

## **Timeline: How The Obama Administration Bypassed Congress To Dismantle Immigration Enforcement**

*In September 2011, Obama said, “We live in a democracy. You have to pass bills through the legislature, and then I can sign it.” Yet, less than a year after he personally disputed the notion that the Executive Branch could act on its own and grant legal status to a class of individuals, he instituted the Deferred Action for Childhood Arrivals directive to grant legal status to a large segment of the illegal immigrant population in the U.S. This unprecedented directive, combined with numerous other lesser-reported but far-reaching Executive actions, circumvented Congress, defied federal law, and dismantled interior enforcement. Below is a detailed timeline of many of these Executive actions, which, collectively, undermine the constitutional rule of law upon which our nation’s greatness depends.*

### **January 2009: Obama Administration Ends Worksite Enforcement Actions**

In early 2009, U.S. Immigration and Customs Enforcement (ICE) executed a raid (initiated and planned under the Bush administration) on an engine machine shop in Bellingham, Washington, detaining 28 illegal immigrants who were using fake Social Security numbers and identity documents. Shortly thereafter, pro-amnesty groups criticized the Administration for enforcing the law. An unnamed DHS official was quoted in the [Washington Times](#) as saying, “the Secretary is not happy about it and this is not her policy.” Instead of enforcing the law, the Secretary investigated the ICE agents for simply doing their duty. Esther Olavarria, Deputy Assistant Secretary of Homeland Security, said on a call with employers and pro-amnesty groups that “we’re not doing raids or audits under this administration.”

### **January 29, 2009: Secretary of Homeland Security Janet Napolitano Delays E-Verify Deadline**

Secretary Napolitano [delayed](#) the original deadlines of January 15, 2009 and February 20, 2009, which were set by President George W. Bush, for federal contractors to use E-Verify to May 21, 2009.

### **April 16, 2009: Secretary Napolitano Delays E-Verify Deadline a Second Time**

Secretary Napolitano again [delayed](#) the deadline for federal contractors to use E-Verify, this time to June 30, 2009.

### **June 3, 2009: Secretary Napolitano Delays E-Verify Deadline a Third Time**

For the third time, Secretary Napolitano [delayed](#) the deadline for federal contractors to use E-Verify requirement to September 8, 2009.

### **March 8, 2010: ICE Inflates Deportation Statistics**

According to the [Washington Post](#): “Months after reporting that the number of illegal immigrants removed by U.S. Immigration and Customs Enforcement increased 47 percent during President Obama’s first year in office, the Department of Homeland Security on Monday corrected the record, saying the actual increase in those deported and ‘voluntary departures’ was 5 percent.”

### **March 16, 2010: DHS Announces Termination of Funding for Virtual Fence Along the Southwestern Border**

Secretary Napolitano [announced](#) that, effective immediately, DHS would redeploy \$50 million of stimulus funding originally allocated for virtual fence technology because “the system of sensors and cameras along the Southwest border known as SBInet has been plagued with cost overruns and missed deadlines.”

### **May 19, 2010: ICE Director John Morton Announces Termination of Cooperation with Arizona Law Enforcement**

In an interview with the [Chicago Tribune](#), Morton stated that ICE would not even process or accept illegal immigrants transferred to ICE custody by Arizona law enforcement, largely because the Administration disagreed with Arizona’s immigration law—which made it a crime to be in the state illegally and required police to check suspects for immigration documents.

### **May 27, 2010: Internal ICE Emails Reveal Relaxed Security and New Benefits for Detained Illegal Immigrants**

An internal ICE email [revealed](#) that “low-risk” immigration detainees would be able to have visitors stay for an unlimited amount of time during a 12-hour window, be given access to unmonitored phone lines, email, free internet calling, movie nights, bingo, arts and crafts, dance and cooking classes, tutoring, and computer training.

### **June 18, 2010: Obama Administration Sues Arizona over Immigration Enforcement Law**

The Obama Administration [announced](#) that it would sue Arizona to block the implementation of the state’s immigration enforcement law.

### **June 25, 2010: ICE Union Casts Unanimous Vote of “No Confidence” in Agency Leadership**

The National ICE Council, the union representing more than 7,000 agents and officers, cast a unanimous vote of [“No Confidence”](#) in ICE Director Morton and Assistant Director Phyllis Coven, citing “the growing dissatisfaction and concern among ICE employees and Union Leaders that Director Morton and Assistant Director Coven have abandoned the Agency’s core mission of enforcing United States Immigration Laws and providing for public safety, and have instead directed their attention to campaigning for programs and policies related to amnesty.”

The union listed some of the policies that led to the vote of No Confidence:

- “Senior ICE leadership dedicates more time to campaigning for immigration reforms aimed at large scale amnesty legislation, than advising the American public and Federal lawmakers on the severity of the illegal immigration problem . . . ICE [Enforcement and Removal Operations are] currently overwhelmed by the massive criminal alien problem in the United States resulting in the large-scale release of criminals back into local communities.”
- “Criminal aliens openly brag to ICE officers that they are taking advantage of the broken immigration system and will be back in the United States within days to commit crimes, while United States citizens arrested for the same offenses serve prison sentences. . . . Thousands of other criminal aliens are released to ICE without being tried for their criminal charges. ICE senior leadership is aware that the system is broken, yet refuses to alert Congress to the severity of the situation . . . .”

