25

DHS Orders Reduction in Border Inspections — According to the Associated Press, Homeland Security Secretary Janet Napolitano begins quietly ordering U.S. Customs and Border Protection (CBP) agents to scale back border inspections. Border agents now report that instead of conducting random checks, or checks based on suspicious behavior, they have been ordered to only conduct checks based on actual intelligence indicating a threat.⁶¹

OCTOBER 31

DOJ Files Complaint to Enjoin South Carolina’s S 20 — The DOJ files suit against South Carolina’s immigration enforcement law, following the ACLU’s suit in October. The DOJ seeks to enjoin enforcement provisions in the law, similar to lawsuits filed against Arizona and Alabama.⁶²



NOVEMBER 1

DOJ Demands Data from Alabama Schools — After condemning Alabama for passing its immigration enforcement law, HB 56, the DOJ sends a letter to state superintendents demanding they turnover data collected regarding student absenteeism since the beginning of the 2011-2012 school year. DOJ Civil Rights Division Director, Assistant Attorney General Thomas Perez, requests the information be sent in two weeks and then monthly thereafter to prevent civil rights violations.⁶³

NOVEMBER 7

Memo: DHS Consolidates Power Under ICE — USCIS issues a policy memorandum on November 7 to assist ICE in implementing the Obama Administration’s backdoor amnesty program. The stated goal of the memorandum is to ensure that USCIS’ practice of directing people to appear in immigration court, through what are called “notices to appear,” or NTAs, complements ICE’s goal of administratively closing cases it does not consider a priority. The new guidelines set forth in the memorandum explain when USCIS personnel can unilaterally issue these notices to appear, and when USCIS must refer a case to ICE. The new USCIS memo reflects how the Obama Administration is consolidating all decisions regarding immigration enforcement at the highest levels within the Department of Homeland Security.⁶⁴

NOVEMBER 17

Memo: ICE Issues Guidelines for Amnesty Review — ICE’s principal legal advisor issues a new policy memorandum and accompanying guidelines that expand upon Secretary Napolitano’s Aug. 18 letter establishing a working group to review pending and incoming immigration cases for dismissal. The memorandum instructs agency attorneys to begin reviewing immigration cases and administratively closing those that do not meet the Administration’s “priorities.” The guidelines outline criterion ICE attorneys must follow when reviewing cases and announces pilot programs in Denver and Baltimore that will serve as models for the review of all pending deportation cases.⁶⁵



NOVEMBER 22

DOJ Files Complaint to Enjoin Utah’s HB 497 — President Obama’s DOJ files suit to enjoin from taking effect three core provisions of Utah’s immigration enforcement law, HB 497. These provisions include: Section 3, which would require any law enforcement officer conducting a lawful stop, detention, or arrest, to check the immigration status of any person they arrest for a felony or Class A misdemeanor if that person is unable to provide valid identification; Section 10, which makes it a crime for an individual to harbor, encourage the entry of, or transport an illegal alien into or within the state, for financial gain; and Section 11, which allows law enforcement officers to arrest without a warrant aliens who have a deportation order or who have been charged or convicted in another state with one or more aggravated felonies. The DOJ lawsuit makes Utah the fourth state to be sued

by the federal government over its immigration enforcement law in just over a year. The DOJ elects not to challenge the legality of other Utah immigration laws which openly defy the federal government's authority over immigration policy because those laws work to the benefit of illegal aliens.⁶⁶

NOVEMBER 22

ICE Does Nothing after New York City Enacts Ordinance to Prevent Detention of Illegal Aliens — The Obama Administration refuses to act after Mayor Michael Bloomberg signs a measure ordering all city jails to ignore certain ICE detainers issued to deport illegal aliens from those jails. As a result, New York City jails will now release many illegal aliens back into the community instead of handing them over to ICE for removal. The Obama Administration takes no action against New York City.⁶⁷

