



President Obama's Record of  
Dismantling Immigration Enforcement  
2009 – 2015

A SPECIAL REPORT BY  
THE FEDERATION FOR AMERICAN  
IMMIGRATION REFORM

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**FAIR**



# President Obama's Record of Dismantling Immigration Enforcement

2009 – 2015

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The Obama administration's strategy is to count on the fact that the public and the media will not take notice of each individual and incremental step they are taking to undermine immigration enforcement and grant de facto amnesty to as many illegal aliens as possible. This report exposes the strategy and the policy objectives behind it.

# FOREWORD

President Barack Obama came to office in 2009 and pledged that during his first year of office he would enact amnesty legislation for illegal aliens living in the U.S. That, of course, did not happen—not because of any lack of ideological commitment on the part of the President, but because of pragmatic considerations. Only two years earlier, then Senator Obama watched as President George W. Bush tried to toss the American people into the boiling cauldron of comprehensive amnesty in 2007. It didn't work. Voters angrily crashed the Capitol switchboard on the day the Senate was set to vote and as a result, 14 Democrats joined 39 Republicans to vote down the amnesty legislation.<sup>1</sup> As President, Obama concluded—correctly—that there just is not an appetite in Congress for another politically bruising fight over comprehensive immigration “reform.”

Understanding that Members of Congress ultimately would not ignore the unequivocal objections of their constituents to amnesty, the Obama administration opted to adopt a strategy of dismantling immigration enforcement in order to achieve the same ends. The administration hoped that while the American people were focused on unemployment, crashing real estate values, banking scandals, health care reform, foreign policy crises, and countless other issues, they would not notice what was actually taking place.

This report details how the Obama administration has carried out a policy of de facto amnesty for millions of illegal aliens through executive policy decisions. Since 2009, the Obama administration has systematically gutted effective immigration enforcement policies, moved aggressively against State and local governments that attempt to enforce immigration laws, and stretched the concept of “prosecutorial discretion” to a point where it has rendered many immigration laws meaningless. Remarkably, the administration has succeeded in doing all this without much protest from Congress.

Thus, despite the fact that the U.S. Constitution grants Congress plenary authority over immigration policy, the Executive Branch is now making immigration policy unconstrained by constitutional checks and balances. This report chronologically highlights the process that has unfolded over Obama's presidency. A review of the Obama administration's record shows:

- The administration's conscious effort to end policies that effectively enforce and deter illegal immigration. This includes the cessation of meaningful worksite enforcement against employers who hire illegal aliens and the removal of the illegal workers. It also includes ending effective partnership programs with state and local governments, such as the 287(g) program, that provide a structure through which state and local agencies may enforce immigration laws.
- The administration's intimidation of State and local governments determined to enforce federal immigration laws. President Obama has turned the Department of Justice into the administration's attack dog, filing lawsuits against states that pass their own immigration enforcement laws. When lawsuits fail, the Department's Civil Rights division launches meritless investigations designed to harass local governments and officials who attempt to enforce the law.

- The administration’s brazen efforts to grant amnesty to illegal aliens through executive fiat. First, ahead of his 2012 reelection bid, President Obama created Deferred Action for Childhood Arrivals (DACA), an amnesty program for so-called DREAMers that granted deferral from deportation and work authorization. Then, after winning reelection, President Obama teamed up with the Gang of Eight to ram a mass amnesty guest worker bill through Congress despite the overwhelming objections from the American people. After that effort failed, President Obama claimed he had even more executive power—despite saying 22 times he did not—and expanded DACA and created the Deferred Action for Parents of Americans (DAPA), an executive amnesty program for the illegal alien parents of citizen children.
- The administration’s dependence on illegal alien advocates to make U.S. immigration policy for the Executive Branch. President Obama has placed strident amnesty advocates in key positions throughout his administration. These appointees have worked openly with advocacy groups to shape a series of policies that amount to backdoor amnesty.
- Outright deception on the part of the administration designed to convince the American public that immigration laws are being vigorously enforced. The Obama administration repeatedly engages in efforts to inflate its record of deporting illegal aliens. These deceptive practices include the release of data that is later exposed to be inaccurate. The Departments of Justice and Homeland Security carefully select data to claim that our “borders are more secure than ever,” even as violence along the southern border escalates to alarming proportions.

# TIMELINE: 2009

## Dismantling Enforcement and Peddling Amnesty

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**JANUARY 29**

**Napolitano Delays E-Verify Requirement for Federal Contractors** – Department of Homeland Security (DHS) Secretary Janet Napolitano delays the implementation of a rule requiring federal contractors with contracts over \$100,000 to use the E-Verify program from February 20 to May 21. The rule was promulgated to comply with executive order 13465 by President George W. Bush, which directed federal agencies to require those they contract with to verify the work authorization of their employees.<sup>2</sup> The original deadline for the rule’s implementation was January 15, 2009, but it was delayed due to a lawsuit filed by the U.S. Chamber of Commerce.<sup>3</sup>

**FEBRUARY 18**

**President Expresses Support for Amnesty** – While appearing on a Spanish language radio show, the President reasserts his support for granting widespread amnesty to illegal aliens. He also acknowledges that “politically, it’s going to be tough” and says “some wonderful people on my White House staff” are already working on the issue.<sup>4</sup>

**MARCH 18**

**Obama to Work with Congressional Hispanic Caucus to Address their Immigration Concerns** – In an address to the Congressional Hispanic Caucus (CHC), President Obama expresses his intention to work closely with the organization to “address immigration concerns in both the short and long term.” Later in the day, Obama reiterates his support for amnesty at a town hall forum.<sup>5</sup>

**APRIL 1**

**Release of Illegal Aliens in Washington State Signals End of Worksite Enforcement**  
The administration releases and grants work authorization to 28 illegal aliens previously arrested by U.S. Immigration and Customs Enforcement (ICE) agents during an investigation of the Yamato Engine Specialist plant in Bellingham, Washington. This event marks the administration’s decision to actively dismantle worksite enforcement sending a clear message to illegal aliens that they will not be penalized for violating U.S. immigration law.<sup>6</sup>

**APRIL 8**

**La Raza Lobbyist Turned White House Advisor: Amnesty Debate this Year** – In an interview with *The New York Times*, White House Director of Intergovernmental Affairs Cecilia Muñoz, says the President “intends to start the [amnesty] debate this year.”<sup>7</sup>

**APRIL 16**

**Napolitano Delays E-Verify for Federal Contractors, Again** – Once again, Secretary Napolitano gives federal contractors a pass and extends the deadline to comply with a regulation requiring the use of E-Verify. Compliance is delayed until June 30.<sup>8</sup>





APRIL 16

**Obama Meets with Mexican President, Discusses Amnesty** — During a press conference in Mexico with President Felipe Calderon, President Obama reiterates his pledge to pass an amnesty bill.<sup>9</sup>

APRIL 30

**DHS Stops Effective Worksite Raids, Switches to Audits** — ICE issues new worksite enforcement guidelines for all of its agents in the field. The new guidelines came as no surprise, given that Homeland Security Secretary Janet Napolitano announced after the successful enforcement action in Bellingham, Washington, that her Department would reexamine ICE's procedures more closely. While the guidelines focus on the need to criminally prosecute employers who hire illegal aliens, they do not offer anything new with respect to enforcement against employees.<sup>10</sup>

MAY 6

**Secretary Napolitano Voices Support for the DREAM Act** — In testimony before the Senate Judiciary Committee, Senator Dick Durbin (D-Ill.) asks DHS Secretary Janet Napolitano for her opinion on the DREAM Act. Telling Durbin that "the DREAM Act is a good piece of legislation and a good idea," Napolitano replies that she supported it as governor of Arizona and supports it now.<sup>11</sup>

JUNE 3

**Administration Delays E-Verify for Federal Contractors a 3rd Time** — For a third time, DHS Secretary Napolitano delays compliance with a federal regulation requiring federal contractors to use E-Verify. The rule will finally be implemented on September 8, 2009.<sup>12</sup>

JUNE 25

**President Holds Amnesty Summit** — President Obama holds a closed-door summit with pro-amnesty Members of Congress to discuss immigration policy. In a media address after the meeting the President says the "Administration is fully behind an effort to achieve comprehensive immigration reform."<sup>13</sup>

JULY 10

**DHS Rewrites 287(g) Agreements to Curb Enforcement** — DHS announces it is rewriting and standardizing the Memorandum of Agreements (MOA) with participating law enforcement agencies to ensure that 287(g) operations comport with ICE priorities, particularly the identification and removal of criminal aliens only. According to the administration, the new MOA will "address concerns that individuals may be arrested for minor offenses as a guise to initiate removal proceedings."<sup>14</sup>

JULY 22

**Administration Discusses Dismantling Enforcement with Sanctuary City Police**

Obama administration officials attend another amnesty summit, this time in Phoenix with sanctuary city law enforcement representatives. The Police Executive Research Forum (PERF) hosts the summit and participants are highly critical of local enforcement tools like 287(g) and voice support for a massive guest worker program.<sup>15</sup>

AUGUST 10

**On Second Trip to Mexico, Obama says Amnesty Moving by End of Year** — On his second trip to Mexico in only four months, President Obama predicts that Congress will pass an amnesty bill in 2010

and start moving the debate by the end of the year. He says, “Secretary Napolitano is coordinating these discussions.”<sup>16</sup>

**OCTOBER 21**

**USCIS Director Reiterates Administration’s Support of Amnesty** – When asked during a press conference at the Foreign Press Center, “[W]hat do you think about the future of illegal immigrants?” U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas responds, “The President has spoken about his belief that a path to citizenship should be created as part of comprehensive immigration reform for a certain population of undocumented workers in this country today.”<sup>17</sup>

**NOVEMBER 13**

**Napolitano Lays Out Three-Step Immigration Plan, Step 1: Amnesty** – DHS Secretary Napolitano describes the Obama administration’s vision of immigration reform as a “three-legged stool” in a speech at the pro-amnesty think tank Center for American Progress. The so-called “stool” consists of: (1) a mass amnesty for the approximately 12 million illegal aliens currently living in the U.S.; (2) “improved legal flows for families and workers,” which means a dramatic increase in legal immigration; and (3) empty promises of “serious and effective enforcement.”<sup>18</sup>

# TIMELINE: 2010

## Preventing State and Local Enforcement

DEPARTMENT OF JUSTICE BECOMES INSTRUMENT OF INTIMIDATION

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MARCH 4

**DHS Inspector General: Administration Plan to Undermine 287(g) only Partially Complete** — A report from DHS's Office of Inspector General (OIG) indicates that the Obama administration has only partially completed its plan to undermine state and local immigration enforcement by dismantling the 287(g) program. The OIG says the operations of 287(g) do not match the administration's new directives and makes numerous recommendations for ICE to fully implement the Obama administration's plan.<sup>19</sup>

MARCH 17

### DOJ Threatens Employers Who Use E-Verify with Discrimination Investigations

Assistant U.S. Attorney General Thomas Perez, head of the Civil Rights Division at the Department of Justice (DOJ) and former board member of the open borders group CASA de Maryland, joins officials from USCIS to announce an information-sharing agreement that will increase investigations of employers who use E-Verify for possible discriminatory practices. Mr. Perez states that the new information will better enable DOJ to protect authorized workers from national origin or citizenship-status discrimination. Under the agreement, USCIS will share data from E-Verify queries, including citizenship status, with the DOJ Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) to assist them in identifying violations of the anti-discrimination provisions of the Immigration and Nationality Act (INA).<sup>20</sup>