- “ICE is misleading the American public with regard to the effectiveness of criminal enforcement programs like the ICE ‘Secure Communities Program’ using it as a selling point to move forward with amnesty related legislation.”
- “While ICE reports internally that more than 90 percent of ICE detainees are first encountered by ICE in jails after they are arrested by local police for criminal charges, ICE senior leadership misrepresents this information publicly in order to portray ICE detainees as being non-criminal in nature to support the Administration’s position on amnesty and relaxed security at ICE detention facilities.”
- “The majority of ICE ERO Officers are prohibited from making street arrests or enforcing United States immigration laws outside of the institutional (jail) setting. This has effectively created ‘amnesty through policy’ for anyone illegally in the United States who has not been arrested by another agency for a criminal violation.”
- “ICE Detention Reforms have transformed into a detention system aimed at providing resort like living conditions to criminal aliens. Senior ICE leadership excluded ICE officers and field managers (the technical experts on ICE detention) from the development of these reforms, and instead solicited recommendations from special interest groups. . . . Unlike any other agency in the nation, ICE officers will be prevented from searching detainees housed in ICE facilities allowing weapons, drugs and other contraband into detention centers putting detainees, ICE officers and contract guards at risk.”

#### **July 14, 2010: Obama Administration Ignores Dangerous Sanctuary City Policies**

Less than a week after suing Arizona to block its immigration law, the Department of Justice [announced](#) that it would not sue sanctuary cities, with a spokeswoman stating: “There is a big difference between a state or locality saying they are not going to use their resources to enforce a federal law, as so-called sanctuary cities have done, and a state passing its own immigration policy that actively interferes with federal law.”

#### **July 30, 2010: Leaked U.S. Citizenship and Immigration Services (USCIS) Memo Reveals Obama Backdoor Amnesty Plan**

A leaked USCIS [memo](#) to agency director Alejandro Mayorkas detailed the Obama Administration’s plan to bypass Congress and grant amnesty by executive fiat. The memo, entitled “Administrative Alternatives to Comprehensive Immigration Reform,” listed a number of ways the Administration could act unilaterally to “reduce the threat of removal for certain individuals present in the United States without authorization” and “extend benefits and/or protections to many individuals and groups,” including many that Obama has since acted on and many that appeared in the Senate comprehensive immigration bill (S. 744).

#### **August 2010: ICE Memo Stops Agents from Detaining Illegal Immigrants at Traffic Stops**

In August 2010, ICE began internally circulating a [draft policy](#) that would significantly limit the circumstances under which ICE could detain illegal aliens. In effect, ICE agents were no longer authorized to pick up an illegal alien for illegally entering the country or for possessing false identification documents. Now, illegal aliens could only be detained if another law enforcement agency made an arrest for a criminal violation. This was the beginning of what would come to be known as “administrative amnesty.”

### **August 24, 2010: Reports Surface that DHS Is Closing Deportation Cases**

On August 24, 2010, the [Houston Chronicle](#) reported that DHS had begun “systematically reviewing thousands of pending immigration cases and moving to dismiss those filed against suspected illegal immigrants without serious criminal records.”

### **September 8, 2010: Obama Administration Files Supreme Court Brief Supporting Lawsuit Challenging Arizona’s E-Verify Law**

The Obama Administration [argued](#) that the Supreme Court should strike down Arizona’s 2007 E-Verify law, which was enacted by the state’s former Governor, Janet Napolitano. The law required all employers in the state to use E-Verify and revoked business licenses of those who hired illegal workers. The Supreme Court [upheld](#) the law in May 2011, finding that it was not preempted because “although Congress had made the program voluntary at the national level, it had expressed no intent to prevent States from mandating participation.”

### **September 16, 2010: Leaked DHS Memo Reveals Obama’s Long-Term Plan To Circumvent Congress and Grant “Broad Based” Amnesty**

A leaked 10-page [memo](#) dated February 26, 2010, detailed how the Administration had “long envisioned” a two-phase “broad based” amnesty plan “legalizing those who qualify and intend to stay here.” The memo states that “during Phase 1, eligible applicants would be registered, fingerprinted, screened and considered for an interim status that allows them to work in the U.S. . . . During Phase 2, applicants who had fulfilled additional statutory requirements would be permitted to become lawful permanent residents [i.e., obtain green cards].” The memo explains how the Administration could proceed “in the absence of legislation,” including several already put in place by the Obama Administration: deferred action; deferred enforced departure; waiver of inadmissibility for certain illegal immigrants; parole-in-place. Remarkably, the memo contemplates the pros and cons of such unprecedented Executive action:

- “A registration program can be messaged as a security measure to bring illegal immigrants out of the shadows.”
- “A bold administrative program would transform the political landscape by using administrative measures to sidestep the current state of Congressional gridlock and inertia.”
- “The Secretary would face criticism that she is abdicating her charge to enforce the immigration laws. Internal complaints of this type from career DHS officers are likely and may also be used in the press to bolster criticism.”
- “Even many who have supported a legislated legalization program may question the legitimacy of trying to accomplish the same end via administrative action, particularly after five years where the two parties have treated this as a matter to be decided in Congress.”
- “A program that reaches the entire population targeted for legalization would represent use of deferred action far beyond its limited class-based uses in the past (e.g. for widows). Congress may react by amending the statute to bar or greatly trim back on deferred action authority, blocking its use even for its highly important current uses in limited cases.”
- “Congress could also simply negate the grant of deferred action (which by its nature is temporary and revocable) to this population. If criticism about the legitimacy of the

program gain[s] traction, many supporters of legalization may find it hard to vote against such a bill.”