DECEMBER 11

Obama Wants to Remove National Guard from Border — The Administration insinuates on several occasions that it is considering not renewing the National Guard mission on the Southern border. The 1,200 National Guard troops stationed along the Southern border patrol assist both CBP officers in spotting illegal entries and ICE with criminal intelligence.⁶⁸



DECEMBER 15

DOJ Accuses Maricopa County of Discrimination Against Latinos; Rescinds 287(g) Agreements without Filing Suit — Assistant Attorney General Thomas Perez leads an investigation into Maricopa County Sheriff's Department and determines there was discrimination against Latinos. He goes public with his "findings" without initiating a lawsuit against the County. Without an opportunity to defend itself, and little regard for the maintenance of public safety or the rule of law, DHS rescinds Maricopa County's 287(g) agreement. ICE Director John Morton also tells the Maricopa County Attorney that ICE will no longer respond to calls from the Maricopa County Sheriff's Office (MCSO) involving traffic stops, civil infractions or "other minor offenses." However, it is unclear how ICE can refuse to respond to inquiries from MCSO deputies and not directly violate 8 U.S.C. § 1373(c), which requires the federal government to respond to inquiries by law enforcement agencies to verify immigration status.⁶⁹

DECEMBER 29

ICE Relaxes Detention Policies — In a last minute 2011 move, ICE makes significant changes to its detainer policies, yet passes it off as a mere administrative form change. First, ICE creates a 24/7 hotline for illegal alien detainees to be staffed by the Law Enforcement Support Center (LESC)— the same organization that ICE says is too understaffed to keep up with immigration status check requests from state and local law enforcement. Second, ICE revises its detainer form to include a new provision that allows ICE agents to "Consider this request for a detainer operative only upon the subject's conviction." This shift in policy to a discretionary "post-conviction" model ignores the fact that being in the country illegally is a violation of federal law while simultaneously welcoming criminal aliens back onto the streets.⁷⁰

Timeline:2012

Preparing for Full Scale Amnesty

JANUARY 3

Government Report Exposes USCIS “Get to Yes” Policy — An Office of Inspector General (OIG) report reveals that USCIS officials pressure employees to approve applications for immigration benefits. According to the report, nearly 25 percent of officers surveyed reported that a supervisor has asked them to approve applications that should have been denied, and 90 percent said they felt they didn’t have sufficient time to complete interviews of those who seek benefits. The report concludes that the speed at which supervisors require immigration officers to process cases “leaves ample opportunities for critical information to be overlooked.” The report comes amid allegations made by agency employees that if they do not approve enough applications, they will be demoted or forced to relocate.⁷¹

JANUARY 6

DHS Announces Intent to Circumvent 3 and 10-Year Bars to Admissability — DHS proclaims its intent to propose a new rule that would allow certain illegal alien relatives of U.S. citizens to apply for hardship waivers from the 3 and 10-year bars to admissability from inside the United States. Current law provides that an alien who has been in the U.S. unlawfully for 180 days to one year and leaves (either through removal or voluntary departure) is inadmissible to the U.S. for three years. An alien who has been unlawfully in the U.S. for a year or more and leaves is inadmissible for ten years.⁷²



JANUARY 10

Obama Appoints Former Amnesty Lobbyist to Head Domestic Policy Team — President Obama promotes Cecilia Muñoz, the White House’s Director of Intergovernmental Affairs, to be the new director of its Domestic Policy Council. Prior to joining the Obama Administration, Muñoz served as a Senior Vice President at the National Council of La Raza, one of the most outspoken pro-amnesty organizations in the country.