MAY 19

### ICE Director Tells Agents not to Cooperate with Arizona

— In an interview with the *Chicago Tribune*, ICE Director John Morton announces that his agency may not process illegal aliens transferred to the agency's custody by Arizona officials. Morton—the official charged with the interior enforcement of U.S. immigration laws—criticizes Arizona's new immigration law, SB 1070, and says “[t]he best way to reduce illegal immigration is through a comprehensive federal approach, not a patchwork of state laws.”<sup>21</sup>

MAY 27

### ICE Email Reveals Luxury Living in New Detention Facilities

— ICE, working with a private prison contractor, makes a number of changes and “upgrades” to nine detention facilities housing illegal aliens. An ICE email reveals that “low-risk” detainees will 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, and free internet calling. Illegal alien detainees will also be entertained with movie nights, bingo, arts and crafts, dance and cooking classes, tutoring, and computer training.<sup>22</sup>

JUNE 2

### Obama Administration Challenges Arizona E-Verify Law

— The Obama administration files an amicus brief on behalf of the U.S. Chamber of Commerce, asking the U.S. Supreme Court to strike down a

2007 Arizona law that punishes employers who knowingly hire illegal aliens. “The Legal Arizona Workers Act,” signed by then Arizona Governor Janet Napolitano, requires all Arizona employers to use the federal E-Verify system and allows Arizona to suspend and/or revoke the business licenses of employers who knowingly hire illegal aliens. The Chamber of Commerce filed a lawsuit in 2007 seeking to strike down the Arizona law, arguing that federal law preempts both provisions.<sup>23</sup>

**JUNE 17**

**Clinton Announces DOJ Will Sue Arizona Over S.B. 1070** — News breaks that U.S. Secretary of State Hillary Clinton announced during a recent interview with an Ecuadorian television station that the Administration “will be bringing a lawsuit” against Arizona to block the implementation of SB 1070, the state’s immigration enforcement law passed in April 2010. The DOJ confirms this days later, its goal to intimidate other states from following Arizona’s lead.<sup>24</sup>



**JUNE 25**

**ICE Union Unanimously Votes No Confidence in Leadership** — The National ICE Council, the union that represents more than 7,000 detention and removal agents within ICE, unanimously casts a “Vote of No-Confidence” in ICE Director John Morton and Assistant Director of the ICE Office of Detention and Policy and Planning, Phyllis Coven. According to the union, the vote reflects “the growing dissatisfaction among ICE employees and Union Leaders that Director Morton and Assistant Director Phyllis Coven have abandoned the Agency’s core mission of enforcing United States immigration laws and enforcing public safety, and have instead directed their attention to campaigning for programs and policies relating to amnesty...”<sup>25</sup>

**JUNE 26**

**Obama Names Sanctuary City Police Chief as Head of 287(g) Program** — President Obama appoints an outspoken critic of local immigration enforcement as the new head of ICE’s 287(g) program, which deputizes local law enforcement agents so that they are able to identify illegal aliens by allowing them to investigate a suspect’s immigration status after an arrest has been made. Former Houston and Phoenix police chief Harold Hurtt has been highly critical of the very program he has been asked to lead. In 2008, Hurtt went so far as to describe the 287(g) program as a burden on local law enforcement agents who “don’t want to be immigration officers.” Hurtt also actively supported Houston’s sanctuary policies.<sup>26</sup>

**JULY 1**

**Obama Uses University Speech to Resurrect Amnesty Push** — Less than two months after Members of Congress from both sides of the aisle declared immigration reform dead in 2010, President Obama tries to resurrect legislation to grant amnesty to the approximately 12 million illegal aliens currently living in the United States. Speaking at American University in Washington, DC, Obama reiterates his support for a “pathway for legal status” for illegal aliens.<sup>27</sup>

**JULY 6**

**DOJ Files Complaint to Enjoin Arizona’s S.B. 1070** — After months of speculation, President Obama’s Justice Department officially files suit against Arizona to preliminarily enjoin the state’s immigration enforcement law, SB 1070, from taking effect. The DOJ claims federal law preempts five sections of the Arizona law: Section 2 (status verification checks during lawful stops); Section 3 (alien registration crimes); Section 4

(smuggling prohibition); Section 5 (unlawful seeking of work); and Section 6 (warrantless arrest of illegal aliens). Disregarding Congressional intent that federal immigration laws be enforced, the complaint states that if SB 1070 were to take effect, it would “conflict with and undermine the federal government’s careful balance of immigration enforcement priorities and objectives.”<sup>28</sup>

**JULY 14**

**Obama Administration Refuses to Sue Sanctuary Cities** – A week after suing Arizona to block its immigration enforcement law, SB 1070, the DOJ says it will not sue sanctuary cities for openly defying federal immigration law. A Justice Department spokeswoman inexplicably argues, “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.”<sup>29</sup>

**JULY 28**

**Obama Administration Wins Federal Injunction Against Arizona** – U.S. District Court Judge for the District of Arizona, Susan R. Bolton, issues her injunction of Sections 2, 3, 5, and 6 of SB 1070, handing a victory to the Obama administration in its war against state enforcement legislation. Judge Bolton adopts the DOJ’s argument that executive branch priorities, rather than congressional intent, can preempt state law.<sup>30</sup>

**JULY 30**

**Leaked Agency Memo Reveals Intent to Grant Administrative Amnesty** – An official USCIS memo reveals the administration’s intent to circumvent Congress on immigration policy and grant amnesty administratively. In the memo, entitled “Administrative Alternatives to Comprehensive Immigration Reform,” senior officials at USCIS offer Director Alejandro Mayorkas a variety of ways to “reduce the threat of removal for certain individuals present in the United States without authorization” and extend benefits and protections to many individuals and groups until amnesty is granted.<sup>31</sup>

**AUGUST**

**Immigration Officers Stop Detaining Illegal Aliens During Traffic Stops** – ICE begins circulating a draft policy that would significantly limit the circumstances under which ICE would take custody of illegal aliens. The memo provides that immigration officers shall issue detainers – or official notification to local law enforcement agencies that ICE intends to assume custody of the alien – only after a law enforcement agency has independently arrested the alien for a criminal violation.<sup>32</sup>

**AUGUST 24**

**Homeland Security Begins Dismissing Deportation Cases** – The *Houston Chronicle* reveals that DHS has begun to dismiss deportation proceedings against certain aliens. According to the paper, DHS began systematically reviewing thousands of pending immigration cases and moving to dismiss those filed against suspected illegal aliens without serious criminal records. The local Houston office of ICE is reviewing 2,500 cases and other ICE offices around the country are expected to follow suit. Subsequent reports by the *Chronicle* reveal the policy shift resulted in Texas immigration courts dismissing hundreds of deportation cases, increasing the rate of dismissal of such cases 700 percent between July and August of 2010.<sup>33</sup>

SEPTEMBER 15

**Obama Promises Hispanic Caucus He Will Fight for Amnesty** – President Obama asserts that due to the failure to pass amnesty legislation “states like Arizona have taken matters into their own hands.” He says he is fighting the Arizona law because he feels it was the wrong way to deal with this issue. According to the President, the Arizona law “interferes with federal immigration enforcement. It makes it more difficult for ... local law enforcement to do its job. It strains state and local budgets. And if other states follow suit, we’ll have an unproductive and unworkable patchwork of laws across the country.”<sup>34</sup>



SEPTEMBER 16

**Memo: DHS Reveals Administrative Amnesty Plan** – A 10-page memo leaked to *The American Spectator*, and dated February 26, 2010, details how DHS has “long envisioned” a two-phase amnesty program to legalize “those who qualify and intend to stay here.” The first phase would include registration, screening, and the granting of “interim status that allows illegal aliens to work in the U.S.” The second phase would grant legal permanent resident status (i.e. green cards) to those who meet additional requirements.<sup>35</sup>

OCTOBER 8

**ICE Presents Misleading Deportation Data** – According to ICE’s deportation statistics, from October 2009 until September 2010 the agency deported 392,862 illegal aliens. Roughly half of the deportations—more than 195,000—were of *criminal* illegal aliens. However, Napolitano fails to mention that while the deportation of criminal illegal aliens has risen, the change in the total number of *overall* deportations is statistically insignificant. In fact, the number of deportations of non-criminal illegal aliens has decreased.<sup>36</sup>

DECEMBER 6

**Public Learns Homeland Security Padded FY 2010 Deportation Numbers** – In October, DHS announced it had “removed more illegal aliens than in any other period in the history of our nation” during the 2010 fiscal year. However, interviews and internal communications cited in *The Washington Post* indicate the Department’s record number of 392,862 deportations (also called “removals”) was padded. First, the article charges that ICE included 19,422 removals in FY 2010 that were really from the previous fiscal year. *The Post* article also describes how ICE extended a Mexican repatriation program beyond its normal operation dates, adding 6,500 to the final removal numbers.<sup>37</sup>

# TIMELINE: 2011

## Rewriting the Rules

AMNESTY BY ADMINISTRATIVE ACTION

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JANUARY 25

**Obama Promotes Failed DREAM Act in State of the Union Address** — Less than a month after the Democrat-controlled Senate rejected the DREAM Act, President Obama uses his State of the Union address to renew the call for its passage. There are “hundreds of thousands of students excelling in our schools who are not U.S. citizens,” he said. Many of these “live every day with the threat of deportation.” Urging Congress to tackle illegal immigration “once and for all”, the President says he is “prepared to work with Republicans and Democrats to protect our borders, enforce our laws and address the millions of undocumented workers who are now living in the shadows.”<sup>38</sup>



FEBRUARY 15

**Less than Half of Southern Border Under Operational Control** — As a result of President Obama’s failure to enforce U.S. immigration law, House Subcommittee on Border and Maritime Security Chairwoman Candice Miller (R-Mich.) notes that only 69 of roughly 4,000 miles along the northern border are under “operational control,” and that only 873 of about 2,000 miles are under “operational control” along the southern border. The 2006 Secure Fence Act mandated that Homeland Security achieve and maintain operational control of the borders and defined “operational control” 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.”<sup>39</sup>

MARCH 2

**Morton Memo #1: Administration Outlines Enforcement “Priorities”; Limits to Criminal Aliens** — In a departmental memo, ICE Director John Morton outlines new enforcement priorities and encourages immigration agents to not enforce the law against illegal aliens who do not meet these priorities. Morton refers to this non-enforcement policy as the use of “prosecutorial discretion.” The prioritized categories include: convicted criminals, terrorists, gang members, recent illegal entrants, and fugitive aliens. Additionally, the memo sets out guidelines for limiting detention for certain illegal aliens.<sup>40</sup>

MARCH 30

**9/11 Commissioner Warns U.S. Needs Programs Put on Hold by Obama** — Chairman of the 9/11 Commission, Tom Kean, testifies before the Senate Homeland Security Committee that “border security remains a top national security priority, because there is an *indisputable nexus* between terrorist operations and terrorist travel.” He further explains that, “Foreign-born terrorists have continued to exploit our border vulnerabilities to gain access to the United States,” and emphasizes that while the government has made some improvements, troubling vulnerabilities in border security remain. He recommends implementing US-VISIT and REAL ID—two programs the Obama administration refuses to execute.<sup>41</sup>

APRIL 13

**Obama Administration Exposed for Suspending Over 34,000 Deportations of Illegal Aliens in 2010** – According to data USCIS sent to Senator Chuck Grassley’s (R-Iowa) office, DHS granted deferred action and humanitarian parole to 34,448 illegal aliens residing in the U.S. in fiscal year 2010.<sup>42</sup>