- “The proposed timeline would require a rapid expansion of USCIS’s current application intake capacity. Significant upfront resources would be needed for hiring, training, facilities expansion and technology acquisition, and the only realistic prospect of a source of funding may be a new appropriation.”
- “Immigration reform is a lightning rod [sic] that many Members of Congress would rather avoid. An administrative solution could dampen future efforts for comprehensive reform and sideline the issue in Congress indefinitely.”
- “Done right, a combination of benefit and enforcement-related administrative measures could provide the Administration with a clear-cut political win. If the Administration loses control of the message, however, an aggressive administrative proposal carries significant political risk.”
- “More ambitious measures would have to be carefully timed. We would need to give the legislative process enough time to play out to deflect against charges of usurping congressional authority. . . . This is likely to mean that the right time for administrative action will be late summer or fall [2010]—when the midterm election is in full-swing.”
- “The President could make the case that the nation’s economic and national security can wait no longer for Congress. Administrative action is necessary to restores [sic] rule of law by ending illegal hiring, requiring individuals who are unlawfully present to pass background checks or get deported, and guaranteeing that all employers and workers are paying their fair share of taxes. Clearing backlogs of family-based visas would be an added bonus.”
- “If the American public reacts poorly to an administrative registration effort, Congress could be motivated to enact legislation tying the Administration’s hands. This could result, in the worst case scenario, in legislation that diminishes the Secretary’s discretion to use parole or deferred action in other contexts. A heated fight could also poison the atmosphere for any future legislative reform effort.”

#### **October 17, 2010: DHS Dismissals of Deportation Cases Up 700 Percent**

According to an October 17, 2010 article in the [Houston Chronicle](#), the government dismissed—unsolicited—hundreds of deportation cases, up 700 percent between July and August 2010. The article states that “government attorneys in Houston were instructed to exercise prosecutorial discretion on a case-by-case basis for illegal immigrants who have lived in the U.S. for at least two years and have no serious criminal history.”

#### **December 2010: Internal ICE Emails Reveal Padded Deportation Statistics**

On October 8, 2010, Secretary Napolitano and ICE Director Morton [announced](#) that in 2010 ICE had “removed more illegal aliens than in any other period in the history of our nation.” On December 6, 2010, however, the [Washington Post](#) reported that internal ICE emails revealed ICE had padded its deportation statistics by including 19,422 removals that were from the previous fiscal year. The article also described how ICE extended a Mexican repatriation program beyond its normal operation dates, adding 6,500 to the final removal numbers.

### **February 15, 2011: DHS Ignores Mandate To Maintain Operational Control of the Border**

During a hearing before the House Subcommittee on Border and Maritime Security, Chair Candice Miller [announced](#) that, according to the Government Accountability Office (GAO), U.S. Customs and Border Protection maintains operational control of only 69 of the roughly 4,000 miles along the northern border and only 873 of the almost 2,000 miles along the southwestern border. Under the [Secure Fence Act of 2006](#), Congress required DHS to achieve and maintain operational control, which is defined as “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.”

### **March 2, 2011: Morton Administrative Amnesty Memo #1**

In the [first](#) of a series of memos, ICE Director Morton outlines new enforcement “priorities” — convicted criminals, terrorists, gang members, recent illegal entrants, and fugitives. The memo encourages ICE employees to exercise prosecutorial discretion for illegal immigrants who do not meet these priorities and directs ICE field office directors to not “expend detention resources” on certain illegal immigrants.

### **March 30, 2011: 9/11 Commission Chair Warns Administration’s Delays of Biometric Exit and REAL ID Risk National Security**

Testifying before the [Senate Homeland Security Committee](#), 9/11 Commission Chairman Tom Kean warned that “border security remains a top national security priority, because there is an indisputable nexus between terrorist operations and terrorist travel. Foreign-born terrorists have continued to exploit our border vulnerabilities to gain access to the United States.” In his testimony, he highlighted two programs that the Obama Administration had delayed. He emphasized that “full deployment of the biometric exit component of US-VISIT should be a high priority. If law enforcement and intelligence officials had known for certain in August and September 2001 that 9/11 hijackers Nawaf al-Hazmi and Khalid al-Mihdhar remained in the U.S., the search for them might have taken on greater urgency.” He also noted that “no further delay [in compliance with the REAL ID Act] should be authorized, rather compliance should be accelerated.”

### **May 10, 2011: Obama Declares the Border Secure and the Fence “Basically Complete”**

In a [speech](#) in El Paso, Texas, Obama stated that his administration has “strengthened border security beyond what many believed was possible” and that the border fence “is now basically complete,” despite the fact that only 33.7 miles of the 700 miles of fence mandated by the Secure Fence Act of 2006 had been completed by that time. Chairman of the House Homeland Security Committee Michael McCaul responded to the President’s claim, [stating](#) “the border is not secure and it has never been more violent or dangerous. Anyone who lives down there will tell you that.”

### **June 1, 2011: Obama Administration Ignores New York’s Refusal to Cooperate with Federal Immigration Agents**

New York Governor Andrew Cuomo [announced](#) he was suspending New York’s participation in the Secure Communities program, which allows law enforcement agencies to run the

fingerprints of those arrested against immigration databases, because of “its impact on families, immigrant communities and law enforcement in New York.” The Obama Administration takes no action.

#### **June 17, 2011: Morton Administrative Amnesty Memo #2**

Morton issued a second [memo](#) further directing ICE agents not to enforce the law against certain segments of the illegal immigrant population, including those who would qualify for the DREAM Act, despite having no legal or congressional authority to do so and despite the fact that Congress had explicitly rejected the legislation three times.

#### **June 17, 2011: Morton Administrative Amnesty Memo #3**

Morton issued a third [memo](#) instructing ICE personal to refrain from enforcing the law against individuals engaging in “protected activity” related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions).