While at La Raza, Muñoz lobbied for comprehensive amnesty and benefits for illegal aliens, causes she continues to push as a high-ranking member of the White House staff.⁷³

JANUARY 17

DHS Halts Roll-Out of Secure Communities in Alabama in Retaliation for HB 56 — DHS tells Alabama state officials that the implementation of Secure Communities in the state will be delayed due to “cost constraints.” However, in an email sent to members of the Alabama Congressional delegation, DHS admits that the decision to suspend the program was done in retaliation for Alabama’s new immigration enforcement law, HB 56. The email from DHS states: “Although the federal courts have enjoined several parts of HB 56, certain provisions were not enjoined and are currently in effect... While these provisions of Alabama’s state immigration enforcement law, which conflict with ICE’s immigration enforcement policies and programs, remain the subject of litigation, ICE does not believe it is appropriate to expand deployment of Secure Communities...in Alabama.”⁷⁴

JANUARY 19

Administration Closes Over 1,600 Deportable Alien Cases as Part of Administrative Amnesty Pilot Review — ICE attorneys in Denver and Baltimore recommend that the agency “administratively close” 1,667 removal cases, which would release illegal aliens already in proceedings back onto

the streets without consequence for violating U.S. immigration law. The recommendation is the result of a six-week pilot review of all pending deportation cases in Denver and Baltimore immigration courts, designed to ensure that only aliens meeting the Administration's "priorities" are deported.⁷⁵

JANUARY 19

Executive Order Reduces Screening for Visa Applicants — President Obama issues an executive order that will make it easier for aliens to obtain nonimmigrant visas by waiving screening safeguards, a move that increases the risk for visa overstays and jeopardizes national security. The order directs the Secretaries of State and DHS to come up with a plan that: (1) increases nonimmigrant visa processing in China and Brazil by 40 percent in the coming year; and (2) ensures that 80 percent of nonimmigrant visa applicants are interviewed within three weeks of the government receiving their application. In a release issued the same day as the order, the State Department announces that it will accomplish the order in part by waiving the long-standing statutory requirement that aliens seeking to renew visas undergo in-person interviews with a consular officer. Because the order applies to all "nonimmigrant visas," it will relax the screening process for not only the tens of millions of tourists and business travelers who enter the U.S. each year, but also for hundreds of thousands of guest workers. In addition to relaxing the screening process for issuing visas, President Obama also proposes expanding the Visa Waiver Program, which allows visitors from participating countries with low rates of visa refusals to be admitted to the United States without applying for a U.S. visa.⁷⁶



JANUARY 24

President Asks Congress for Amnesty Plan, Fails to Mention He's Launched it Without Their Approval — In his State of the Union address President Obama asks Congress to give him an amnesty bill he can "sign right away."⁷⁷

FEBRUARY 7

ICE Creates Public Advocate Position to Lobby for Illegal Aliens — ICE announces the creation of a new position within the agency, Public Advocate. The Public Advocate is to serve as a point of contact for aliens in removal proceedings, community and advocacy groups, and others who have concerns, questions, recommendations, or other issues they would like to raise about the Administration's executive amnesty efforts. ICE appoints senior advisor for the Agency's Enforcement and Removal Operations (ERO) division, Andrew Lorenz-Strait, to head the new position.⁷⁸

FEBRUARY 13

Obama Administration Moves to Defund 287(g) Program; Slashes Immigration Enforcement — President Obama's 2013 budget not only proposes cutting funding for ICE by 4 percent, but specifically proposes a \$17 million slash in the 287(g) federal-local law enforcement program, effectively gutting the program, which was enacted by Congress. The budget describes what is essentially a phase-out of the 287(g) program in favor of the expansion of Secure Communities, calling the cut a "realignment and reduction of 287(g)" that will "reduce[] the 287(g) program" as ICE implements Secure Communities nationwide. Obama also proposes cutting the Federal Law Enforcement Training Center (FLETC) by 5 percent, decreasing funds for border security inspections and trade facilitation between points of entry by \$6 million, and decreasing funds for border security fencing, infrastructure, and technology by \$72.9 million.⁷⁹



FEBRUARY 22

DHS Monitors Social Media for Policy Backlash — A recently released 2011 reference guide for DHS analysts monitoring the media reveals that the Department is employing "Big Brother"-esque tactics to track blowback from opponents of their administrative amnesty policies. According to the guide, DHS is

directing its analysts to identify and monitor “media reports that reflect adversely on DHS,” and track reports on the Administration’s “policy changes” in immigration and the term “illegal immigration” in particular.⁸⁰