APRIL 19

**President’s Immigration “Stakeholders” Meeting Stacked with Amnesty Advocates** President Obama hosts a meeting on immigration reform with 70 pro-amnesty guests including former Governor Arnold Schwarzenegger, New York City Mayor Michael Bloomberg, Los Angeles City Council President Eric Garcetti, Rev. Al Sharpton, and former Commerce Secretary Carlos Gutierrez. Although the White House press release on the meeting stated that the President planned to discuss how to “build a bipartisan consensus in Congress” on immigration reform, the White House failed to invite any Members of Congress, border state governors, or law enforcement representatives.<sup>43</sup>

APRIL 27

**Border Smuggling So Severe, Feds Decline to Prosecute** – Witnesses testify in front of the House Border and Maritime Subcommittee that due to massive illegal activity, federal prosecutors in districts along the Southwest border decline to charge drug smugglers and illegal border crossers unless the amount of narcotics and/or aliens smuggled into the country reaches a certain threshold.<sup>44</sup>

APRIL 28

**Obama Hosts Celebrity Amnesty Meeting** – On the heels of his pro-amnesty “stakeholders” summit, President Obama holds another immigration meeting at the White House, this time with celebrities from the Hispanic community to discuss “comprehensive immigration reform” and the failed DREAM Act. Notable attendees include actresses Eva Longoria and America Ferrera, television hosts Jose Diaz-Balart of *Telemundo* (the brother of U.S. Rep. Mario Diaz-Balart (R-Fla.)) and Maria Elena Salinas of *Univision*, Emilio Estefan (husband of singer Gloria Estefan), and executive director of the pro-amnesty group Voto Latino, Maria Teresa Kumar. After the meeting, Longoria says, “We will be reintroducing [the DREAM Act] next week and hopefully get it to pass.”<sup>45</sup>



APRIL 29

**Obama Pushes DREAM Act in Commencement Speech** – One day after the celebrity meeting, President Obama continues to push for the DREAM Act while delivering the commencement address at Miami Dade College in Florida. He tells the audience, “I know that several young people here have recently identified themselves as undocumented....And I will keep fighting alongside many of you to make the DREAM Act the law of the land.” Senate Democrats reintroduce the bill on May 11.<sup>46</sup>

MAY 10

**Obama Falsely Declares Border Secure** – In a speech at the border in El Paso, Texas, President Obama tells Americans the border is secure. The President quickly follows these remarks by declaring that it is now time for Congress to pass “comprehensive” immigration reform. However, the fence is not complete, checks on both borders have decreased, and violence along the border continues. At the same time, a Rasmussen Report poll reveals that 64 percent of U.S. citizens believe the border is not secure.<sup>47</sup>

JUNE 17

**Morton Memo #2: Obama Administration Bypasses Congress, Will Not Prosecute Illegal Aliens Eligible for the DREAM Act** — ICE Director John Morton issues a memorandum directing ICE agents to refrain from enforcing U.S. immigration laws against certain segments of the illegal alien population, including those who qualify for the DREAM Act. The memorandum lists 19 different factors agents should consider when deciding whether to take an illegal alien into custody. Criterion include the Agency's enforcement priorities as stated in his March 2 memorandum, the alien's length of presence in the U.S., whether the alien entered the U.S. as a minor, the alien's pursuit of education in the U.S., whether the alien or their spouse is pregnant or nursing, and whether the alien's nationality makes removal unlikely.<sup>48</sup>

**Morton Memo #3: Non-Enforcement Against Illegal Aliens Claiming to be Victims** ICE Director John Morton issues a second memorandum that same day, directing ICE agents to refrain from enforcing U.S. immigration laws against crime victims, witnesses to crime, and "individuals pursuing legitimate civil rights complaints;" however, his directive is much broader. In particular, he instructs ICE personnel to consider individuals engaging in a protected activity related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions) who may be in a non-frivolous dispute with an employer, landlord, or contractor.<sup>49</sup>

JUNE 23

**ICE Union Outraged Over Morton DREAM Act Memo** — Leaders of the National ICE Council, a union representing roughly 7,000 ICE agents, officers and employees, express outrage over the June 17 administrative amnesty memorandum authored by ICE Director John Morton. The Council says that since the administration was "unable to pass its immigration agenda through legislation, [it] is now implementing it through agency policy." It also accuses ICE officials of working "hand-in-hand" with the open-borders lobby, while excluding its own officers from the policy development process.<sup>50</sup>

JUNE 27

**ICE Emails Reveal Cover-up of Administrative Amnesty Policy** — Internal memos confirm that once the *Houston Chronicle* (on Aug. 24, 2010) exposed DHS' directive to review and dismiss deportation cases, ICE officials attempted to publicly distance themselves from such lenient policies and deny that they ever existed. The revelations in the emails obtained through the *Chronicle's* FOIA request, however, make clear that such a directive did exist and was even praised by senior ICE officials.<sup>51</sup>

JUNE 29

**Obama: No Mandatory E-Verify without Amnesty** — When asked at a White House press conference whether he would sign mandatory E-Verify legislation, the President indicates that his priority is amnesty. He adds, "We may not be able to get everything that I would like to see in a package, but we have to have a balanced package."<sup>52</sup>



JULY 6

**Administration Quietly Signs Agreement to Open U.S. Borders to Mexican Trucks** — A provision of NAFTA granting Mexican trucks access to U.S. highways has repeatedly been delayed due to a number of safety and economic concerns. Despite those concerns

compounding in recent years—due to the presence of violent drug cartels and human smuggling operations along the border—the Obama administration decides to implement that provision even though the U.S. lacks the capability to inspect more than a small fraction of the trucks that will be crossing the border.<sup>53</sup>

#### AUGUST 1

**DOJ Files Complaint to Enjoin Alabama’s HB 56** — The DOJ files a lawsuit to preliminarily and permanently enjoin from taking effect nearly a dozen provisions in Alabama’s immigration enforcement law, HB 56. Some of the provisions the DOJ seeks to block include: making it a criminal offense in Alabama to violate federal laws which require aliens to carry their registration cards and register with the federal government; allowing Alabama law enforcement officers to verify an individual’s immigration status with the federal government if reasonable suspicion of unlawful presence arises during a lawful stop, detention or arrest; making it a crime to knowingly conceal, harbor or shield an illegal alien from detection; and requiring public elementary and secondary schools to determine the citizenship status of enrolling students for reporting purposes.<sup>54</sup>

#### AUGUST 18

**Secretary Napolitano Announces Review of Pending and Incoming Immigration Cases; Administration to Release Non-Criminal Aliens** — In an unprecedented move, Homeland Security Secretary Janet Napolitano announces that DHS is establishing an “interagency working group to execute a case-by-case review” of all pending and incoming deportation cases. According to Napolitano, this review is intended to ensure that proceedings only continue against aliens who fall under the Department’s priorities. While the exact composition of the “working group” remains secret to-date, Napolitano states that DHS and DOJ attorneys, in addition to other personnel, will identify “low-priority” deportation cases (currently over 300,000) at every stage of the process that should be considered for an exercise of discretion. It will also issue guidance to prevent “low-priority” cases from even entering the system in the first place. This case-by-case approach, Napolitano writes, “will enhance public safety.”<sup>55</sup>

#### SEPTEMBER 28

**President Admits at Hispanic Roundtable that Interior Enforcement is Negligible** — In an attempt to deflect criticism from illegal alien advocates, the President argues that new deportation statistics are misleading and acknowledges that he has virtually stopped interior enforcement of our immigration laws. He says, “[T]he 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.”<sup>56</sup>

#### OCTOBER 12

**ICE Director Admits White House Role in Amnesty Memos** — In testimony before the House Immigration Policy and Enforcement Subcommittee, ICE Director John Morton admits that White House officials reviewed his June 17 memorandum directing personnel to refrain from taking action against illegal aliens who would qualify for amnesty under the failed DREAM Act prior to his issuance of it. He also testified that White House Director of Intergovernmental Affairs and former National Council of La Raza employee (now White House Domestic Policy Director), Cecilia Muñoz, assisted in its preparation.<sup>57</sup>

OCTOBER 18

## ICE Does Nothing after Santa Clara County Votes to Ignore Immigration Detainers

The Obama administration refuses to act after the Santa Clara County, California, Board of Supervisors votes 3-1 to stop using county funds to honor ICE detainers, except in limited circumstances. The County adopts the policy as retaliation for what it considers forced participation in the Secure Communities program.<sup>58</sup>

**DHS Deceives Public with High Deportation Stats** — Homeland Security Secretary Janet Napolitano attempts to calm the open borders lobby by explaining that the new level of deportations was reached by deporting a greater number of criminal aliens, not illegal aliens whose “only” infraction is unlawful entry or presence.<sup>59</sup>

OCTOBER 19

## ICE Does Nothing after D.C. Mayor Orders Police to Disregard Immigration Laws

The Obama administration refuses to act after District of Columbia (D.C.) Mayor, Vincent C. Gray, issues an executive order to prevent D.C. police from enforcing U.S. immigration law. Among other things, the order prohibits all public safety agencies from inquiring about an individual’s immigration status or from contacting ICE if there is no nexus to a criminal investigation.<sup>60</sup>

OCTOBER 25

**DHS Orders Reduction in Border Inspections** — According to the *Associated Press*, Homeland Security Secretary Janet Napolitano begins quietly ordering U.S. Customs and Border Protection (CBP) agents to scale back border inspections. Border agents now report that instead of conducting random checks, or checks based on suspicious behavior, they have been ordered to only conduct checks based on actual intelligence indicating a threat.<sup>61</sup>

OCTOBER 31

**DOJ Files Complaint to Enjoin South Carolina’s S 20** — The DOJ files suit against South Carolina’s immigration enforcement law, following the ACLU’s suit in October. The DOJ seeks to enjoin enforcement provisions in the law, similar to lawsuits filed against Arizona and Alabama.<sup>62</sup>



NOVEMBER 1

**DOJ Demands Data from Alabama Schools** — After condemning Alabama for passing its immigration enforcement law, HB 56, the DOJ sends a letter to state superintendents demanding they turnover data collected regarding student absenteeism since the beginning of the 2011-2012 school year. DOJ Civil Rights Division Director, Assistant Attorney General Thomas Perez, requests the information be sent in two weeks and then monthly thereafter to prevent civil rights violations.<sup>63</sup>

NOVEMBER 7

**Memo: DHS Consolidates Power Under ICE** — USCIS issues a policy memorandum on November 7 to assist ICE in implementing the Obama administration’s backdoor amnesty program. The stated goal of the memorandum is to ensure that USCIS’ practice of directing people to appear in immigration court, through what are called “notices to appear,” or NTAs, complements ICE’s goal of administratively closing cases it does not consider a priority. The new guidelines set forth in the memorandum explain when USCIS personnel can

unilaterally issue these notices to appear, and when USCIS must refer a case to ICE. The new USCIS memo reflects how the Obama administration is consolidating all decisions regarding immigration enforcement at the highest levels within the Department of Homeland Security.<sup>64</sup>

NOVEMBER 17

**Memo: ICE Issues Guidelines for Amnesty Review** – ICE’s principal legal advisor issues a new policy memorandum and accompanying guidelines that expand upon Secretary Napolitano’s Aug. 18 letter establishing a working group to review pending and incoming immigration cases for dismissal. The memorandum instructs agency attorneys to begin reviewing immigration cases and administratively closing those that do not meet the administration’s “priorities.” The guidelines outline criterion ICE attorneys must follow when reviewing cases and announces pilot programs in Denver and Baltimore that will serve as models for the review of all pending deportation cases.<sup>65</sup>

