

## IMMIGRATION: Debate moves to White House, Supreme Court

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PM

WASHINGTON — The national debate over immigration has changed venues, but the question of what to do about the millions of people in the country illegally remains as polarizing as ever.

With sweeping reform legislation stalled in the divided [Congress](#), focus on the issue has moved in recent weeks to the other two branches of government.

The [Obama](#) administration is now defending itself against criticism from [Republicans](#) and [Democrats](#) alike for policy decisions made in lieu of congressional action. Meanwhile, the [U.S. Supreme Court](#) has agreed to take up a pair of cases involving deportations and is likely in the coming months to weigh in on the question of whether local police have the authority to question and arrest illegal immigrants.

### Where do you stand on illegal immigration?

With so few resources, the country must focus on removing only national security risks and fugitives

Any crimes - including traffic violations - warrant deportation

All illegal immigrant should be removed from the county

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While it's difficult to judge how many Latino illegal immigrants live in Inland Southern California, a comparison of [2010 Census](#) figures and citizen-voting-age population estimates for [Riverside](#) and [San Bernardino](#) counties suggests there are close to half a million noncitizen adults living in the two-county area.

The Obama administration, through a series of memos and other directives, has shifted its focus to

apprehending and removing high-priority illegal immigrants: those that pose a danger to national security or public safety, repeat violators, new illegal border-crossers and fugitives from justice. Meanwhile, the administration has curtailed the mass arrests of undocumented immigrants following workplace raids that were commonplace under the Bush administration.

Critics on the political left complain that administration policy targeting immigrant offenders, implemented in part through a program called Secure Communities, has resulted in deportations of people convicted of traffic violations and other minor offenses or, in some cases, nothing at all.

Many Republicans counter that it unfairly lets illegal immigrants not found guilty of other crimes off the hook — and into American jobs.

Appearing last week before a congressional panel, U.S. Immigration and Customs Enforcement director [John Morton](#) testified that his agency removed roughly 397,000 undocumented immigrants in the 2011 fiscal year, far more than the number during any year of the Bush administration.

Morton said the question of who should be removed from the country boils down to which illegal immigrants to go after with a finite amount of funding and personnel.

“We could have an approach that says, it’s the first 400,000 people on the street who are here unlawfully,” Morton told members of the House Subcommittee on Immigration Policy and Enforcement.

“In a world where there are far more than 400,000 who are here illegally, we want to focus the limited resources on the ones that make the most sense. And that’s criminals, national security cases, people at the border, re-enterers, people who are gaming the system, fugitives,” Morton said.

#### WHITE HOUSE CRITICIZED

But that strategy amounts to ignoring the average undocumented immigrant and sends the message that people can break the rules, so long as they are not in one of the categories targeted for removal, some lawmakers argue.

“ICE’s job is to enforce the law, and they need to enforce the law equally,” said Rep. [Ken Calvert](#), R-Corona. “The Obama administration is intentionally allowing illegal immigrants to remain in the United States.”

Calvert, a proponent of electronic worker verification requirements, pointed to a 70 percent decline in worksite immigration enforcement efforts over the past two years as evidence that the White House is not interested in keeping illegal immigrants out of American jobs.

Immigrant advocate groups and some Democrats, meanwhile, have seen problems in the implementation of the Secure Communities initiative, a fingerprint-sharing program used to detect illegal immigrants who have been arrested. Reports of people never convicted of other crimes being deported, and cases in which victims of crimes were too afraid of removal to step forward, have led to calls for the program’s termination.

Homeland Security Secretary [Janet Napolitano](#) has acknowledged that Secure Communities got off to a bad start and instituted changes that allow authorities greater discretion over who to tag for deportation.

“Let’s go after those that are hardcore,” said Rep. [Joe Baca](#), D-Rialto, who lauded the administration for addressing the early problems. “There are certain steps that can be taken to stop the deportation of those individuals who are here through no fault of their own.”

There is a backlog of more than 300,000 immigration cases in the federal court system, and judges are setting

deportation hearings for the year 2014.

## SUPREME COURT CASES

Immigrant deportations are the focus of two cases the Supreme Court has agreed to take up in its current term. One, argued last week, involves a legal permanent resident who was convicted of manslaughter and is seeking to avoid deportation.

The other centers on a man who was brought to the country as a 5-year-old child, later became a legal resident and then was caught smuggling other children from Mexico across the Southern California border. The government is seeking to deport him.

But a lower court, weighing whether he deserves to stay in the United States, decided not to count his years as an illegal immigrant against him. A ruling to uphold the lower court decision could carry important legal implications for many immigrants who were brought to the country as children.

The Supreme Court is also considering whether to take up consideration of Arizona's tough immigration law, which requires local police to look into the immigration status of people they encounter in some circumstances. If the justices agree to take the case and rule in favor of [Arizona](#), other states would likely adopt similar laws.

The prospect of a patchwork of incongruous state laws is reason enough that Congress — not the White House or the courts — should overcome years of gridlock on the issue and overhaul the system, Baca said.

“We need comprehensive legislation that deals with the immigration issues, and it should be a standardized policy throughout the United States,” Baca said.

Also contributing to this story: Sacramento bureau reporter Jim Miller