#### **June 23, 2011: ICE Union Outraged Over Morton Administrative Amnesty Memos**

The ICE union issued a [press release](#) expressing outrage over Director Morton’s actions, stating: “Unable to pass its immigration agenda through legislation, the Administration is now implementing it through agency policy.” The release further stated that ICE leadership and the Administration “have excluded our union and our agents from the entire process of developing policies, it was all kept secret from us, we found out from the newspapers. ICE [leadership] worked hand-in-hand with immigrants rights groups, but excluded its own officers.” Describing ICE policy as a “law enforcement nightmare,” union president Chris Crane stated “the result is a means for every person here illegally to avoid arrest or detention, as officers we will never know who we can or cannot arrest.” The release concluded: “we are asking everyone to please email or call your Congressman and Senators immediately and ask them to help stop what’s happening at ICE, we desperately need your help.”

#### **June 27, 2011: DHS Cover-Up of Backdoor Amnesty Policy Revealed**

The [Houston Chronicle](#) reported that internal ICE emails and memos revealed that DHS “officials misled the public and Congress in an effort to downplay a wave of immigration case dismissals in Houston and other cities that they had created a ‘back-door amnesty.’” In one instance, DHS Assistant Secretary for Legislative Affairs Nelson Peacock wrote a letter to several members of the Senate Judiciary Committee denying the existence of a directive “instructing ICE attorneys to seek the dismissals of immigration proceedings involving certain classes of criminal aliens”—a directive which not only existed, but had been praised by senior ICE officials.

#### **August 1, 2011: Obama Administration Sues Alabama over Immigration Enforcement Law**

The Obama Administration [filed](#) a lawsuit to block implementation of Alabama’s immigration enforcement law, which authorizes state law enforcement to act when they reasonably suspect individuals are violating federal immigration laws.

### **August 18, 2011: Administration Begins Case-by-Case Review of Deportation Cases for Purposes of Granting Administrative Amnesty**

In a [letter](#) to Senate Majority Leader Harry Reid, Secretary Napolitano announced that the Administration had begun a case-by-case review of all pending and incoming deportation cases and will stop proceedings against those illegal immigrants who do not meet administration “priorities.”

### **September 2, 2011: Treasury Inspector General Reports Government Paying Billions in Tax Credits to Illegal Immigrants**

A [report](#) by the Treasury Inspector General for Tax Administration (TIGTA) revealed that the IRS paid out a staggering \$4.2 billion in refundable tax credits to illegal immigrants via the Additional Child Tax Credit (ACTC) in 2010. The inspector general stated: “Millions of people are seeking this tax credit who, we believe, are not entitled to it. We have made recommendations to the IRS as to how they could address this, and they have not taken sufficient action in our view to solve this problem.” The report further stated that “the payment of Federal funds through this tax benefit appears to provide an additional incentive for aliens to enter, reside, and work in the United States without authorization, which contradicts Federal law and policy to remove such incentives.”

### **September 7, 2011: Cook County (Chicago), Illinois Board of Commissioners Votes To Ignore Federal Immigration Law**

The Cook County Board of Commissioners passed an [ordinance](#) directing local law enforcement to refuse ICE detainer requests and access to individuals or County facilities. While Morton acknowledged that the ordinance posed a serious threat to public safety and likely violates federal law, the Administration’s only action was to offer to pay Cook County to honor the detainees and to set up a “working group,” both of which the Board [rejected](#). ICE Executive Associate Director of Enforcement and Removal Operations said the policy presents a major problem for enforcement efforts and was an “accident waiting to happen.”

- In June 2011, Saul Chavez, who had a prior DUI conviction, was driving with a blood-alcohol content of nearly four times the legal limit when he hit 66-year-old William “Dennis” McCann. While attempting to escape, Chavez drove his car over McCann’s body, dragging him 200 yards before a witness stopped his vehicle. Chavez was charged with two felonies, and ICE issued a detainer asking Cook County to hold him until he could be taken into federal custody. But, pursuant to Cook County’s new anti-detainer law, he was released when he posted 10 percent of his \$250,000 bail. He has since disappeared and is believed to have fled the county.
- In February 2012, it was [reported](#) that 11 of the 345 inmates released under this policy had reoffended.

### **September 28, 2011: Obama Admits Deportation Statistics Are “Deceptive”**

At a [roundtable](#) with amnesty advocates, President Obama admitted that his deportation statistics were misleading: “The statistics are actually a little deceptive because what we’ve been doing is . . . apprehending folks at the borders and sending them back. That is counted as a deportation, even though they may have only been held for a day or 48 hours.”



### **October 18, 2011: Obama Administration Ignores Santa Clara County's Defiance of Federal Immigration Law**

The Administration refused to take action when the Santa Clara County, California, Board of Supervisors [voted](#) to stop using county funds to honor ICE detainees, except in limited circumstances. Santa Clara County's failure to cooperate with Secure Communities continues to this day.

- In August 2013, illegal immigrant Mario Chavez was arrested after threatening his 6-year-old son with a knife. His wife obtained a protective order but Chavez made bail and was released from jail instead of being held for further investigation by ICE. A month later, Chavez went to his family's new home where he then stabbed his wife to death. According to a report in [San Jose Mercury News](#), ICE officials "contend they could have kept Chavez off the streets," but the county's policy limits access that ICE has to inmates. The official reportedly said, "We're not asking them to do our job. We're asking them to let us do our job."

### **October 18, 2011: ICE Continues To Pad Deportation Statistics**

On October 18, 2011, ICE [announced](#) its year-end deportation statistics, which it described as "the largest number in the agency's history." However, according to the [2010 Yearbook of Immigration Statistics](#), published by DHS's Office of Immigration Statistics, ICE is detaining far fewer illegal immigrants than ever before, locating fewer than half the number of deportable aliens in 2010 than it did in 2006.

