



Written by [R. Cort Kirkwood](#) on April 23, 2012

Judicial Watch Sues Feds Over Obama Uncle Records

[Judicial Watch says](#) DHS has been stonewalling its efforts to obtain documents in the case since September, 2011. Of course, now that the elder Kenyan has received a hardship license to drive and must meet regularly with ICE agents, JW will receive even more documents than it would have last year had DHS honored its original request.



Amazingly, JW reports, DHS simply hasn't answered its requests beyond the initial pro forma response documenting that the agency received such a request.

Two Requests

After [police arrested](#) the drunken liquor store manager, who almost crashed into a police car, JW filed a request for documents in September under the federal [Freedom of Information Act](#). The [group asked](#) for the following information:

All records of communications, contacts and correspondence between ICE and the following entities:

- The Framingham Police Department
- The White House
- The Executive Office of the President
- The Department of Justice

All records of communications between officials, officers or employees of ICE concerning or relating to Onyango Obama.

When immigration officials released Obama after the arrest, JW followed up with another request:

After Onyango Obama was released from federal custody at the Plymouth County House of Correction on September 8, 2011, via an "order of supervision," [JW filed](#) a second FOIA request, seeking access to "all records of communications, contacts and correspondence" between ICE and the Plymouth County Sheriff's Department," as well as the other organizations listed in the previous FOIA request.

The only answer ICE has given is acknowledging both requests, rather than following the law, which requires ICE to release the documents or explain why it won't within 20 days.

"A response was due by October 19, 2011," [JW says](#). "However, after six months, DHS has failed to turn over any records, explain why they should be withheld, or indicate when a response will be forthcoming."

So now, JW wants a judge to crack down on the Department of Homeland Security.

[According to](#) the lawsuit, DHS has "failed to determine whether to comply with [JW's] request ... notify



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[JW] of any such determination or the reasons therefor ... advise [JW] of the right to appeal any adverse determination ... or produce the requested records or otherwise demonstrate that the requested records are exempt from production.”

DHS, JW alleges, “is unlawfully withholding public records.”

Obviously, Onyango Obama’s connection to the White House is a concern, JW’s president [Tom Fitten](#) [says](#). “Onyango Obama has already escaped deportation once,” he observed, noting that the illegal alien said he would contact the White House for assistance. Fitten added,

And given his family relationship to President Obama, the American people must be assured that the law is being impartially followed in this case. The Obama administration’s decision to flout FOIA and stonewall our records request suggests that there is something to hide.

Onyango Obama’s Arrest

Obama [has been evading](#) a deportation order since 1992, and since then has been driving on a Massachusetts license obtained with a Social Security card. Though he has repeatedly run afoul of the law, immigration authorities never brought him in for possible deportation.

Until August, 2011. The President’s uncle [was arrested](#) for driving drunk after he came within a whisker of crashing into a police car. His blood alcohol level was 0.14, nearly twice the legal limit in Massachusetts. [At 175 pounds](#), Onyango Obama would have had to consume about six drinks to register the level of alcohol the test revealed.

Police charged the elder Obama with drunk driving, failing to yield, and negligent driving. Authorities [held him briefly](#) at a correctional center and released him. He pleaded not guilty to the charges.

In late March, despite his confessing the crimes, [the court gave](#) Obama a “hardship license” that will allow him to drive to work. A spokesman for the state’s department of motor vehicles told the *Boston Globe* that “the driver also provided the necessary documentation to receive a hardship license — proof of enrollment in an alcohol treatment program and a letter from his employer.” Obama manages two of the employer’s liquor stores in the Metrowest area.

On April 12, [Obama met](#) with officials from Immigration and Customs Enforcement, who told him that he must meet regularly with them about the status of his deportation.

[According to](#) an ICE spokesman, [quoted in](#) the *Boston Herald*, “ICE met with Mr. Onyango and his attorney today,” ICE spokesman Brian Hale said in a statement yesterday, referring to the president’s uncle by the last name the agency has on file for him. “Pursuant to this meeting, Mr. Onyango will be required to check in regularly with immigration officials pending his removal. Absent a change in his immigration status or any related court proceedings, Mr. Onyango will be required to report to ICE in the coming weeks in order to effectuate his departure from the United States.”

Although it sounds as if ICE is determined to deport him, the *Herald* reported that Obama may not be deported after all, despite his long history of illegal residence in the United States. According to the *Herald*, “Immigration experts have predicted Obama will appeal the 20-year-old deportation order and apply for asylum on the grounds that the Kenyan embassy was bombed by al-Qaeda in 1998, and that hostility toward the U.S. would put the president’s uncle in danger. The Obamas reportedly have hundreds of relatives living in western Kenya.”

That would be no surprise, if the treatment of President Obama’s aunt, Zeituni, is any indication. A judge granted Zeituni, also an illegal alien, political asylum after someone paid for immigration lawyer



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Margaret Wong to represent her.

Wong also represents Onyango Obama.

Covered Under President's Amnesty?

Yet the elder Obama may not need to make the case for political asylum anyway. That's because [President Obama halted](#) some 300,000 deportations the same month his uncle was arrested.

Obama acted after ICE Director John Morton [published a memorandum](#) that gave "prosecutorial discretion" to agents handling deportations. The memorandum provided a long list of criteria agents can use to determine whether an illegal alien may stay in the country. Onyango Obama fits more than one of them. They include the illegal alien's age, whether he has relatives here, and whether he is likely to receive legal status to stay as a permanent resident or asylum seeker.

Onyango Obama is nearly 70, his nephew is President, and given what occurred with Aunt Zeituni, asylum, rather than deportation, may well be in the cards.

Beyond that, Morton and DHS Secretary Janet Napolitano [have said](#) the criteria in the failed DREAM Act, the illegal alien amnesty [defeated in](#) the U.S. Senate in December, 2010, apply to illegal aliens. These criteria, along with Morton's, are of such a length and breadth that an illegal may stay in the country for almost any conceivable reason.

Thus, Napolitano [has said](#), her underlings will not deport illegals and the unpassed DREAM Act is now de-facto law. Napolitano's reason, she says, is that ICE must focus on deporting "criminal" aliens, not "lesser offenders."

Onyango Obama may well be one of those as well.

Thus, it's quite possible that federal authorities will permit him to stay in the United States.

Related Stories:

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[Under Mandated DREAM Act, Obama Eyes Amnesty, Halting Most Deportations](#)

[Napolitano: Dream Act Is Now De Facto Law](#)

[ICE: State Cooperation Not Needed to Run Secure Communities Program](#)

[Circumventing Congress: Failed DREAM Act Mandated by ICE Director](#)

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Photo: This Framingham Police Department photo shows Onyango Obama, arrested in Framingham, Mass., for several infractions, including operating a motor vehicle under the influence of

alcohol: AP Images



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