NOVEMBER 22

**DOJ Files Complaint to Enjoin Utah’s HB 497** – President Obama’s DOJ files suit to enjoin from taking effect three core provisions of Utah’s immigration enforcement law, HB 497. These provisions include: Section 3, which would require any law enforcement officer conducting a lawful stop, detention, or arrest, to check the immigration status of any person they arrest for a felony or Class A misdemeanor if that person is unable to provide valid identification; Section 10, which makes it a crime for an individual to harbor, encourage the entry of, or transport an illegal alien into or within the state, for financial gain; and Section 11, which allows law enforcement officers to arrest without a warrant aliens who have a deportation order or who have been charged or convicted in another state with one or more aggravated felonies. The DOJ lawsuit makes Utah the fourth state to be sued by the federal government over its immigration enforcement law in just over a year. The DOJ elects not to challenge the legality of other Utah immigration laws which openly defy the federal government’s authority over immigration policy because those laws work to the benefit of illegal aliens.<sup>66</sup>



**ICE Does Nothing after New York City Enacts Ordinance to Prevent Detention of Illegal Aliens** – The Obama administration refuses to act after Mayor Michael Bloomberg signs a measure ordering all city jails to ignore certain ICE detainers issued to deport illegal aliens from those jails. As a result, New York City jails will now release many illegal aliens back into the community instead of handing them over to ICE for removal. The Obama administration takes no action against New York City.<sup>67</sup>

DECEMBER 11

**Obama Wants to Remove National Guard from Border** – The administration insinuates on several occasions that it is considering not renewing the National Guard mission on the Southern border. The 1,200 National Guard troops stationed along the Southern border patrol assist both CBP officers in spotting illegal entries and ICE with criminal intelligence.<sup>68</sup>



DECEMBER 15

**DOJ Accuses Maricopa County of Discrimination Against Latinos; Rescinds 287(g) Agreements without Filing Suit** – Assistant Attorney General Thomas Perez leads an investigation into Maricopa County Sheriff’s Department and determines there was discrimination against Latinos. He goes

public with his “findings” without initiating a lawsuit against the County. Without an opportunity to defend itself, and little regard for the maintenance of public safety or the rule of law, DHS rescinds Maricopa County’s 287(g) agreement. ICE Director John Morton also tells the Maricopa County Attorney that ICE will no longer respond to calls from the Maricopa County Sheriff’s Office (MCSO) involving traffic stops, civil infractions or “other minor offenses.” However, it is unclear how ICE can refuse to respond to inquiries from MCSO deputies and not directly violate 8 U.S.C. § 1373(c), which requires the federal government to respond to inquiries by law enforcement agencies to verify immigration status.<sup>69</sup>

DECEMBER 29

**ICE Relaxes Detention Policies** — In a last minute 2011 move, ICE makes significant changes to its detainer policies, yet passes it off as a mere administrative form change. First, ICE creates a 24/7 hotline for illegal alien detainees to be staffed by the Law Enforcement Support Center (LESC)— the same organization that ICE says is too understaffed to keep up with immigration status check requests from state and local law enforcement. Second, ICE revises its detainer form to include a new provision that allows ICE agents to “Consider this request for a detainer operative only upon the subject’s conviction.” This shift in policy to a discretionary “post-conviction” model ignores the fact that being in the country illegally is a violation of federal law while simultaneously welcoming criminal aliens back onto the streets.<sup>70</sup>

# TIMELINE: 2012

## Preparing for Full Scale Amnesty

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**JANUARY 3**

**Government Report Exposes USCIS “Get to Yes” Policy** – An Office of Inspector General (OIG) report reveals that USCIS officials pressure employees to approve applications for immigration benefits. According to the report, nearly 25 percent of officers surveyed reported that a supervisor has asked them to approve applications that should have been denied, and 90 percent said they felt they didn’t have sufficient time to complete interviews of those who seek benefits. The report concludes that the speed at which supervisors require immigration officers to process cases “leaves ample opportunities for critical information to be overlooked.” The report comes amid allegations made by agency employees that if they do not approve enough applications, they will be demoted or forced to relocate.<sup>71</sup>

**JANUARY 6**

**DHS Announces Intent to Circumvent 3 and 10-Year Bars to Admissability** – DHS proclaims its intent to propose a new rule that would allow certain illegal alien relatives of U.S. citizens to apply for hardship waivers from the 3 and 10-year bars to admissability from inside the United States. Current law provides that an alien who has been in the U.S. unlawfully for 180 days to one year and leaves (either through removal or voluntary departure) is inadmissible to the U.S. for three years. An alien who has been unlawfully in the U.S. for a year or more and leaves is inadmissible for ten years.<sup>72</sup>

**JANUARY 10**

**Obama Appoints Former Amnesty Lobbyist to Head Domestic Policy Team**

President Obama promotes Cecilia Muñoz, the White House’s Director of Intergovernmental Affairs, to be the new director of its Domestic Policy Council. Prior to joining the Obama administration, Muñoz served as a Senior Vice President at the National Council of La Raza, one of the most outspoken pro-amnesty organizations in the country. While at La Raza, Muñoz lobbied for comprehensive amnesty and benefits for illegal aliens, causes she continues to push as a high-ranking member of the White House staff.<sup>73</sup>



**JANUARY 17**

**DHS Halts Roll-Out of Secure Communities in Alabama in Retaliation for HB 56** – DHS tells Alabama state officials that the implementation of Secure Communities in the state will be delayed due to “cost constraints.” However, in an email sent to members of the Alabama Congressional delegation, DHS admits that the decision to suspend the program was done in retaliation for Alabama’s new immigration enforcement law, HB 56. The email from DHS states: “Although the federal courts have enjoined several parts of HB 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.”<sup>74</sup>

JANUARY 19

**Administration Closes Over 1,600 Deportable Alien Cases as Part of Administrative Amnesty Pilot Review** — ICE attorneys in Denver and Baltimore recommend that the agency “administratively close” 1,667 removal cases, which would release illegal aliens already in proceedings back onto the streets without consequence for violating U.S. immigration law. The recommendation is the result of a six-week pilot review of all pending deportation cases in Denver and Baltimore immigration courts, designed to ensure that only aliens meeting the administration’s “priorities” are deported.<sup>75</sup>



**Executive Order Reduces Screening for Visa Applicants** — President Obama issues an executive order that will make it easier for aliens to obtain nonimmigrant visas by waiving screening safeguards, a move that increases the risk for visa overstays and jeopardizes national security. The order directs the Secretaries of State and DHS to come up with a plan that: (1) increases nonimmigrant visa processing in China and Brazil by 40 percent in the coming year; and (2) ensures that 80 percent of nonimmigrant visa applicants are interviewed within three weeks of the government receiving their application. In a release issued the same day as the order, the State Department announces that it will accomplish the order in part by waiving the long-standing statutory requirement that aliens seeking to renew visas undergo in-person interviews with a consular officer. Because the order applies to all “nonimmigrant visas,” it will relax the screening process for not only the tens of millions of tourists and business travelers who enter the U.S. each year, but also for hundreds of thousands of guest workers. In addition to relaxing the screening process for issuing visas, President Obama also proposes expanding the Visa Waiver Program, which allows visitors from participating countries with low rates of visa refusals to be admitted to the United States without applying for a U.S. visa.<sup>76</sup>

JANUARY 24

**President Asks Congress for Amnesty Plan, Fails to Mention He’s Launched it Without Their Approval** — In his State of the Union address President Obama asks Congress to give him an amnesty bill he can “sign right away.”<sup>77</sup>

FEBRUARY 7

**ICE Creates Public Advocate Position to Lobby for Illegal Aliens** — ICE announces the creation of a new position within the agency, Public Advocate. The Public Advocate 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 amnesty efforts. ICE appoints senior advisor for the Agency’s Enforcement and Removal Operations (ERO) division, Andrew Lorenz-Strait, to head the new position.<sup>78</sup>



FEBRUARY 13

**Obama Administration Moves to Defund 287(g) Program; Slashes Immigration Enforcement** — President Obama’s 2013 budget not only proposes cutting funding for ICE by 4 percent, but specifically proposes a \$17 million slash in the 287(g) federal-local law enforcement program, effectively gutting the program, which was enacted by Congress.

The budget describes what is essentially a phase-out of the 287(g) program in favor of the expansion of Secure Communities, calling the cut a “realignment and reduction of 287(g)” that will “reduce[] the 287(g) program” as ICE implements Secure Communities nationwide. Obama also proposes cutting the Federal Law Enforcement Training Center (FLETC) by 5 percent, decreasing funds for border security inspections and trade facilitation between points of entry by \$6 million, and decreasing funds for border security fencing, infrastructure, and technology by \$72.9 million.<sup>79</sup>

**FEBRUARY 22**

**DHS Monitors Social Media for Policy Backlash** – A recently released 2011 reference guide for DHS analysts monitoring the media reveals that the Department is employing “Big Brother”-esque tactics to track blowback from opponents of their administrative amnesty policies. According to the guide, DHS is directing its analysts to identify and monitor “media reports that reflect adversely on DHS,” and track reports on the administration’s “policy changes” in immigration and the term “illegal immigration” in particular.<sup>80</sup>

**MARCH 1**

**DHS Border Crossing Data is Challenged** – Chairman of the House Oversight Committee, Darrell Issa (R-Calif.), and Rep. Jason Chaffetz (R-Utah) send a letter to DHS Secretary Napolitano accusing the Department of releasing false and misleading border crossing data. The letter states, “[T]he numbers appear to dramatically underestimate the volume of individuals who cross the border illegally and are neither arrested nor turned back south.”<sup>81</sup>

**MARCH 8**

**ICE Director Tells Congress Amnesty Review is Half Complete** – ICE Director John Morton testifies before the House Appropriations Homeland Security Subcommittee that the Agency is halfway complete with its review of 300,000 pending deportation cases and will be done with the review by 2013. He states ICE has closed over 1,500 cases thus far. The next day, the ICE Office of Congressional Relations sends an email to Capitol Hill staff clarifying that this figure represents only the number of cases actually closed to-date, and states that it will close or dismiss an additional 11,000 cases pending the results of background checks. The review is part of the administration’s backdoor amnesty program announced by Secretary Napolitano in August 2011.<sup>82</sup>

**MARCH 29**

**Obama Administration Announces Rolling Closures of Immigration Courts** – The administration announces an expansion of its administrative amnesty program to four major U.S. cities: Detroit, Seattle, New Orleans, and Orlando. The rollout suspends immigration court dockets in the four cities while ICE attorneys review deportation cases of aliens not in custody and administratively close or dismiss those not meeting the administration’s enforcement priorities.<sup>83</sup>

**MARCH 30**

**USCIS Proposes Rule to Circumvent Federal Laws on Admission** – Nearly three months after making a public announcement, USCIS releases its proposed rule to allow illegal aliens to circumvent

federal statutes that govern admission. This latest move by the Obama administration makes it easier for illegal alien family members of U.S. citizens to stay in the country and become citizens themselves. The proposed rule achieves this by creating broad exceptions to the 3 and 10-year bars to admission found in Section 212 of the Immigration and Nationality Act (INA).<sup>84</sup>

**APRIL 17**

**Obama Administration Defends Pulling National Guard Troops from Border** – After 19 months of stationing 1,200 National Guard ground troops along the border, the Obama administration cuts the number to a mere 300. Testifying before the House Homeland Security Subcommittee on Border and Maritime Security, Assistant Defense Secretary Paul Stockton claims that aerial surveillance technology will provide a new deterrent to illegal border crossers. Skeptical and concerned members of the Subcommittee argue against withdrawal, noting that the U.S. only has operational control of 873 miles of the 2,000-mile southern border.<sup>85</sup>