MARCH 1

DHS Border Crossing Data is Challenged — Chairman of the House Oversight Committee, Darrell Issa (R-Calif.), and Rep. Jason Chaffetz (R-Utah) send a letter to DHS Secretary Napolitano accusing the Department of releasing false and misleading border crossing data. The letter states, “[T]he numbers appear to dramatically underestimate the volume of individuals who cross the border illegally and are neither arrested nor turned back south.”⁸¹

MARCH 8

ICE Director Tells Congress Amnesty Review is Half Complete — ICE Director John Morton testifies before the House Appropriations Homeland Security Subcommittee that the Agency is halfway complete with its review of 300,000 pending deportation cases and will be done with the review by 2013. He states ICE has closed over 1,500 cases thus far. The next day, the ICE Office of Congressional Relations sends an email to Capitol Hill staff clarifying that this figure represents only the number of cases actually closed to-date, and states that it will close or dismiss an additional 11,000 cases pending the results of background checks. The review is part of the Administration’s backdoor amnesty program announced by Secretary Napolitano in August 2011.⁸²

MARCH 29

Obama Administration Announces Rolling Closures of Immigration Courts — The Administration announces an expansion of its administrative amnesty program to four major U.S. cities: Detroit, Seattle, New Orleans, and Orlando. The rollout suspends immigration court dockets in the four cities while ICE attorneys review deportation cases of aliens not in custody and administratively close or dismiss those not meeting the Administration’s enforcement priorities.⁸³

MARCH 30

USCIS Proposes Rule to Circumvent Federal Laws on Admission — Nearly three months after making a public announcement, USCIS releases its proposed rule to allow illegal aliens to circumvent federal statutes that govern admission. This latest move by the Obama Administration makes it easier for illegal alien family members of U.S. citizens to stay in the country and become citizens themselves. The proposed rule achieves this by creating broad exceptions to the 3 and 10-year bars to admission found in Section 212 of the Immigration and Nationality Act (INA).⁸⁴

APRIL 17

Obama Administration Defends Pulling National Guard Troops from Border — After 19 months of stationing 1,200 National Guard ground troops along the border, the Obama Administration cuts the number to a mere 300. Testifying before the House Homeland Security Subcommittee on Border and Maritime Security, Assistant Defense Secretary Paul Stockton claims that aerial surveillance technology will provide a new deterrent to illegal border crossers. Skeptical and concerned members of the Subcommittee argue against withdrawal, noting that the U.S. only has operational control of 873 miles of the 2,000-mile southern border.⁸⁵

APRIL 25

ICE Announces the Number of Illegal Aliens Benefitting from Case-by-Case Amnesty Review Has Increased to 16,500 — ICE officials announce it has offered to close over 16,500 illegal alien deportation cases pending background checks in connection with the Administration’s review of 300,000 pending immigration cases. The Administration also announces that the number of illegal aliens whose cases it has already closed is up to 2,700 from just over 1,500 the previous month.⁸⁶

APRIL 25

DHS Delays Biometric Exit System Another Four Years — DHS Secretary Janet Napolitano testifies before the Senate Judiciary Committee regarding the long-awaited biometric exit system that tracks whether aliens leave the country upon the expiration of their visa. In March, DHS Principal Deputy Coordinator of Counterterrorism John Cohen testified before a House Committee that a plan to implement a biometric exit system would be presented within thirty days. However, in her testimony, Secretary Napolitano backtracks on that promise and tells Congress that a biometric system would not be ready for at least four more years, and then only if the plan the Department develops is cost-effective. Instead, Secretary Napolitano testifies that DHS will have an “enhanced biographic” system ready by June and that the Office of Management and Budget was currently reviewing the final plan.⁸⁷