### **October 19, 2011: Obama Administration Ignores Washington, D.C.'s Defiance of Federal Immigration Law**

The administration refused to act when District of Columbia Mayor Vincent C. Gray issued an [order](#) to prevent local law enforcement from enforcing federal immigration laws. In June 2012, the D.C. Council unanimously voted to further restrict cooperation with ICE, requiring that suspected illegal immigrants can be detained only if they have prior convictions for violent crimes, among other things. According to the [Washington Post](#), a spokeswoman for ICE stated that "ICE has not sought to compel compliance through legal proceedings. Jurisdictions that ignore detainees bear the risk of possible public safety risks."

### **October 28, 2011: Administration Stops Routine Border Searches**

According to the [Associated Press](#), Border Patrol field offices nationwide received orders from DHS headquarters to stop regular inspections at transportation hubs—both at the border and in the interior of the country—such as random stops and investigations of suspicious behavior, and instead act only based on actual intelligence indicating a threat. The article noted that "halting the practice has baffled agents" who said it was "an effective way to catch unlawful immigrants, including smugglers and possible terrorists." The National Border Patrol Council, the union representing Border Patrol agents, [responded](#) to the changes: "Stated plainly, Border Patrol managers are increasing the layers of bureaucracy and making it as difficult as possible for Border Patrol agents to conduct their core duties. The only risks being managed by this move

are too many apprehensions, negative media attention and complaints generated by immigrant rights groups.”

#### **October 31, 2011: Obama Administration Sues South Carolina over Immigration Enforcement Law**

The Justice Department [filed](#) suit against South Carolina, challenging the state’s immigration enforcement law.

#### **November 7, 2011: USCIS Stops Issuing “Notices to Appear” in Immigration Court for Non-Priority Deportation Cases**

Following ICE’s lead, USCIS Director Mayorkas issued a new [Policy Memorandum](#) stating that USCIS will no longer issue “notices to appear” in immigration court to illegal immigrants who do not meet the Administration’s deportation priorities.

#### **November 17, 2011: ICE Announces Review of Entire Immigration Court Docket in an Effort To Close More Deportation Cases**

The ICE Office of the Principal Legal Advisor issued a new policy [memo](#) instructing all agency attorneys to “begin a review of incoming cases and cases pending in immigration court” and identify the cases eligible for “prosecutorial discretion in the form of administrative closure,” *i.e.*, administrative amnesty.

#### **November 22, 2011: Obama Administration Sues Utah over Immigration Enforcement Law**

The Obama Administration [filed](#) a lawsuit to block provisions of Utah’s immigration enforcement law. This is the fourth lawsuit by the Administration against a state that enacted such a law.

#### **November 22, 2011: Obama Administration Ignores New York City’s Defiance of Federal Immigration Law**

New York City Mayor Michael Bloomberg signed a [measure](#) directing city jails to ignore certain requests by ICE to maintain custody of an illegal immigrant, so as to give ICE the opportunity to assume custody. To date, the Obama Administration has taken no action against New York City to compel compliance.

#### **December 11, 2011: Reports Surface That Obama Will Reduce National Guard at the Border**

According to [several reports](#), the Obama Administration would reduce the 1,200 National Guard troops stationed along the southwestern border. From 2006 to 2008, under the Bush administration, thousands of troops worked along the border as part of “Operation Jumpstart” to free up Border Patrol to focus on border security. On April 17, 2012, the Administration reduced the number to 300; there are [currently](#) about 130 Guard members stationed on the border.

#### **December 15, 2011: DHS Rescinds Maricopa County, Arizona’s 287(g) Agreement**

DHS [rescinded](#) Maricopa County, Arizona’s 287(g) agreement—a cooperative agreement whereby local law enforcement receive training in identifying and apprehending illegal aliens.

Director Morton told the Maricopa County Attorney that ICE will no longer respond to calls from the Maricopa County Sheriff's Office involving traffic stops, civil infractions or "other minor offenses." DHS' legal reasoning is unclear, given that federal law requires the federal government to respond to inquiries by law enforcement agencies to verify immigration status.

#### **December 29, 2011: ICE Creates 24-Hotline for Illegal Immigrant Detainees**

ICE [announced](#) a new 24-hour hotline for illegal immigrant detainees to ensure that they "are made aware of their rights." The hotline is to be staffed by the Law Enforcement Support Center, which ICE had previously claimed was too understaffed to respond to local law enforcement trying to verify immigration status. ICE also revised its detainer form to include a new provision that said ICE should "consider this request for a detainer operative only upon the subject's conviction"—a change in policy that explicitly ignores that illegal presence is a violation of federal law.

#### **January 5, 2012: DHS Stops Secure Communities in Alabama in Retaliation for State Immigration Enforcement Law**

According to an [email](#) from DHS to member of the Alabama congressional delegation, DHS stopped the roll-out of Secure Communities in the state because the Administration disagreed with the state's immigration enforcement law: "Although the federal courts have enjoined several parts of H.B. 56, certain provisions were not enjoined and are currently in effect . . . . While these provisions of Alabama's state immigration enforcement law, which conflict with ICE's immigration enforcement policies and programs, remain the subject of litigation, ICE does not believe it is appropriate to expand deployment of Secure Communities . . . in Alabama."