**APRIL 25**

**ICE Announces the Number of Illegal Aliens Benefitting from Case-by-Case Amnesty Review Has Increased to 16,500** – ICE officials announce it has offered to close over 16,500 illegal alien deportation cases pending background checks in connection with the administration’s review of 300,000 pending immigration cases. The administration also announces that the number of illegal aliens whose cases it has already closed is up to 2,700 from just over 1,500 the previous month.<sup>86</sup>



**DHS Delays Biometric Exit System Another Four Years** – DHS Secretary Janet Napolitano testifies before the Senate Judiciary Committee regarding the long-awaited biometric exit system that tracks whether aliens leave the country upon the expiration of their visa. In March, DHS Principal Deputy Coordinator of Counterterrorism John Cohen testified before a House Committee that a plan to implement a biometric exit system would be presented within thirty days. However, in her testimony, Secretary Napolitano backtracks on that promise and tells Congress that a biometric system would not be ready for at least four more years, and then only if the plan the Department develops is cost-effective. Instead, Secretary Napolitano testifies that DHS will have an “enhanced biographic” system ready by June and that the Office of Management and Budget was currently reviewing the final plan.<sup>87</sup>

**APRIL 27**

**Obama Administration Weakens Secure Communities** – ICE shifts its policy on Secure Communities to stop the enforcement of immigration law against illegal aliens apprehended for “minor traffic offenses.” When Secure Communities identifies illegal aliens pursuant to a traffic offense, ICE will no longer ask the local jails to detain the illegal aliens so that ICE may begin deportation proceedings; rather, ICE will only consider detaining an alien if the alien is ultimately convicted of the offense. Moreover, despite claims of limited resources, ICE also announced it plans to take action against jurisdictions with arrest rates the agency deems too high. The new policy is the latest step in the administration’s effort to limit state and local involvement in immigration enforcement and ensure that only aliens who have been convicted of violent crimes will be subject to deportation.<sup>88</sup>

MAY 1

**DOJ Seeks to Intimidate Alabama School Districts** — In its relentless quest to prevent state and local officials from enforcing immigration laws, the DOJ sends another letter of intimidation to the Alabama State Department of Education. In the letter, Civil Rights Division chief Thomas Perez drops a thinly veiled threat of litigation to persuade Alabama officials to back away from its immigration enforcement law, HB 56, specifically the provision that requires schools to collect immigration data on newly enrolled students.<sup>89</sup>

MAY 10

**DOJ Sues Maricopa County** — The DOJ files an official complaint against Maricopa County and its Sheriff Joe Arpaio for allegedly racially profiling Latinos in violation of federal law. These allegations of misconduct include: 1) a pattern or practice of discriminatory law enforcement actions against Latinos in Maricopa County; 2) discriminatory jail practices against Latino inmates with limited English proficiency (LEP); and (3) a pattern or practice of retaliatory actions against perceived critics. The DOJ's lawsuit follows Sheriff Arpaio's refusal to allow a federal court-appointed "monitor" to oversee his office's activities. Even before filing suit, DHS rescinded the Maricopa County Sheriff's Office 287(g) agreement with ICE and "restricted its use" of the Secure Communities program.<sup>90</sup>

JUNE 5

**ICE Releases Latest Backdoor Amnesty Statistics** — ICE releases its latest statistics in its case-by-case review of pending deportation cases and states the Agency's attorneys have reviewed over 288,000 cases. Of those reviewed, ICE says it plans to administratively close 20,648; it states over 4,300 of these cases have already been processed and the remaining will be closed pending background checks.<sup>91</sup>

JUNE 11

**DOJ Plans to Sue Florida Over Effort to End Illegal Alien Voting** — Assistant Attorney General Thomas Perez announces that the DOJ will sue Florida in federal court over the state's removal of ineligible voters, including illegal aliens, from its voter registry. After a news outlet uncovered a number of ineligible voters, the Florida Department of State began an investigation of its voter rolls. To help the state correct its records and remove illegal aliens and other ineligible voters, the Florida Department of State asked DHS to grant it access to the federal Systematic Alien Verification for Entitlement (SAVE) Program. After numerous delays by DHS, DOJ asked Florida to halt its investigation altogether.<sup>92</sup>

JUNE 15

**Obama Administration Unilaterally Implements DREAM Act; 1.4 Million Illegal Aliens Set for Removal Reprieve** — The Obama administration announces it will circumvent Congress by using prosecutorial discretion to implement unilaterally the DREAM Act. Effective immediately, in a program it calls Deferred Action for Childhood Arrivals (DACA), DHS will grant deferred action and possible work authorization to certain illegal aliens under the age of 30 who claim they arrived in the U.S. before 16 years of age. DHS Secretary Janet Napolitano expects that 800,000 illegal aliens will be granted amnesty through the effort, but other organizations estimate the number of beneficiaries will be 1.4 million or higher.<sup>93</sup>

The President vigorously defends his actions at a White House press briefing despite the fact that in March 2011, he told an audience that he did not have the authority to unilaterally suspend deportations, *“With respect to the notion that I can just suspend deportations through executive order, that’s just not the case...Congress passes the law. The executive branch’s job is to enforce and implement those laws...There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President.”*<sup>94</sup>

**Napolitano: Parents of “DREAMers” Won’t Face Enforcement Either** — In an appearance on CNN to promote the administration’s executive amnesty (DACA), DHS Secretary Napolitano quells fears that parents of illegal aliens applying for deferred action may be subject to immigration enforcement. The Secretary says, “We have internally set it up so that the parents are not referred for immigration enforcement if the young person comes in for deferred action.” The announcement reveals that the administration is pursuing a broad-based plan. Massively expanding amnesty to illegal alien parents who knowingly entered the country unlawfully dramatically undercuts the President’s argument that he simply granted amnesty to “kids” who were brought here through “no fault of their own.”<sup>95</sup>

**JUNE 22**

**President Promotes DACA in Speech to Latino Elected Officials** — In a speech to the National Association of Latino Elected Officials (NALEO), President Obama defends his administrative amnesty by saying, “what’s needed is immigration reform that finally lives up to our heritage as a nation of laws.” The President failed to mention that by unilaterally declaring that a massive amnesty is now in place, he usurped Congressional authority and demonstrated a disregard for our nation of laws—laws passed by Congress that is he obligated to enforce.<sup>96</sup>

**JUNE 25**

**DHS Rescinds 287(g) Agreements in Arizona** — Immediately following the U.S. Supreme Court’s decision in *Arizona v. U.S.* to uphold Section 2(B)—the heart of SB 1070—DHS announces it is rescinding its 287(g) task force agreements with Arizona law enforcement agencies. Section 2(B) requires law enforcement agents to take reasonable steps to verify the immigration status of those they lawfully stop or detain if they have reasonable suspicion to believe they are in the country illegally. DHS’s decision to rescind the 287(g) agreements allowing officers who participate in criminal task forces (such as drug or gang) to proactively respond to, identify, and remove illegal aliens in response to the Supreme Court opinion is perceived as a highly political and retaliatory move.<sup>97</sup>

**JULY 6**

**Border Patrol to Close Nine Stations** — Customs and Border Protection (CBP) announces it plans to close nine Border Patrol Stations across the United States. The station closures will take place at the following locations: Lubbock, Amarillo, Dallas, San Angelo, Abilene, and San Antonio, Texas; Billings, Montana; Twin Falls, Idaho; and Riverside, California. According to a CBP spokesman, the move to close these stations—many in strategic locations—is being done “[i]n order to accomplish [the agency’s] mission more efficiently and

to use its personnel more effectively....” While CBP states that the closures will save the agency \$1.3 million per year, it has yet to explain what the trade off will be in terms of illegal alien apprehensions and drugs seized.<sup>98</sup>

**JULY 16**

**Inspector General: IRS Managers Discouraged Employees from Discovering Illegal Alien Tax Fraud** – The Inspector General for the Treasury Department issues a report revealing that Internal Revenue Service (IRS) managers discouraged their employees from detecting illegal alien tax fraud.<sup>99</sup> The report states IRS management “has not established adequate internal controls to detect and prevent the assignment of an ITIN to individuals submitting questionable applications,” noting that they care more about quickly processing ITIN applications than ensuring the agency grants ITINs to only qualifying individuals. Although illegal aliens are unauthorized to work in the U.S., they are required to comply with federal tax laws. As a result, the IRS grants illegal aliens ITINs to allow them to file tax returns. However, without any safeguards the system is easily manipulated by illegal aliens, who in 2010 alone secured \$4.2 billion in refundable tax credits through the Additional Child Tax Credit.

**JULY 19**

**Napolitano: Economy Shouldn't be Balanced on Backs of “DREAMers”** – DHS Secretary Janet Napolitano testifies before the House Judiciary Committee. While testifying, she announces that roughly 1,000 illegal aliens have already qualified for a two-year reprieve under the Deferred Action for Childhood Arrivals (DACA) program despite the fact the program is not yet in effect. She also states the administration has virtually no plan in place to process the applications or to prevent fraud in the program.<sup>100</sup>

**JULY 24**

**Internal DHS Docs Show DACA to Cost Hundreds of Millions** – The Obama administration’s plan to grant deferred action status and work authorization to illegal aliens could cost over \$585 million, according to internal Department of Homeland Security (DHS) documents leaked to the *Associated Press*. The estimate is based on projections that the federal government will need to hire over 1,400 new employees and contractors to process an anticipated 3,000 applications daily. The leaked documents undermine the administration’s claims that the amnesty will be fee-driven and not cost U.S. taxpayers.<sup>101</sup>



**AUGUST 3**

**Administration’s Guidance Provides Little Insight into Backdoor Amnesty** – DHS issues “guidance” on administering the DACA application process, which reveals the administration’s intent to ignore the criteria it set forth for the program. Instead, it refers to the original criteria for eligibility as mere “factors” for consideration. Conspicuously absent from the administration’s guidance is any direction as to specific forms of documentation an illegal alien must show to receive deferred action and work authorization.<sup>102</sup>

**AUGUST 14**

**USCIS Encourages More Illegal Aliens to Apply for Amnesty** – The day before the agency is to begin accepting applications for the administration’s backdoor amnesty program, the Director of USCIS,

Alejandro Mayorkas, hosts a stakeholder conference call to walk the open borders lobby through the DACA application process. During the call, Mayorkas notes the administration's loose criteria, encouraging even more illegal aliens to qualify for the reprieve. In particular, he states that even those with expunged convictions and orders of removal against them are eligible to apply, as well as those who are only attending literacy and vocational programs rather than attending school.

**AUGUST 15**

**Obama Administration Begins Accepting Backdoor Amnesty Applications** – USCIS begins officially accepting DACA applications. The administration has yet to announce which forms of documentation are acceptable nor has it put any safeguards in place to protect against fraudulent applications.