APRIL 27

Obama Administration Weakens Secure Communities — ICE shifts its policy on Secure Communities to stop the enforcement of immigration law against illegal aliens apprehended for “minor traffic offenses.” When Secure Communities identifies illegal aliens pursuant to a traffic offense, ICE will no longer ask the local jails to detain the illegal aliens so that ICE may begin deportation proceedings; rather, ICE will only consider detaining an alien if the alien is ultimately convicted of the offense. Moreover, despite claims of limited resources, ICE also announced it plans to take action against jurisdictions with arrest rates the agency deems too high. The new policy is the latest step in the Administration’s effort to limit state and local involvement in immigration enforcement and ensure that only aliens who have been convicted of violent crimes will be subject to deportation.⁸⁸

MAY 1

DOJ Seeks to Intimidate Alabama School Districts — In its relentless quest to prevent state and local officials from enforcing immigration laws, the DOJ sends another letter of intimidation to the Alabama State Department of Education. In the letter, Civil Rights Division chief Thomas Perez drops a thinly veiled threat of litigation to persuade Alabama officials to back away from its immigration enforcement law, HB 56, specifically the provision that requires schools to collect immigration data on newly enrolled students.⁸⁹

MAY 10

DOJ Sues Maricopa County — The DOJ files an official complaint against Maricopa County and its Sheriff Joe Arpaio for allegedly racially profiling Latinos in violation of federal law. These allegations of misconduct include: 1) a pattern or practice of discriminatory law enforcement actions against Latinos in Maricopa County; 2) discriminatory jail practices against Latino inmates with limited English proficiency (LEP); and (3) a pattern or practice of retaliatory actions against perceived critics. The DOJ’s lawsuit follows Sheriff Arpaio’s refusal to allow a federal court-appointed “monitor” to oversee his office’s activities. Even before filing suit, DHS rescinded the Maricopa County Sheriff’s Office 287(g) agreement with ICE and “restricted its use” of the Secure Communities program.⁹⁰



JUNE 5

ICE Releases Latest Backdoor Amnesty Statistics — ICE releases its latest statistics in its case-by-case review of pending deportation cases and states the Agency’s attorneys have reviewed over 288,000 cases. Of those reviewed, ICE says it plans to administratively close 20,648; it states over 4,300 of these cases have already been processed and the remaining will be closed pending background checks.⁹¹



JUNE 11

DOJ Plans to Sue Florida Over Effort to End Illegal Alien Voting —

Assistant Attorney General Thomas Perez announces that the DOJ will sue Florida in federal court over the state's removal of ineligible voters, including illegal aliens, from its voter registry. After a news outlet uncovered a number of ineligible voters, the Florida Department of State began an investigation of its voter rolls. To help the state correct its records and remove illegal aliens and other ineligible voters, the Florida Department of State asked DHS to grant it access to the federal Systematic Alien Verification for Entitlement (SAVE) Program. After numerous delays by DHS, DOJ asked Florida to halt its investigation altogether.⁹²

JUNE 15

Obama Administration Circumvents Congress

Obama Administration Unilaterally Implements DREAM Act; 1.4 Million Illegal Aliens Set for Removal Reprieve —

The Obama Administration announces it will circumvent Congress by using prosecutorial discretion to implement unilaterally the DREAM Act. Effective immediately, DHS will grant deferred action and possible work authorization to certain illegal aliens under the age of 30 who claim they arrived in the U.S. before 16 years of age. DHS Secretary Janet Napolitano expects that 800,000 illegal aliens will be granted amnesty through the effort, but other organizations estimate the number of beneficiaries will be 1.4 million or higher.⁹³

The President vigorously defends his actions at a White House press briefing despite the fact that in March 2011, he told an audience that he did not have the authority to unilaterally suspend deportations, "*With respect to the notion that I can just suspend deportations through executive order, that's just not the case... Congress passes the law. The executive branch's job is to enforce and implement those laws... There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President.*"⁹⁴

