

U.S. Hardens Its Stance On an Immigrant Policy

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After months of internal wrangling and confusion over an ambitious nationwide program allowing state and local police agencies to identify immigrants with criminal records, Obama administration immigration officials have decided to take a hard line against communities that try to delay or cancel their participation in the program, according to documents made public late Wednesday.

The program, Secure Communities, was initiated in late 2008 and is a centerpiece of the Obama administration's strategy for enforcing immigration laws. The documents include e-mails and other materials showing deliberations among officials of Immigration and Customs Enforcement, which runs the program.

The documents show that well into the second year of the program, as officials were moving forcefully to extend it to hundreds of law enforcement agencies across the country, the officials remained deeply confused over whether state and local governments could decline to join it. The internal discussions intensified as cities and states — including Arlington County, Va., San Francisco, Santa Clara County, Calif., Washington, and the states of Colorado, New York, Oregon and Washington — were considering whether to opt out.

But late last year, the documents show, officials from ICE, as the federal agency is known, reaffirmed its policy that every local jurisdiction in the country would be required to join the program by 2013. The officials developed a plan to isolate and pressure communities that did not want to participate.

One document, dated Jan. 2, 2011, suggests a “tactical approach to sensitive jurisdictions” for local immigration officers

working to expand the program. It recommends that they bring nearby communities into the program, to create a “ring” around the “resistant site.”

The Secure Communities program connects the state and local police to Department of Homeland Security databases, allowing them to use fingerprints to check the immigration history, as well as the criminal record, of anyone booked after arrest. If a fingerprint match shows that the suspect is subject to deportation, both the immigration agency and the police are notified. As of this week, the program had been activated in 1,049 local law enforcement agencies in 39 states.

Agency officials said the program has led to the deportation of about 58,300 immigrants with criminal convictions since it was started in 2008.

Immigrant advocacy groups strongly oppose the program, saying it has led to deportations of thousands of illegal immigrants who had no criminal records, separating established families. Immigrants' groups have held protests to dissuade local governments from signing on.

About 15,000 pages of agency documents were released through a Freedom of Information Act request by the National Day Laborer Organizing Network, the Center for Constitutional Rights and immigration lawyers at the Benjamin N. Cardozo School of Law in New York. The Associated Press obtained the documents separately and reported on them on Wednesday.

Several dozen documents were culled for release by the groups, which oppose the Secure Communities program.

Sarahi Uribe of the laborers' group accused the agency of misleading communities by sending mixed signals about whether they could opt out of the program. “The amount of dishonesty

revealed in this process would make anyone question whether ICE recognizes it's operating in a democracy,” Ms. Uribe said.

Immigration officials said they could not respond directly because a court case over the release of the documents remained open. But Brian Hale, an agency spokesman, said in a statement that “deliberative, internal correspondence should not be confused for final policy.”

He said that while communities could not opt out of the program, the police could choose not to receive the results of immigration checks performed when suspects are booked.

A Homeland Security official added that a state could legally refuse to participate in the program, but he said immigration of

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officials were confident that no state would give up its access to national criminal databases.

The documents show that as inquiries arrived from states, immigration officials scrambled in mid-2010 to determine whether the program was voluntary. From May to July, Representative Zoe Lofgren, Democrat of California, who was then chairman of the House Judiciary immigration subcommittee, peppered agency officials with queries on that issue.

“I’m totally confused now,” one official wrote in a June 23 e-mail. “It seems like we have different language for different purposes and it’s confusing,” wrote the official, whose name was redacted.

In a flurry of e-mails, officials clarified that their plan was to extend the program nationwide by 2013, with no exceptions. By September, they were weighing ways to penalize states or police departments that did not participate, like cutting off their access to all criminal fingerprint databases.

Ms. Lofgren said Thursday



that it remained unclear to many communities whether they had to participate. "I don't see how the government has the authority to do this," she said.