**AUGUST 24**

**Internal ICE Docs Show Administration Cooks Books** – The House Judiciary Committee obtains internal ICE documents revealing that DHS is including numbers from the Alien Transfer Exit Program (ATEP) in its year-end removal numbers. ATEP, a joint program between ICE and Customs and Border Protection, transfers illegal aliens apprehended along one point of the U.S.-Mexico border to another point for removal. When ATEP removals are subtracted from ICE's total removal numbers, the number of deportations drops well below pre-Obama administration levels. This manipulation allows the administration to argue it is deporting more illegal aliens than previous administrations while simultaneously claiming border apprehensions have decreased and the border is secure.<sup>103</sup>

**SEPTEMBER**

**DHS Fails to Help States Comply with REAL ID** – The Government Accountability Office (GAO) releases a report revealing that the Department of Homeland Security has failed to help states comply with the REAL ID Act. According to the report, "officials in most states [GAO] interviewed expressed a need for additional guidance" from DHS, having been left with a "lack of clarity." In fact, the report reveals that some states that sent questions to DHS regarding compliance never received a response.<sup>104</sup>

**SEPTEMBER 13**

**USCIS Announces First Round of DACA Beneficiaries** – In less than a month of taking effect, the administration announces that it has already accepted 82,361 applications for deferred action. Of those, 1,660 are in the final review stage and 29 are complete.<sup>105</sup> The stats show that the agency is moving through the background checks in a matter of days—a process that should take four to six months. In fact, in the first round of processing, fingerprints were taken on a Thursday and the background checks were completed by the following Monday, according to USCIS Director Alejandro Mayorkas.<sup>106</sup>

**OCTOBER**

**Inspector General: Immigration Courts Deporting Too Slowly** – The Department of Justice Inspector General releases a report criticizing our nation's immigration courts for delays in processing deportation cases. According to the Inspector General, between FY 2006 and FY 2010 the most significant delays in deportation cases occurred at the first level of adjudication, which occurs in administrative courts housed in the

Executive Office of Immigration Review (EOIR) within the Department of Justice (DOJ). The Inspector General highlights requests for continuances — requests to continue the proceedings at a later date — as the primary cause. Altogether, continuances added on average 132 days to the processing time of deportation cases.<sup>107</sup>

OCTOBER 4

**ICE Does Nothing after LAPD Chief Announces Plan to Ignore ICE Detainers** — The administration refuses to act after Los Angeles Police Department (LAPD) Chief Charlie Beck announces a plan to circumvent federal law by creating a list of offenses for which illegal aliens will be released back onto the streets instead of being transferred to federal custody.<sup>108</sup>

OCTOBER 5

**ICE Refuses to Deport Illegal Alien Activist; Defends Inaction** — Immigration and Customs Enforcement refuses to deport Mr. Jose Antonio Vargas, an outspoken pro-amnesty journalist who is an openly admitted illegal alien and felon.<sup>109</sup> Remarkably, instead of being embarrassed when asked why the law enforcement agency did not detain and begin removal proceedings on Vargas, ICE showed defiance. “Mr. Vargas was not arrested by ICE, nor did the agency issue a detainer,” said an ICE spokeswoman. “ICE is focused on smart, effective immigration enforcement that prioritizes the removal of public safety threats, recent border crossers and egregious immigration law violators, such as those who have been previously removed from the United States.”<sup>110</sup>



OCTOBER 12

**USCIS Releases Backdoor Amnesty Stats; Number of Beneficiaries Grows Exponentially** — Just weeks before the presidential election, the Obama administration released data revealing it has granted deferred action to over 4,500 illegal aliens under the President’s DACA program.<sup>111</sup> This number is exponentially higher than the 29 cases the administration claimed to have completed or otherwise approved just one month earlier. Such a drastic increase in approvals in a one-month period suggests the administration is either failing to fully investigate the deferred action applicants, or if the administration is doing so, it is at the expense of immigration enforcement.<sup>112</sup>

OCTOBER 18

**Administration Continues Assault on 287(g) Immigration Enforcement Program** — Prince William County, Virginia becomes the latest victim of the Obama administration’s assault on the 287(g) program when it receives a letter from U.S. Immigration and Customs Enforcement (ICE) officials informing County law enforcement the agency is not renewing its task-force agreement next year. The administration cites budget cuts, yet Congress continues to fund the program at preexisting levels.<sup>113</sup>

OCTOBER 24

**President Obama Promises Amnesty if Reelected** — In an interview with editors from the *Des Moines Register*, President Obama promises that if reelected, he will grant amnesty to the 11-12 million illegal aliens currently in the United States. The President says he is “confident” Congress will pass amnesty legislation in the first year of his second term because, like Democrats, Republicans will use the issue for no

other reason than to court Latino votes. Claiming Republicans have “alienated” Latino voters, he suggests that after Republicans lose the elections, they will change their position and support amnesty. “George Bush and Karl Rove were smart enough to understand the changing nature of America. And so I’m fairly confident that [Republicans are] going to have a deep interest in getting that done,” he says.<sup>114</sup>

**Over 200,000 Illegal Aliens Apply for President Obama’s Backdoor Amnesty Program**  
Homeland Security Secretary Janet Napolitano announces that over 200,000 illegal aliens have applied for deferred action under the Obama administration’s backdoor amnesty program in just over two months. Secretary Napolitano offers these latest DACA statistics while speaking to a panel of educators who serve on the Homeland Security Academic Advisory Council (HSAAC) in Washington, D.C.<sup>115</sup>

**OCTOBER 30**

**ICE Does Nothing after Berkeley City Council Votes to Ignore ICE Detainers** – The administration refuses to act after the Berkeley City Council votes unanimously to compel the Berkeley Police Department to ignore all U.S. Immigration and Customs Enforcement (ICE) detainer requests. The newly instated policy simply reads, “The Berkeley Police Department will not honor requests by the United States Immigration and Customs Enforcement (ICE) to detain a Berkeley jail inmate for suspected violations of federal civil immigration law.”<sup>116</sup>



**OCTOBER 31**

**Illegal Aliens “Get out the Vote” for President Obama** – President Obama’s DACA program pays off when thousands of illegal alien minors campaign for President Obama and other pro-amnesty candidates in “swing-states” key to winning the Electoral College.<sup>117</sup>

**NOVEMBER 14**

**Obama uses Press Conference to Push Amnesty** – A week after winning reelection, President Obama jumped at the chance to declare his second-term amnesty agenda. “I’m very confident we can get immigration reform done,” he told reporters. “[M]y expectation is that we get a bill introduced and we begin the process in Congress very soon after my inauguration.”<sup>118</sup>

**ICE Expands Access to Illegal Alien Lobbyist** – ICE issues a press release announcing it is expanding its “hotline” for illegal alien detainees to make it easier for them to directly contact the ICE “Public Advocate.” ICE states it is available for those with questions regarding prosecutorial discretion and questions or concerns about immigration enforcement or detention.<sup>119</sup>

**NOVEMBER 16**

**USCIS Grants Deferred Action to Over 50,000 Illegal Aliens** – The administration announces it has approved 53,273 applications for deferred action under the DACA program. This is more than 11 times the number approved (4,591) just one month earlier.<sup>120</sup>

NOVEMBER 18

**DHS Website Promotes Welfare Benefits** — DHS launches website<sup>121</sup> designed to advertise welfare and entitlement benefits to legal and illegal aliens. Created to remedy “a lack of information about how to access such benefits” and counter “complicated and...misleading information,” the website explains how to access federal benefits and promotes such programs to legal and illegal aliens. Federal benefits listed on the website include Medicare, Medicaid, Social Security, food stamps, and Temporary Assistance for Needy Families, among others.<sup>122</sup>

NOVEMBER 19

**Mayorkas: USCIS Not in Position to Release Stats on DACA Denials** — During a stakeholder conference call, USCIS Director Alejandro Mayorkas states, “Because of the nascent stage” of the DACA program, USCIS is not yet in a position to provide data on the number of applicants who have been denied. Instead, Mayorkas clarifies that before the Agency denies any applications, USCIS is doing one of two things: 1) filing a Request for Evidence (RFE) that asks applicants to submit additional evidence to prove they meet the program’s criteria; or 2) issuing applicants a Notice of Intent to Deny the application. If USCIS files an RFE, then the applicant has 84 additional days (12 weeks) to submit proper qualifying evidence. If USCIS issues a Notice of Intent to Deny, the applicant has 30 days to submit evidence before the application is denied.<sup>123</sup>

## **Administration Releases Additional Tools to Help Illegal Aliens Get Backdoor Amnesty**

The same day as Director Mayorkas’ conference call, USCIS releases additional tools on its website to aid illegal aliens during the DACA application process. The additional tools consist of a “tip sheet”<sup>124</sup> to walk illegal aliens through a check-list before they submit their application, FAQs in three additional languages, and guidance for employers to make it easier for them to hire DACA beneficiaries who are granted deferred action and work authorization.<sup>125</sup>

DECEMBER

**Inspector General: Federal Database Approves Aliens Ordered Deported as Eligible for Public Benefits** — The Inspector General for USCIS releases a report revealing that the Systematic Alien Verification for Entitlements (SAVE) program erroneously confirms one in eight of all aliens run through it as eligible for public benefits and work in sensitive areas despite those aliens having deportation orders lodged against them.<sup>126</sup> Federal, state, and local benefit-issuing agencies and licensing bureaus depend on the SAVE program to determine the immigration status of applicants to ensure only those applicants with lawful immigration status are approved. In response, USCIS says it plans to work with other agencies within the Department of Homeland Security to identify whether a final order of removal has been issued to an alien, and that it will initiate a review of other potential data sources.<sup>127</sup>

DECEMBER 4

**Inspector General: Illegal Aliens Working in U.S. Capitol** — The Inspector General for the Architect of the Capitol issues a report revealing that several illegal aliens had been hired by subcontractors to complete projects on Capitol grounds this last year.<sup>128</sup> Despite federal law requiring the use of E-Verify, a “second-tier” subcontractor failed to use the system, resulting in the hiring of five illegal aliens who used

fraudulent documentation to obtain employment. Nonetheless, the Inspector General determined that the subcontractor did not violate any criminal laws because of “his ignorance” of the E-Verify requirement and because the illegal aliens had passed an FBI background check. The subcontractor was not referred to the U.S. Attorney’s Office for prosecution.<sup>129</sup>

**ICE Does Nothing after California Attorney General Announces ICE Detainers are Optional** — The Obama administration refuses to act after California Attorney General Kamala Harris issues an information bulletin<sup>130</sup> stating that local agencies have no obligation to honor detainers issued by U.S. Immigration and Customs Enforcement (ICE). In doing so, Attorney General Harris effectively gives legal cover to sanctuary cities that would rather protect criminal aliens from deportation than ensure the safety of their own communities.<sup>131</sup>



DECEMBER 7

**DHS Delays Virtual Fence** — Just six months after announcing plans to resume the Virtual Border Fence project, DHS announces it is delaying its implementation for nearly a year. The Department blames an unexpectedly large applicant pool of contractors for the setback, pushing the contractor solicitation date back from January to October 2013.<sup>132</sup>

DECEMBER 13

**Number of Illegal Aliens Granted DACA Tops 100,000** — The Obama administration announces it has granted deferred action to 102,965 illegal aliens under the Deferred Action for Childhood Arrivals (DACA) program. This number is nearly double the previous month’s number of grantees.<sup>133</sup>

DECEMBER 14

**Administration Delays Apprehending Illegal Alien Sex Offender for Political Gain** — An *Associated Press* story reveals that Department of Homeland Security officials delayed the apprehension of an illegal alien sex offender to protect longtime amnesty advocate, U.S. Senator Bob Menendez (D-NJ).<sup>134</sup> The illegal alien sex offender—18-year-old Luis Abrahan Sanchez Zavaleta, who overstayed his visitor visa from Peru—worked for Sen. Menendez as an unpaid intern and was handling immigration issues in one of his local offices. According to a U.S. official, DHS knew that Sanchez was a danger to the community, but nonetheless refused to act for roughly two months until after the November elections to assure Sen. Menendez was reelected. ICE did not arrest Sanchez until December 6.<sup>135</sup>