#### **January 6, 2012: USCIS Announces Proposal To Permit an Entire Segment of Illegal Immigrant Population To Remain in the U.S.**

USCIS [announced](#) a proposed rule to allow the illegal immigrant relatives of U.S. citizens to apply for waivers to remain in U.S., thereby avoiding the law that requires them to return to their home countries and apply for a waiver. On January 3, 2013, USCIS issued the [final rule](#). During a stakeholder call, USCIS Director Mayorkas emphasized that USCIS would also consider expanding the waiver to illegal immigrant relatives of green card holders and clarified that even illegal immigrants in deportation proceedings who had their case administratively closed are eligible for these waivers. On January 24, 2014, USCIS issued [field guidance](#) for the program, instructing USCIS officers that an applicant with a criminal history is still eligible for a waiver as long as the offense qualifies as a "petty offense" or "youthful offender" exception under the INA and is not a crime involving moral turpitude.

#### **January 9, 2012: Inspector General Reveals Rubberstamping of Immigration Applications**

A [report](#) by the DHS Inspector General revealed that USCIS officials pressure employees to approve applications that should have been denied and that employees believe they do not have enough time to complete interviews of applicants, "leav[ing] ample opportunities for critical information to be overlooked. One [adjudicator] said that an [adjudicator] is likely to 'grant and just move on,' rather than use information to make a better determination in certain

cases.” Ninety percent of those surveyed felt they did not have enough time to complete interviews of applicants.

#### **January 16, 2012: ICE Prosecutors Suspend Deportation Proceedings**

Due to the immigration court docket review ordered by the ICE Office of the Principal Legal Advisor in November 2011, ICE prosecutors in Denver and Baltimore must spend their time reviewing thousands of deportation cases to determine which are eligible for administrative amnesty. As a result, proceedings in [immigration courts](#) were stopped for six weeks. On January 19, 2012, ICE prosecutors recommended the voluntary closure of 1,667 deportation cases. On March 30, 2012, the Administration [announced](#) the expansion of the program to Detroit, Seattle, New Orleans and Orlando, suspending the immigration court dockets in four large cities.

#### **January 19, 2012: Obama Uses Executive Order to Eliminate Statutory Interview Requirement for Certain Countries**

Obama issued an [executive order](#) attempting to nullify a longstanding statutory requirement that those applying for a nonimmigrant visa submit to an in-person interview with a consular officer. The order waived these requirements for travelers from China and Brazil, increasing the potential for visa overstays and risking national security and law enforcement threats.

#### **February 7, 2012: New ICE Public Advocate for Illegal Immigrants**

ICE [announced](#) the creation of the ICE Public Advocate, who is to serve as a point of contact for aliens in removal proceedings, community and advocacy groups, and others who have concerns, questions, recommendations, or other issues they would like to raise about the Administration’s executive enforcement and amnesty efforts.

#### **February 13, 2012: Obama Budget Slashes 287(g) Program**

The President’s [FY2013 budget](#) proposed a cut in funding for ICE and the 287(g) program, effectively gutting it.

#### **April 25, 2012: ICE Voluntarily Dismisses Over 16,500 Deportation Cases**

ICE [announced](#) that it would voluntarily close over 16,500 deportation cases pending background checks in connection with the Administration’s larger review of 300,000 cases. The administration also announced that the number of illegal immigrants whose deportation cases it has already dismissed is up to 2,700 from just over 1,500 the previous month.

#### **April 25, 2012: DHS Announces Another Delay of Biometric Exit System**

In March 2012, DHS Principal Deputy Coordinator of Counterterrorism John Cohen [testified](#) before the House Committee on Homeland Security that DHS’ plan to implement a biometric exit system would be completed in the next 30 days. However, on April 25, 2012, Secretary Napolitano [testified](#) before the Senate Judiciary Committee that DHS would be able to deploy such a system “within four years” and then only if DHS determined that it was cost-effective. Dating back to 1996, Congress has mandated six times that this system be implemented and the 9/11 Commission recommended that DHS complete this system “as quickly as possible.”

#### **April 27, 2012: Obama Administration Undermines Successful Secure Communities Program**

ICE [announced](#) that it will no longer ask local jails to detain illegal aliens stopped for “minor traffic offenses,” weakening the effective Secure Communities program. Instead, ICE would only consider detaining an alien if the alien is ultimately convicted of an offense. Also, despite claims of limited resources, ICE announced it planned to take action against jurisdictions with arrest rates the agency deems *too high*.

#### **June 5, 2012: ICE Deportation Dismissals Up To 20,000**

ICE released its latest [statistics](#) in its case-by-case review of pending deportation cases. Of the 288,000 reviewed, 20,648 would be dismissed. ICE prosecutors in [California](#) also began reviewing more than 18,000 pending deportation cases.

#### **June 12, 2012: Obama Administration Sues Florida for Effort to Remove Ineligible Voters**

The Administration [filed](#) a lawsuit to prevent the State of Florida from removing ineligible voters, including illegal immigrants, from its voter registration rolls. On June 28, 2012, a federal court [denied](#) the Administration’s request, largely because Florida had abandoned its efforts, but also held that a State is not prohibited from removing the names of noncitizens from its voter rolls, even within the 90-day quiet period before a federal election.

#### **June 15, 2012: Obama Bypasses Congress and Unilaterally Implements the DREAM Act**

President Obama [unilaterally](#) implemented provisions of the DREAM Act, circumventing Congress under the guise of “prosecutorial discretion.” The Deferred Action for Childhood Arrivals or “DACA” program gives amnesty by executive fiat and work authorizations to illegal aliens under the age of 30 who claimed they arrived in the country before the age of 16. ICE officers would later report that this amnesty was being applied to adult illegal aliens who have been arrested for criminal offenses. In an [interview](#) the same day, Secretary Napolitano admitted that DHS “internally set it up so that the parents are not referred for immigration enforcement if the young person comes in for deferred action,” thereby further expanding the scope of the non-enforcement directive.