Napolitano: Parents of "DREAMers" Won't Face Enforcement Either —

In an appearance on CNN to promote the Administration's executive amnesty, DHS Secretary Napolitano quells fears that parents of illegal aliens applying for deferred action may be subject to immigration enforcement. The Secretary says, "We have internally set it up so that the parents are not referred for immigration enforcement if the young person comes in for deferred action." The announcement reveals that the Administration is pursuing a broad-based plan. Massively expanding amnesty to illegal alien parents who knowingly entered the country unlawfully dramatically undercuts the President's argument that he simply granted amnesty to "kids" who were brought here through "no fault of their own."⁹⁵

JUNE 22

President Promotes His Administrative Amnesty in Speech to Latino Elected Officials —

In a speech to the National Association of Latino Elected Officials (NALEO), President Obama defends his administrative amnesty by saying, "what's needed is immigration reform that finally lives up to our heritage as a nation of laws." The President failed to mention that by unilaterally declaring that a massive amnesty is now in place, he usurped Congressional authority and demonstrated a disregard for our nation of laws - laws passed by Congress that is he obligated to enforce.⁹⁶

JUNE 25

DHS Rescinds 287(g) Agreements in Arizona —

Immediately following the U.S. Supreme Court's decision in *Arizona v. U.S.* to uphold Section 2(B)—the heart of SB 1070—DHS announces it is rescinding its 287(g) task force agreements with Arizona law enforcement agencies. Section 2(B) requires law

enforcement agents to take reasonable steps to verify the immigration status of those they lawfully stop or detain if they have reasonable suspicion to believe they are in the country illegally. DHS's decision to rescind the 287(g) agreements allowing officers who participate in criminal task forces (such as drug or gang) to proactively respond to, identify, and remove illegal aliens in response to the Supreme Court opinion is perceived as a highly political and retaliatory move.⁹⁷

JULY 6

Border Patrol to Close Nine Stations — Customs and Border Protection (CBP) announces it plans to close nine Border Patrol Stations across the United States. The station closures will take place at the following locations: Lubbock, Amarillo, Dallas, San Angelo, Abilene, and San Antonio, Texas; Billings, Montana; Twin Falls, Idaho; and Riverside, California. According to a CBP spokesman, the move to close these stations—many in strategic locations—is being done “[i]n order to accomplish [the agency’s] mission more efficiently and to use its personnel more effectively...” While CBP states that the closures will save the agency \$1.3 million per year, it has yet to explain what the trade off will be in terms of illegal alien apprehensions and drugs seized.⁹⁸

Conclusion

This report details the numerous unilateral actions that the Obama Administration has taken to dismantle immigration enforcement since taking office in 2009. Some of these actions have been subtle, some deceptive, and others even brazen, but all have been designed to achieve a single purpose: to render enforcement of U.S. immigration laws ineffective.

Despite the Obama Administration's efforts to trivialize violations of U.S. immigration law, and to find ways to allow those who are in the country unlawfully to live, work, access benefits, and ultimately gain citizenship, the American public continues to believe that its immigration laws should be enforced. In fact, fewer than 30 percent of voters believe that illegal aliens should be provided a "pathway to citizenship," revealing the American people understand that the purpose of U.S. immigration law is to protect their most vital economic and social interests.⁹⁹

Congress — the body which our Constitution grants plenary power to make immigration laws — must act to reassert its authority over immigration policy and restore the rule of law. If Congress accepts the Executive Branch's usurpation of power, it will not only betray the interests of the people its members were elected to represent, but abdicate the constitutional duties entrusted to them by the founders of our Republic.

No matter who occupies the White House come January 20, 2013, or which party is in control of Congress, the unrestrained use of executive discretion to ignore U.S. immigration law to achieve political ends must be reined-in. The record clearly shows that executive power has been abused at great cost to the integrity of our nation's immigration laws, and the well-being and security of the American people.

Endnotes

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