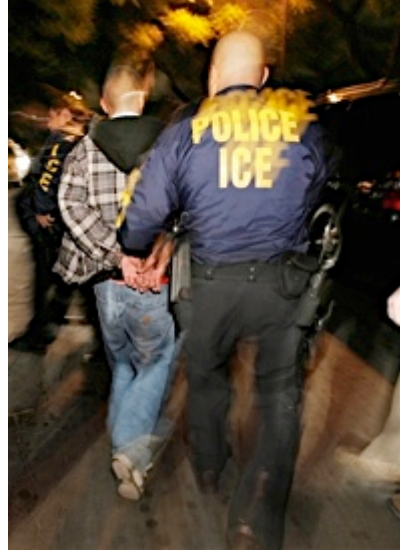




Written by [R. Cort Kirkwood](#) on August 24, 2011

## Under Mandated DREAM Act, Obama Eyes Amnesty, Halting Most Deportations

The Obama administration has taken the next logical step in implementing its amnesty plan for illegal aliens. Having officially declared the DREAM Act law even though it failed in Congress, the administration is now reviewing 300,000 deportation cases with an eye toward stopping almost all of them.



[Immigration and Customs Enforcement \(ICE\)](#), the [New York Times](#) reported on Monday, is now using the prosecutorial discretion it received from ICE chief John Morton, who permitted the discretion in a memo last month and offered a DREAM list of criteria with which to exercise that discretion. Homeland Security Secretary Janet Napolitano [cemented Morton's policy](#) last week with a letter to Congress.

Some cynics have noted that the cases the *Times* picked to represent the “victims” of this nation’s immigration policy could have come straight from central casting.

### Hard Cases

The [Times for August 22](#) opened its reportage with the tale of Manuel Guerra:

The call came in the morning to the lawyer representing Manuel Guerra, an illegal immigrant from Mexico living in Florida who had been caught in a tortuous and seemingly failing five-year court fight against deportation.

With the news early Thursday that federal immigration authorities had canceled his deportation, Mr. Guerra became one of the first illegal immigrants in the country to see results from a policy the Obama administration unveiled in Washington that day. It could lead to the suspension in coming months of deportation proceedings against tens of thousands of immigrants.

Guerra came to do God’s work, the [Times averred](#):

For Mr. Guerra, who said he wants to remain in the United States to study to become a Roman Catholic priest, the news “was like something from above, from heaven. I don’t want to go back to Mexico,” he said, “and I’ve been fighting this for five years.”

Though the *Times* did not mention why Guerra cannot attend seminary in Mexico, or why a future priest was willing to break the law, it said, “He came to this country to escape a violent gang in Mexico.” The [newspaper](#) then noted that the Obama administration’s amnesty program is well underway:

A working group from the Homeland Security and Justice Departments met Friday to initiate a



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review of about 300,000 deportation cases currently before the immigration courts.

Under the policy, immigration authorities will use powers of prosecutorial discretion in existing law to suspend the deportations of most immigrants who, although they have committed immigration violations (which generally are civil offenses), have not been convicted of crimes.

In particular, officials will look to halt deportations of longtime residents with clean police records who came here illegally when they were children, or are close family of military service members, or are parents or spouses of American citizens.

Obama, Napolitano and Morton will also make exceptions for “family,” the [paper reported](#), including the kind now [legally allowed](#) in New York. [Reported the Times](#), “The administration’s announcement also had an immediate impact on a case in Denver, where an immigration judge on Friday postponed the deportation of Sujey Pando, a lesbian from Mexico legally married in Iowa to an American from Colorado, Violeta Pando.

Although federal law does not recognize same-sex marriages, administration officials said they would consider same-sex spouses as “family” in their review of deportation cases.

The judge, Mimi Tsankov, cited the flux in laws and policies affecting same-sex cases in delaying a decision on Sujey Pando’s deportation at least until January, said Lavi Soloway, a lawyer for the couple.

Having unilaterally enacted the failed DREAM Act, the administration has now declared lesbian marriages legal for the purposes of the meeting the criteria in the act.

“Latino” activists, as they wish to be styled, and their revanchist leaders are celebrating. “This is the Barack Obama I have been waiting for, that Latino and immigrant voters helped put in office to fight for sensible immigration policies,” Rep. Luis Gutierrez (D-Ill.) [told the Times](#).

[Said Janet Murguia](#), president of the [National Council of La Raza](#), “We will closely monitor the implementation of this process to ensure that it is applied robustly and that it brings public safety squarely into focus.”

### **Logical Move**

Napolitano and Morton laid the groundwork for the administration’s final usurpation of congressional prerogative on immigration law. In March, [Napolitano announced](#) that ICE had stopped deporting illegals who met the criteria in the DREAM Act; i.e., that the illegal alien in question came here as a child, is attending school, or is enlisted in the military. The DREAM Act supposedly requires that amnestied illegals be of “good moral character,” but that does not mean that hardened criminals and terrorists need not apply, as [Sen. Jeff Sessions \(R-Ala.\) noted](#) about the resurrected but now superfluous [DREAM Act of 2011](#) of leftist Sen. Dick Durbin (D-Ill.).

[Said Napolitano](#): “If they [illegal aliens] truly meet all those criteria, and we see very few of them actually in the immigration system, if they truly meet those [criteria], they’re not the priority. The reason we set priorities is so that the focus could be on those in the country who are also committing other illegal acts.”

Morton backed that statement, then, in late June, [published a memorandum](#) permitting his agents “prosecutorial discretion” in pursuing deportations. Included in Morton’s memo was a long list of criteria that mirrored those in the DREAM Act but included even more. The list was long enough that ICE agents could excuse virtually any illegal alien from deportation for any reason.



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In August, [Morton ended](#) agreements with 40 states to participate in the federal Secure Communities program, through which local authorities shared fingerprints of suspects with federal authorities. The program stopped after illegal alien lobbyists [raised a ruckus](#), claiming that “lesser offenders,” who did not deserve deportation, [were caught](#) in the Secure Communities dragnet.

[Mandating a review](#) of 300,000 possible deportations was the next logical step for President Obama. Napolitano informed Congress of the move last week. “From a law enforcement and public safety perspective, DHS enforcement resources must continue to be focused on our highest priorities,” she [wrote to](#) Congress. “Doing otherwise hinders our public safety mission — clogging immigration court dockets and diverting DHS enforcement resources away from individuals who pose a threat to public safety.”

Gov. Jan Brewer, who [is battling](#) the Obama administration as well as members of Congress about her state’s tough immigration law, [called Obama’s move](#) a “backdoor amnesty.”

[Latino activists had threatened](#) to withhold support from Obama in the next election if he did not mandate the failed DREAM Act into law.

#### *Related Articles:*

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

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*Photo: Immigration and Customs Enforcement (ICE) officers arrest a suspect during a pre-dawn raid in Santa Ana, Calif., Jan. 17, 2007.: AP*

*Images*



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