#### **June 25, 2012: Obama Administration Rescinds Arizona’s 287(g) Agreements in Retaliation for Supreme Court Upholding State Immigration Enforcement Law**

Immediately following the Supreme Court’s [decision](#) upholding most of Arizona’s immigration enforcement law—which required law enforcement officers to take reasonable steps to verify the immigration status of those lawfully stopped or detained where there is reasonable suspicion to believe they are in the country illegally—the Administration [rescinded](#) all of its 287(g) agreements in Arizona.

#### **July 6, 2012: Obama Administration Announces Closure of Nine Border Patrol Stations**

The Obama Administration [announced](#) the closure of nine Border Patrol stations throughout the country—Lubbock, Amarillo, Dallas, San Antonio, Abilene, and San Angelo, Texas; Billings, Montana; Twin Falls, Idaho; and Riverside, California. A U.S. Customs and Border Protection spokesman claimed it was being done to more effectively use its personnel.

#### **August 6, 2012: Administration Admits It Does Not Enforce Public Charge Law**

The Ranking Members of the Senate Budget, Judiciary, Finance, and Agriculture Committees [requested](#) basic information from DHS and the State Department about visa denials after learning that only two of roughly 80 welfare programs were officially considered when evaluating whether an applicant for admission to the U.S. was likely to become a “public charge,” *i.e.*, dependent on government assistance. Under [Section 212](#) of the INA, an alien who is likely to become a public charge is inadmissible. On February 8, 2013, DHS finally [responded](#) that, in 2012, not a single immigrant was identified by the federal government as being a public charge, and that from FY2005 to FY2011, just 9,700 applicants for admission through the Visa Waiver Program out of more than 116 million were denied on public charge grounds. On March 1, 2013, the State Department finally responded with [data](#) showing that, in 2011, only 0.0033 percent of net applications for admission to the U.S. were denied on “public charge” grounds.

#### **September 12, 2012: Administration Admits Aggressive Campaign To Recruit Immigrants To Sign Up for U.S. Welfare Programs**

In response to a request from the Ranking Member of the Senate Budget Committee, USDA Secretary Tom Vilsack [admitted](#) that USDA personnel conducted more than 30 meetings with the Mexican government to encourage noncitizen enrollment in food stamps and 14 other USDA-administered welfare programs. It is later revealed that a [pamphlet](#) distributed at Mexican consulates in the U.S. assures non-citizens that food stamp enrollment will not affect their path to citizenship, and that the USDA produced and [broadcasted](#) a soap opera-like “*radio novela*,” the premise of which included pressuring an individual to enroll in food stamps even though she insisted she did not need the benefits.

#### **October 4, 2012: Obama Administration Ignores Los Angeles County’s Defiance of Federal Immigration Laws**

The Administration failed to take any action after Los Angeles Police Department Chief Charlie Beck [announced](#) that the LAPD would ignore requests by ICE to detain illegal immigrants arrested for “low-level” offenses.

#### **December 21, 2012: Morton Administrative Amnesty Memo #4**

The Friday before the Christmas holiday, ICE Director Morton issued a fourth [memo](#) with guidance on implementing administrative amnesty and stating that ICE agents could no longer detain illegal immigrants if the only violation of the law was being in the country illegally. ICE agents could now detain only those who have committed a crime independent of their illegal status, administratively suspending the core elements of the INA.

#### **January 22, 2013: Obama Administration Files Brief in Support of Challenge to Arizona Law Requiring Proof of Citizenship to Vote**

The Administration [filed](#) a brief in *Arizona v. Inter Tribal Council of Arizona, Inc.*, challenging Arizona’s law that requires individuals to provide evidence of United States citizenship when registering to vote in federal elections. On June 17, 2013, the Supreme Court [held](#) that although federal law preempted the Arizona law, Arizona could still request that the Elections Assistance

Commission (EAC) to include state-specific instructions on the federal form and a state may challenge a rejection of that request. Writing for the majority, Justice Scalia noted: “Arizona would have the opportunity to establish in a reviewing court that a mere oath will not suffice to effectuate its citizenship requirement and that the EAC is therefore under a nondiscretionary duty to include Arizona’s concrete-evidence requirement on the Federal form.”

#### **February 14, 2013: Administration Announces It Approved Nearly 200,000 DACA Applications**

USCIS [released](#) its latest DACA statistics showing that the Administration had, to that point, granted deferred action to 199,460 illegal immigrants under the program.

#### **February 26, 2013: DHS Says It Has No Metrics for Determining Whether the Border Is Secure**

The GAO released a [report](#) stating that DHS had no official metrics by which to determine whether the border is secure and had no plans to adopt any until late 2013. Since 2004, DHS had used “operational control” as a way to measure border security, and, in 2006, Congress [mandated](#) that DHS maintain operational control of the “entire international land and maritime borders of the United States.” After DHS reported in 2010 that it had operational control over only 13 percent of the 8,607 mile northern, southwestern and coastal border, and only 44 percent operational control of the southwestern border specifically, the Obama Administration abandoned the metric. On March 21, 2013, the [New York Times](#) reported that administration officials admitted that “they had resisted producing a single measure to assess the border because the president did not want any hurdles placed on the pathway to eventual citizenship for immigrants in the country illegally.”

#### **February 2013: Obama Administration Uses Sequester as Excuse To Release More Than 2,000 Illegal Immigrants from ICE Custody**

After reports surfaced that ICE had been releasing illegal immigrants in ICE custody due to the sequester, ICE Director Morton [testified](#) before the House Judiciary Committee that ICE had, in fact, released 2,228 illegal immigrant detainees, at least 629 of whom had criminal records, contradicting earlier statements by DHS officials. Morton also admitted that ICE had rearrested and brought back four of the most dangerous released detainees. According to the [Associated Press](#), more 2,000 had been released before the sequester even took effect and the Administration planned to release 3,000 more.

