



Written by [Warren Mass](#) on November 22, 2016

Activists Ask Obama to Free Illegals Before Trump Term Begins

Fearing that President-elect Donald Trump will follow through on his campaign pledge that “anyone who has entered the United States illegally is subject to deportation,” representatives of several groups that have advocated for legal status for illegal immigrants met with Obama White House officials last week to lobby for the release of thousands of Central American women and children who have been detained for entering our nation illegally.



Bloomberg named the Women’s Refugee Commission and the American Immigration Lawyers Association as being among the groups whose representatives met with administration officials. The report stated that one of the issues discussed was the fate of about 4,000 Central American detainees who crossed the border illegally after fleeing violence in their home countries. The detainees have been housed in detention centers in Texas and Pennsylvania, some for more than a year, as they wait for immigration officials to process their asylum applications

“There is an added urgency to make sure that the families that are here get an opportunity to be heard in front of a judge,” the report quoted Ben Johnson, executive director at the American Immigration Lawyers Association, as saying. “There is some concern that those families under the new administration will never have that chance.”

Immigration advocates asked the president to either end the practice of detaining families altogether or to direct Immigration and Customs Enforcement officials to release families on their own recognizance after issuing them a “notice to appear” before a judge.

“The family detention infrastructure is something that President Obama built, and unless he tears it down in the next two months this will be part of his presidential legacy,” *Bloomberg* quoted Carl Takei, a staff attorney at the American Civil Liberties Union’s National Prison Project, as saying.

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The *Los Angeles Times* reported on November 17 that several Democratic representatives sent a letter to the president that day asking him to use his authority to pardon nearly 750,000 people granted deportation deferrals under the Deferred Action for Childhood Arrivals, or DACA, program. The representatives, Zoe Lofgren (D-Calif.), Lucille Roybal-Allard (D-Calif.), and Luis Gutiérrez (D-Ill.) apparently believed Obama can thereby grant these illegal aliens immunity from prosecution and amnesty from deportation.

“They wouldn’t have a piece of paper, they wouldn’t have work authorization, but they wouldn’t have to be living in fear every moment of their lives about deportation,” Lofgren said after a November 17 news conference.

However, the *Times* reported that a White House official had indicated that the administration was not



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considering a pardon for those registered under DACA because it believes a pardon would not allow them legal status.

“We note that the clemency power could not give legal status to any undocumented individual. As we have repeatedly said for years, only Congress can create legal status for undocumented individuals,” an administration official told the press.

The *Times* noted that after so-called immigration reform efforts stalled in Congress during Obama’s first term, the Congressional Hispanic Caucus pressured Obama to act independently to protect from deportation certain immigrants brought into the country illegally when they were children. He then used an executive order to create the DACA program in 2012.

The Dreamers (named after the failed DREAM [Development, Relief, and Education for Alien Minors] Act) provided the Department of Homeland Security with their fingerprints, home addresses, and other information to undergo background checks that allowed them to defer deportation under DACA.

On November 20, 2014, Homeland Security (DHS) Secretary Jeh Johnson issued a memorandum expanding DACA, which had been initiated in 2012 by a policy memorandum sent from former DHS Secretary Janet Napolitano. Johnson’s memorandum removed DACA’s age cap and also extended work authorization for some illegal aliens who have been granted legal status to three years.

However, in December 2014, Texas and 16 other states filed a lawsuit against the Obama administration to block implementation of that program.

On February 16, 2015, U.S. District Judge Andrew S. Hanen of the U.S. District Court for the Southern District of Texas in Brownsville ruled on the states’ lawsuit (*United States v. Texas*) by issuing an order of temporary injunction blocking the federal government from implementing the Obama administration’s use of executive actions to grant relief from deportation, legal status, and permission to apply for work permits to illegal aliens who are the parents of a U.S. citizen or a lawful permanent resident.

The administration appealed Hanen’s ruling, and the case went through a series of appellate court hearings until it reached the Supreme Court. On June 23, the Court (with just eight members since the death of Justice Antonin Scalia) voted 4-4 on the appeal, leaving intact the lower court ruling blocking the administration executive actions.

Had the Court overturned the lower court decision — an estimated 4,948,000 illegal aliens would have been eligible for the Obama deportation deferral (amnesty) programs, including Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA).

With the election of Donald Trump, who has promised to appoint a justice to the Supreme Court who shares the late Justice Scalia’s strict construction of the Constitution and also to roll back many of the Obama administration’s executive decrees, the DAPA amnesty program is as good as dead.

However, it is apparent that those who advocate amnesty for as many illegal aliens as possible will refuse to give up until the final days of the Obama administration.





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