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Government Alters Deportation Program for Illegal Immigrants

The Obama administration is changing the Secure Communities fingerprint-sharing program and says it will concentrate more on illegal immigrants who are serious offenders.

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Facing a barrage of criticism from some Democratic governors, members of Congress and local officials, the Obama administration is altering a controversial federal program in which law enforcement agencies share fingerprints of suspects held in local jails with U.S. immigration authorities.

The Secure Communities program, which was intended to identify and deport convicted felons, wound up also ensnaring minor offenders, victims of domestic abuse and other crimes, as well as witnesses to crimes and people who were arrested but not convicted of offenses.

In response, U.S. Homeland Security officials announced Friday that the department had issued new guidelines in an effort to stop immigration officers from deporting people who were arrested while reporting a crime, or who were witnesses in a potential criminal investigation or trial. The guidelines also give prosecutors more discretion on whom to deport.

The White House, which has rejected Republican charges that it is too lax on immigration enforcement, also has been attacked in recent months by traditional political allies — Democratic governors of Massachusetts, New York and President Obama's home state of Illinois, as well as some Democrats in Congress.

A delegation of California members of Congress last week called on Gov. Jerry Brown to denounce the program. Brown supported Secure Communities when he was state attorney general, but he has not weighed in since he became governor.

At issue is a part of the program that automatically notifies U.S. immigration authorities when a police or sheriff's office submits a routine request for a criminal background check to the FBI fingerprint database.

The FBI shares the prints with U.S. Immigration and Customs Enforcement, or ICE, and agency officers then may approach the local jail to begin removal proceedings.

The fingerprint-checking mechanism has helped the administration find and deport a growing number of illegal immigrants with criminal records or multiple immigration violations. It was the major reason behind an increase of more than 70% in deportations of convicted criminals in two

years — from 114,415 people in 2008 to 195,722 in 2010.

The administration has argued that Secure Communities has allowed ICE to focus on deporting people in the country illegally who have criminal records and who pose a threat to public safety.

From the program's inception in the fall of 2008 through March of this year, 55% of those flagged for deportation nationwide had either committed misdemeanors and infractions or were arrested for crimes but not subsequently convicted, ICE data show. Only 30% of those flagged for deportation had been the serious violent offenders — including murderers and rapists — that the program seeks to prioritize.

In the last two months, Massachusetts Gov. Deval Patrick, New York Gov. Andrew Cuomo and Illinois Gov. Pat Quinn have either declined to have their states enter the program or have suspended participation. They cited concerns that the fingerprint sharing may deter immigrants from cooperating with state and local police for fear of being deported.

The Los Angeles and Oakland city councils have passed resolutions in support of a California state bill that would apply the program only to illegal immigrants convicted of felonies and make participation optional, among other changes.

"We are listening to those concerns and addressing them head on today," John Morton, director of ICE, told reporters in a conference call Friday.

Under the new guidelines, he said, immigration officers will be instructed not to deport individuals who are victims of a crime or witnesses in a criminal case. Particular care will be taken to ensure that victims of domestic abuse are not being deported after reporting abuse to police, he said.

In April, The Times documented the case of a 31-year-old woman who was turned over to immigration authorities in the San Francisco County Jail after reporting abuse by her partner.

As part of the changes announced Friday, ICE has given new powers to immigration enforcement agents and prosecutors to make deportation of violent criminals the top priority, and to take into consideration the effect a removal might have on a family in the country.

San Francisco Sheriff Michael Hennessey, who sought unsuccessfully to opt out of the program, said in an interview Friday that he was encouraged that ICE was "finally recognizing that Secure Communities is fraught with problems."

A spokesman for Los Angeles County Sheriff Lee Baca, who has been a strong backer of the program, reacted favorably.

The changes to Secure Communities show that officials "are moving forward to make it better," spokesman Steve Whitmore said. "The sheriff doesn't think this program should be abandoned. He's moved along with Secure Communities and believes a continual inventory is always good for any program."

Some critics remain skeptical. They argue that the program still makes a local arrest a point of contact for immigration enforcement. That, they say, erodes support for community policing.

"Cosmetic changes will not be enough," said Lynn Tramonte, deputy director of America's Voice, an immigration reform advocacy group.