#### **April 10, 2013: Border Patrol Chief Testified Before Congress that Apprehensions Have Increased**

Chief of the Border Patrol Michael Fisher [testified](#) before the Senate Homeland Security Committee that there had been an increase in “attempted entries,” in part due to Congress’ consideration of an amnesty.

#### **April 23, 2013: Federal Court Holds DHS Does Not Have Discretion To Stop Deportations**

In *Crane v. Napolitano*, the U.S. District Court for the Northern District of Texas [held](#) that “DHS does not have discretion to refuse to initiate removal proceedings [where the law requires it to do so].” The court also affirmed that Congress, and not the President, has the plenary power to set immigration law and that the Administration’s prosecutorial discretion and DACA policies

violate federal law. The lawsuit originated when several ICE agents sued Secretary Napolitano, Director Morton, and Director Mayorkas, arguing that the Administration's amnesty policies caused them to violate their oath of office to enforce the law.

### **August 23, 2013: Obama Administration Adds Broad New Category of Illegal Immigrants Eligible for Backdoor Amnesty**

ICE issued a new [policy](#) prohibiting its agents from detaining and/or deporting illegal immigrant parents, legal guardians, and "primary caretakers" of minor children. The policy memo states that ICE personnel "should ensure that the agency's immigration enforcement activities do not unnecessarily disrupt the parental rights of both alien parents or legal guardians of minor children." In response, House Judiciary Committee Chairman Bob Goodlatte [stated](#) that the new directive "poisons the debate surrounding immigration reform and shows that the Administration is not serious about fixing our broken immigration system."

### **October 5, 2013: Obama Administration Ignores California's Defiance of Federal Immigration Law**

California Governor Jerry Brown [signed](#) a law prohibiting state and local law enforcement from detaining illegal immigrants pursuant to an ICE detainer except in certain narrow circumstances. The bill was [opposed](#) by the California State Sheriffs Association and the California District Attorneys Association. To date, the Obama Administration has taken no action in response.

### **November 15, 2013: Obama Administration Announces More Administrative Amnesty**

USCIS issued a new [Policy Memorandum](#) that employed a dubious interpretation of a policy—not based in statute or regulations—intended to allow aliens *outside* the U.S. to come into the country on a temporary and case-by-case basis under certain circumstances for humanitarian reasons at the discretion of the Attorney General. The Administration announced that it would now use this policy to grant a path to citizenship to illegal immigrant immediate relatives of active and veteran members of the U.S. Armed Forces who are already *in* the country. Again, no legislation was brought before Congress.

### **November 30, 2013: Administration Has Approved Over 500,000 DACA Applications**

According to USCIS, as of November 30, 2013, USCIS has received a total of 627,763 requests for deferred action. Of the total, 509,926 have been approved and 14,614 have been denied.

### **December 13, 2013: Federal Court Rebukes DHS for Aiding Smugglers in Violating U.S. Laws**

U.S. District Judge for the Southern District of Texas, Andrew S. Hanen, issued an [order](#) stating: "This Court is quite concerned with the apparent policy of the Department of Homeland Security of completing the criminal mission of individuals who are violating the border security of the United States." Judge Hanen detailed the practice of DHS immigration agents assisting human traffickers deliver illegal immigrants to their U.S. relatives.



### **March 13, 2014: Obama Announces Review of DHS Enforcement Practices**

The President met with Congressional Hispanic Caucus Leadership to discuss “their mutual efforts to pass commonsense immigration reform legislation through the House of Representatives this year.” A readout of the meeting noted that the President announced to those in attendance that he has directed Secretary of Homeland Security, Jeh Johnson, to “do an inventory of the Department’s current practices to see how it can conduct enforcement more humanely within the confines of the law.” Immigration reform activists see the President’s announcement as an indication that he may weaken current deportation and enforcement policies.

### **March 31, 2014: DHS DOC Reveals Mass Release of Criminal Aliens**

Internal DHS tracking metrics reveal the mass release of criminal aliens in 2013. In some jurisdictions, such as Washington D.C., more than half of encounters with criminal aliens resulted in releases.

### **March 5, 2014: Administration unilaterally acts to provide work permits to spouses of H-1B guest workers, increasing the supply of guest workers by almost 100,000 plus an additional 30,000 each following year.**

Regarding the decision, Judiciary Ranking Member Grassley said in part: “...the Obama administration clearly doesn’t seem concerned with the millions of unemployed Americans, and those who have been forced out of their jobs because companies prefer to hire lower-paid workers from abroad... In addition to their lack of compassion and understanding for American workers, it’s disturbing that the administration is once again circumventing Congress and implementing their own rules... The [Senate’s Gang of Eight] bill, if passed, would allow spouses of H-1B holders to work. Inclusion of this provision signals that the Secretary does not currently have authority [to do so]...”

### **May 12, 2014: DHS DOC Reveals Thousands Of Criminal Offenders Were Freed in 2013**

A DHS document obtained by the Center for Immigration Studies revealed that ICE freed 36,007 criminal aliens from ICE detention in 2013. CIS writes: “This group included aliens convicted of hundreds of violent and serious crimes, including homicide, sexual assault, kidnapping, and aggravated assault. The list of crimes also includes more than 16,000 drunk or drugged driving convictions. The vast majority of these releases from ICE custody were discretionary, not required by law (in fact, in some instances, apparently contrary to law), nor the result of local sanctuary policies.”