**Administration Stonewalls DACA Inquiries** — The Social Security Administration disregards Rep. Phil Gingrey’s (R-GA) request that the agency explain why it issues Social Security Numbers to DACA beneficiaries. The Department of Homeland Security similarly refuses to respond to several letters from Senate Judiciary Ranking Member Chuck Grassley (R-IA) and House Judiciary Chairman Lamar Smith (R-Tex.) seeking information on the DACA program including approval statistics, costs, and fraud prevention.<sup>136</sup>

DECEMBER 20

**Administration Delays REAL ID Act Compliance Deadline** — The administration quietly announces it is delaying the deadline for states to comply with the REAL ID Act for a fourth time. The deadline—set for January 15, 2013—is “deferred for a minimum of six months” with no set timeframe for compliance. Only thirteen states are currently in compliance with the Act, which Congress passed in 2005.<sup>137</sup>

DECEMBER 21

**Memo: ICE Aids Sanctuary Cities through New Detainer Policy** — In a memorandum issued the Friday before Christmas, Immigration and Customs Enforcement (ICE) Director John Morton limits the circumstances under which ICE agents can issue detainers and take custody of illegal aliens in the hands of local law enforcement officials.<sup>138</sup> As a result, ICE agents can no longer take an alien into custody if the alien’s only violation of the law is being in the country unlawfully—they must now have committed an offense independent of their illegal status. The new detainer policy further illustrates the Obama administration’s refusal to enforce immigration law as written by Congress, opting only to enforce the law against aliens deemed a “priority.”<sup>139</sup>

**Administration Cuts 287(g) Enforcement Program In Half** — Buried in the bottom of ICE’s press release announcing its year-end removal numbers, the administration declares it will not be renewing any 287(g) task force model agreements in 2013. The release simply states, “ICE has also decided not to renew any of its agreements with state and local law enforcement agencies that operate task forces under the 287(g) program.” The administration justifies its decision to end the task force agreements by claiming other programs achieve the same purpose as 287(g) but cost less money.<sup>140</sup>

**Administration Continues to Peddle Inflated Deportation Stats** — ICE releases its year-end removal numbers, announcing it has deported 409,849 individuals. To allay the fears of the pro-amnesty lobby, the administration touts that “some 96 percent of all ICE’s removals fell into a priority category, and that they are focusing upon removing criminal aliens and recent border crossers. The new numbers illustrate the administration’s continued manipulation of removal data by counting illegal aliens removed under ATEP as ICE removals.”<sup>141</sup>

# TIMELINE: 2013

## Sealing the Deal

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**JANUARY 3**

**Administration Announces Final Rule to Circumvent 3 and 10-Year Bars to Admission**  
USCIS issues its long-awaited final rule to allow illegal aliens to circumvent federal statutes governing admission. The final USCIS rule does this by allowing illegal aliens to apply for and receive a provisional waiver of the 3 and 10-year bar while in the U.S. so long as they can show that being separated from their U.S. citizen spouse or parent would cause that U.S. citizen relative “extreme hardship.” The administration makes clear it plans to consider expanding the rule even further to grant waivers to additional categories of illegal aliens. During a stakeholder phone call discussing the new rule, USCIS Director Alejandro Mayorkas emphasizes the agency will consider granting the same waivers to illegal alien relatives of green card holders, and clarifies that illegal aliens who have been in removal proceedings but whose cases have been administratively closed or terminated will be eligible to apply for the provisional waiver.<sup>142</sup>

**Biden: Hispanics the Center of Nation’s Future** — Seeking to consolidate support from Hispanic lawmakers ahead of an all-out amnesty battle, Vice President Joe Biden refers to Hispanics as “the center of this nation’s future.” The Vice President makes these remarks in a speech at a Congressional Hispanic Caucus Institute event held to welcome Hispanic Members of the 113th Congress.<sup>143</sup>

**JANUARY 14**

**Secretary Napolitano Here to Stay** — The White House confirms that Department of Homeland Security Secretary Janet Napolitano will continue to serve as DHS Secretary into President Obama’s second term.<sup>144</sup>

**JANUARY 29**

**Obama Unveils Amnesty Blueprint** — A day after the “Senate Gang of Eight” reveals their amnesty proposal, President Obama holds a press conference in Las Vegas to unveil his administration’s amnesty blueprint.<sup>143</sup> His four-point plan calls for amnesty for illegal aliens, increasing legal immigration, phased-in worksite enforcement, and securing the border. In doing so, the plan fails to mention enforcing the laws that are already on the books—such as completing the border fence and implementing a biometric entry-exit system—and ignores preexisting programs like E-Verify and 287(g) that would further interior enforcement.<sup>145</sup>

**JANUARY 31**

**White House Holds “Fireside” Amnesty Chat** — White House Domestic Policy Advisor and former La Raza vice-president Cecilia Muñoz holds an online “fireside” chat with well-known pro-amnesty advocates. Participants include Mr. Jose Antonio Vargas (a self-admitted illegal alien and felon), actress America Ferrera, and Sojourners CEO Jim Wallis. During the “chat,” Muñoz reiterates the President’s plan for comprehensive immigration reform and encourages the pro-amnesty lobby to continue pressuring Congress.

FEBRUARY 5

## President Meets with Labor and Big Business to Negotiate Guest Worker Program

President Obama hosts separate meetings with progressive labor leaders and business executives to gain support for a “comprehensive” immigration reform package. The central reason for the meetings is to see whether unions and big business can reach a compromise on the principles of a new guest worker program. Speaking at the White House after the meeting, AFL-CIO President Richard Trumka tells reporters, “It was an excellent conversation. I think we are all on the same page....We were talking about commonsense reform that has an inclusive and broad path to citizenship that allows us to bring people in and take advantage of that.”<sup>146</sup>

FEBRUARY 12

## In State of the Union, President Peddles Same Failed Immigration Plan

— President Obama uses the State of the Union to continue his push for amnesty legislation. During his speech, the President signals his intent to speed an immigration bill through the legislative process as quickly as possible, rushing Members of Congress to “get this done.”<sup>147</sup> The President’s plan for comprehensive immigration legislation, which he refers to as “real reform,” presents no new ideas outside of previously failed attempts at granting amnesty.

FEBRUARY 14

## Napolitano Threatens Cuts to Border Patrol

— As Congress debates whether to grant amnesty to the 12 million illegal aliens in the United States, Homeland Security Secretary Janet Napolitano testifies before the Senate Appropriations Committee that the administration plans to drastically cut the number of Border Patrol agents along the borders.<sup>148</sup> Using the U.S. Border Patrol as a political pawn, Napolitano announces to the Committee that if the automatic spending cuts— known as sequestration — occur on March 1, the administration will impose a one-quarter reduction in Border Patrol’s workforce hours.<sup>149</sup> “I can tell you that under sequester, we will lose in hours 5,000 Border Patrol agents over the next year,” she tells the Committee.<sup>150</sup>



## DACA Beneficiaries Near 200,000

— United States Citizenship and Immigration Services (USCIS) releases Deferred Action for Childhood Arrivals (DACA) statistics showing that the Obama administration has granted deferred action to 199,460 illegal aliens as of February 14, 2013.<sup>151</sup> In releasing its monthly statistics, the administration once again refuses to report on the number of DACA applicants denied reprieve under the program. However, the administration does continue to report on the top ten countries of origin of DACA applicants. Nearly three-fourths of DACA applicants list Mexico as their country of origin.<sup>152</sup> The administration also continues to report on which states have the highest numbers of DACA applicants. California leads the pack with nearly 120,000 applicants residing in that state alone. Texas comes in second with just over 68,000 resident applicants, and New York comes in third with nearly 25,000 resident applicants.<sup>153</sup>

FEBRUARY 17

## White House Leaks Amnesty Proposal

— Over the weekend, a White House official leaks to reporters President Obama’s plan for legalizing the 12 million illegal aliens currently in the country. Repeating the same failed ideas as previous amnesty proposals, the President’s plan allows illegal aliens to apply for a newly created “lawful prospective immigrant” visa. The visa would be valid for four years (and is renewable), and would

authorize illegal aliens to work in and travel to and from the country. Once granted the new lawful prospective immigrant visa, a newly amnestied alien may sponsor spouses and children of illegal aliens living outside of the U.S. through the same process. The plan is vague as to border security and immigration enforcement. The proposal seeks to increase the number of Border Patrol agents, but fails to specify a goal for the increase, and seems to “allow” DHS to expand technology along the border without specifying how this will be achieved.<sup>154</sup>

#### FEBRUARY 26

**Obama Administration Sets Free Over 2,000 Illegal Aliens and Uses the Sequester to Further Amnesty Agenda** — After news leaks, U.S. Immigration and Customs Enforcement officials confirm they have been releasing illegal aliens from federal custody in order to satisfy *proposed* cuts under the sequester.<sup>155</sup> According to internal Homeland Security documents reviewed by the *Associated Press*, the administration released more than 2,000 illegal aliens *before the sequester even took effect*, releasing roughly 1,000 illegal aliens per week since February 15. In addition, the documents reveal the administration plans to release 3,000 more illegal aliens during the month of March.<sup>156</sup> Downplaying its actions, the administration initially claims it has freed only a few hundred illegal aliens, using cost as a scapegoat. However, according to 2011 Congressional testimony by ICE Director John Morton, alternatives to detention (ATD) actually cost *more* than detaining an illegal alien.<sup>157</sup> Further underscoring the administration’s unwillingness to assume responsibility, Secretary Napolitano claims she learned about the illegal alien releases along with the rest of the public, blames lower-level officials, and claims no part in the decision.<sup>158</sup> The White House has also denied having any part in the decision.<sup>159</sup>

**Pro-Amnesty GOP Senators Meet with Obama** — Pro-amnesty “Gang of Eight” Senators John McCain (R-AZ) and Lindsey Graham (R-SC) meet with President Obama and Vice President Biden at the White House to discuss comprehensive immigration reform. “We were pleased to hear the president state his firm commitment that he will do whatever is necessary to accomplish this important goal,” the Senators say in a joint statement.<sup>160</sup> The duo expresses confidence in Obama’s commitment to border security despite his repeated disregard for enforcement.

**GAO: Obama Administration Has No Official Metrics to Measure Border Security; Will Not Adopt Any Until Late 2013** — The Government Accountability Office (GAO) releases a report stating that the Department of Homeland Security has no official metrics in place to measure whether the border is secure and has no plans to adopt any such metrics until late this year.<sup>161</sup> Still, the Obama administration is in no rush to adopt a new measure for border security, despite the fact that it is asking Congress to pass a massive amnesty bill.

#### MARCH 4

**Napolitano to Release Thousands More Illegal Aliens** — Department of Homeland Security Secretary Janet Napolitano announces her agency’s plans to release even more detained illegal aliens to address budget cuts mandated by sequestration. Speaking at a D.C. event featuring all three individuals to previously serve as DHS Secretary, Napolitano states, “We are going to manage our way through this by identifying the lowest risk detainees, and putting them into some kind of alternative to release.”<sup>162</sup> She repeats

the administration's narrative that "only" several hundred detainees were released. Meanwhile, House Judiciary Chairman Bob Goodlatte (R-VA) publishes an internal ICE document that explicitly details the administration's plan to release 1,000 detained illegal aliens per week from February 15 through March 31.<sup>163</sup>

#### MARCH 7

**Administration Furloughs Border Patrol Agents** — The Obama administration begins sending furlough notices to thousands of agents at U.S. Customs and Border Protection (CBP) under the guise of dealing with the sequester. Although the Department of Homeland Security is required to make mandatory budget cuts, the administration clearly uses sequestration to further undermine immigration enforcement. The letter sent to CBP agents justifies the furlough as "promot[ing] the efficiency of the service", but fails to target agency waste or lower priority functions that do not jeopardize the safety of Americans. According to inside-the-beltway outlet *The Hill*, approximately 24,000 CBP workers, managers, and supervisors will be furloughed.<sup>164</sup>

#### MARCH 14

**Administration Admits It Released Over 2,000 Illegal Aliens from Detention** — Immigration and Customs Enforcement Director John Morton finally admits during a House Appropriations Subcommittee hearing that the administration released 2,228 illegal alien detainees back onto the streets under the guise of budget cuts.<sup>165</sup> His comments contradict earlier statements made by DHS officials, who initially tried to downplay news of the story by claiming the numbers were only in the hundreds.<sup>166</sup> The hearing also reveals that more than 600 of the illegal aliens the agency released possess a criminal record.

