



Obama Admin. Blames Bush-Era Law for Failure to Deport Illegals

Media reports support the findings of a  Department of Homeland Security (DHS) report acknowledging that the Obama administration's failure to deport illegal immigrants is among the "pull factors" prompting more people to follow suit. But the administration instead blames the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, signed into law by George W. Bush, for making it nearly impossible to deport unaccompanied minors to Central America.

An article in the *Los Angeles Times* on July 5, under the headline "Deportation data won't dispel rumors drawing migrant minors to U.S." affirmed that reports that the Obama administration is not deporting illegal immigrants according to law are based on fact.

The *Times* writer noted that although the Obama administration has dismissed "rumors" circulated among Central Americans that they will be allowed to stay in the United States if they successfully cross the U.S. border, those rumors have increasingly proved to be true.

Citing Immigration and Customs Enforcement (ICE) data released under a Freedom of Information Act request, the article noted that the number of immigrants under the age of 18 who were deported or turned away at ports of entry fell from 8,143 in 2008 (the last year of the George W. Bush administration) to 1,669 last year.

However, Obama administration officials deny that their lenient policies, including a 2012 program that allowed immigrants who had entered the country illegally as minors before June 2007 to apply for deportation "deferrals" (usually meaning "cancellations") have encouraged the recent flood of illegal immigration by unaccompanied minors.

The administration instead blames the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which was signed into law by Bush. That law made it nearly impossible to deport unaccompanied minors to Central America without first letting them appear before an immigration judge. Because of the current backlog, the wait for such court appearances can be very lengthy, during which time the immigrant minors are released from custody.

Named after William Wilberforce — the British politician who led the parliamentary campaign against the British slave trade for 26 years until the passage of the Slave Trade Act of 1807 — the act (S. 3061) was geared to combat the trafficking of minors. The law was designed, its proponents asserted, to prevent victims of child trafficking from being automatically sent back to those who had effectively enslaved them, with the court appearance designed to allow the judge to evaluate their particular situation. The law's contribution to the present crisis, though undeniable, is most likely an unanticipated consequence.



Written by [Warren Mass](#) on July 8, 2014

While President Bush did sign the measure, it was a bipartisan effort, and was originally written partially by Sen. Dianne Feinstein (D-Calif.) and introduced in the Senate by then-Senator, now Vice President, Joe Biden.

The *New York Times* quoted Rep. Jeff Fortenberry (R-Neb.), a chief backer of the original bill, who said multiple factors have contributed to the present crisis, including “exploitation of our laws, the ungoverned space in Central America, as well as the desperate poverty faced by those deciding to cross.”

“With all these factors in mind, it’s hard to think that today’s situation at the border can be directly attributed to a law that’s been in effect now for six years,” Fortenberry said.

“It is classic unintended consequences,” Marc Rosenblum, deputy director of the U.S. Immigration Policy Program at the Migration Policy Institute, told the *Times*. “This was certainly not what was envisioned.”

Aides to Sen. Jeff Flake (R-Ariz.), who was one of only two House Republicans who opposed the Wilberforce bill, told the *Times* that he did not foresee the current massive influx but was more concerned about federal spending at the time. Flake now supports revising the law. “Congress needs to change what it can, as soon as it can, to ensure that these unaccompanied minors are sent home without delay,” he said.

It might be noted that Flake is one of the bipartisan Senate “Gang of Eight” who drafted the “immigration reform” bill passed by the Senate that the Obama administration would like the House to pass.

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