#### MARCH 21

**Obama Administration Admits It Scuttled Border Security Metric to Protect Amnesty** Officials in the Obama administration admit to *The New York Times* that they resisted producing a metric to determine whether the border is secure because President Obama did not want any hurdles placed between illegal aliens and a pathway to citizenship.<sup>167</sup> The admission was made to the paper just one day after Department of Homeland Security officials shocked Members of Congress by announcing that despite several promises to develop one, they still have no official way to measure whether the border is secure.<sup>168</sup>

#### MARCH 26

**Napolitano Scraps Border Security as Pre-Condition for Amnesty** — Janet Napolitano reaffirms the Obama administration's opposition to securing the border before granting amnesty to the roughly 12 million illegal aliens in the United States. At an event hosted by the Christian Science Monitor, Secretary Napolitano says DHS will not develop an official metric for measuring border security.<sup>169</sup> Napolitano also argues against including any "trigger" in amnesty legislation that delays the issuance of green cards to illegal aliens until certain border security measures are taken.<sup>170</sup>

#### MARCH 27

**President Obama Confident Congress Will Pass Amnesty This Summer** — In an effort to continue to keep the immigration issue front and center while Congress is on its two-week Easter recess, President Obama conducts interviews with major Spanish language networks *Telemundo* and *Univision*. During

the taped interviews, President Obama expresses confidence that Congress will pass an amnesty bill this summer so long as the Senate “Gang of Eight” stays on track to introduce legislation the week of April 8. “If we have a bill introduced at the beginning of next month as these Senators indicate it will be, then I’m confident that we can get it done certainly before the end of the summer,” President Obama tells *Telemundo*.<sup>171</sup> Nonetheless, the President also reaffirms his commitment to introducing his own proposal if the Senate fails to come to an agreement, stating, “I’m prepared to step in. But I don’t think that’s going to be necessary.”<sup>172</sup>

APRIL 3

**Radar Confirms the Border Is Not Secure** — The use of a sophisticated radar system originally developed by the Pentagon to track the Taliban in Afghanistan reveals more illegal aliens are able to circumvent the Border Patrol than previously thought. The radar system, called the Vehicle Dismount and Exploitation Radar (Vader), was deployed to Arizona in March 2012.<sup>173</sup> Using Vader, which is operated from a drone, Border Patrol agents catch 1,874 people in a 150-square mile stretch of the Sonora Desert between October 2012 and January 2013. The system also identifies an additional 1,962 people in the same area who evade arrest.<sup>174</sup> The findings debunk the Obama administration’s repeated claims that the border is secure.

APRIL 10

**DHS Official Confirms Illegal Border Crossings Up Ahead of Amnesty** — Department of Homeland Security officials testify before the Senate Homeland Security and Governmental Affairs Committee at a hearing entitled “Border Security: Frontline Perspectives on Progress and Remaining Challenges.” Although the Obama administration’s narrative that “the border is secure” was reiterated, U.S. Border Patrol Chief Michael Fisher’s testimony directly contradicts that assertion. “We have seen an increase in attempted entries,” Fisher tells the Committee. Yet, Fisher says a new system that measures apprehensions as well as the number of illegal aliens that avoided detection is “starting” to be used, and states “it is in the final stages of development.”<sup>175</sup>

APRIL 23

**Napolitano Proclaims S.744 Secures the Southern Border** — Department of Homeland Security Secretary Janet Napolitano testifies before the Senate Judiciary Committee, in what was the third (and final) hearing in as many working days on the Gang of Eight’s 844-page “comprehensive” immigration bill. In addition to handling her other responsibilities as DHS Secretary in the mere six days since the bill was introduced, Napolitano claims to have “read the bill” prior to the hearing.<sup>176</sup> She praises the legislation, declaring that the bill will make the country more secure, and says it “absolutely” improves border security because its provisions are realistic despite the mere “certification” requirement that the border security conditions have been met. These conditions encompass weak language such as “substantially” completed and operational, as well as the “establishment” of an electronic entry-exit system for air and sea ports (but not for land ports).<sup>177</sup> Additionally, while claiming the bill makes the border more secure, Napolitano objects to the allocation of funds to install additional fencing along the border.

**Federal Court Finds Napolitano and Morton DACA Directive Illegal** — United States District Judge Reed O’Connor affirms that Congress has plenary power to set immigration law. Particularly, the Judge recognizes that through the adoption of several statutes, Congress has expressed its intent that the

government initiate removal proceedings against *all* illegal aliens, including those eligible for Obama’s Deferred Action for Childhood Arrivals (DACA) program.<sup>178</sup> The decision comes after ten ICE agents filed suit against DHS Secretary Napolitano, ICE Director John Morton, and USCIS Director Alejandro Mayorkas, claiming their prosecutorial discretion directives order them to violate federal law. The decision means that Napolitano does not have the discretion to refuse to initiate removal proceedings, nor can she or Morton instruct their agents to do the same.<sup>179</sup>

**MAY 20**

**USCIS Union Criticizes Obama’s Policies** — The AFL-CIO affiliated union of U.S. Citizenship and Immigration Services officers releases a statement that in addition to opposing the Senate “Gang of Eight” amnesty bill, criticizes the Obama administration’s refusal to enforce the laws already on the books. Kenneth Palinkas, the president of the union which represents over 12,000 USCIS officers and personnel, states he is concerned that under Homeland Security Secretary Janet Napolitano’s leadership, the agency has become nothing more than a rubberstamp for special interests. Among other concerns noted is the convening of “secret panels” created by Napolitano to review all requests that illegal aliens be issued a notice to appear for deportation proceedings, the 99.5% approval rating of DACA applicants and lack of in-person interviews of DACAs, and the excessive granting of fee waivers—costing taxpayers over \$200 million last fiscal year.

**JUNE 17**

**Chief Immigration Enforcer Resigns** — Immigration and Customs Enforcement Director, John Morton, resigns after more than four years of leading the agency. The resignation comes amidst congressional debate over whether to grant amnesty to the 12 million illegal aliens currently in the country, an apparent concession that the current administration cannot be trusted to enforce any new laws.<sup>180</sup> Morton was responsible for implementing the Obama administration’s backdoor amnesty policies, issuing a series of “prosecutorial discretion” memos prohibiting his agents from enforcing immigration laws against the vast majority of illegal aliens without criminal convictions.<sup>181</sup>

**JUNE 18**

**Administration Posts Asylum Loophole Directions on the Web** — President Obama’s U.S. Citizenship and Immigration Services posts directions on its website coaching potential asylum seekers and immigration attorneys on best practices for winning an asylum claim.<sup>182</sup> Instructing asylum seekers to use the phrase “credible fear” upon reaching the U.S. border, the directions result in a massive increase in asylum claims from Mexico, causing U.S. Immigration and Customs Enforcement to pay for hotel rooms for dozens of these recently arrived illegal aliens in the San Diego area at a cost of roughly \$100 per night.<sup>183</sup> Illegal aliens that were not brought to a hotel were reportedly released to addresses in Texas, Florida, and New York.<sup>184</sup>

**JULY 12**

**Homeland Security Secretary Takes New Job Amidst Immigration Battle** — Just weeks after ICE Director Morton resigns, Homeland Security Secretary Janet Napolitano announces she is stepping down after more than four years with the Obama administration to become the next president of the University of California system.<sup>185</sup> Under Secretary Napolitano’s controversial “leadership,” the Department proactively

dismantled immigration enforcement. Napolitano was responsible for overseeing a series of “prosecutorial discretion” memos instructing federal immigration agents to ignore illegal aliens falling outside of the Department’s enforcement “priorities,” for administering a case-by-case review of all immigration deportation proceedings—administratively closing the cases her Department did not deem a priority, and for creating the Deferred Action for Childhood Arrivals (DACA) program and thereby administratively implementing the DREAM Act despite the bill’s repeated rejection by Congress.

**JULY 23**

**Feds Investigate USCIS Director** — News breaks that the Inspector General is investigating U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas due to allegations he improperly helped a Virginia-based tech company secure an EB-5 visa.<sup>186</sup> Run by former Secretary of State Hillary Rodham Clinton’s brother, the company allegedly reached out to Mayorkas for help approving the visa for a Chinese executive whose application had already been denied twice. Alarming, the Inspector General’s investigation extends even beyond the approval of risky EB-5 projects, including allegations of conflicts of interest, misuse of position, and an appearance of impropriety. This is not the first time the USCIS Director has been caught up in a scandal with a brother of Hillary Rodham Clinton’s. Mayorkas was previously scrutinized for his involvement in the commutation of a prison sentence of a Democratic Party donor’s son by President Bill Clinton while he was a U.S. Attorney in California.<sup>187</sup>



**JULY 24**

**Administration Does Nothing after Head of Newark’s Police Dept. Ignores ICE Detainers** — Newark Police Director Samuel DeMaio signs a directive ordering City police to no longer comply with ICE detainer requests to hold suspects accused of minor crimes.<sup>188</sup> The administration does nothing.

**JULY 30**

**Report: DHS Lost Track of Over One Million Foreign Visitors** — The Government Accountability Office releases a report revealing that the Department of Homeland Security has lost track of over one million foreign visitors to the U.S., indicating the individual is a potential visa overstay. The report also points out that Federal law requires DHS to report overstay estimates, but that neither DHS nor its predecessor has regularly done so since 1994.<sup>189</sup>

**AUGUST 13**

**Administration Does Nothing After New Orleans Sheriff Ignores ICE Detainers** — Orleans Parish Sheriff Marlin Gusman (who has jurisdiction over the City of New Orleans) announces his office will no longer hold suspected illegal aliens for ICE unless the detainee is charged with certain violent crimes. These crimes include first or second-degree murder, aggravated rape, aggravated kidnapping, treason or armed robbery with a firearm. If charges against a detainee are dismissed for any reason, suspected illegal aliens are released back into the community regardless of immigration status. The New Orleans policy even goes so far as to prevent its law enforcement officers from initiating an investigation into a detainee’s immigration status or providing ICE with the detainee’s release date or address.<sup>190</sup>

AUGUST 23

**Memo: Administration Backdoor Amnesties Illegal Alien Parents** – Acting Immigration and Customs Enforcement Director, John Sandweg, orders agents to refrain from taking into custody illegal aliens who are parents or legal guardians of a minor.<sup>191</sup> The memorandum 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 doing so, the memorandum instructs ICE personnel that in deciding whether to grant prosecutorial discretion, they should pay particular attention to immigration enforcement activities involving three subsets of the illegal alien population: (1) parents or legal guardians who are primary caretakers of minor aliens (including minors in the country unlawfully); (2) parents or legal guardians who have a direct interest in family or child welfare proceedings; and (3) parents or legal guardians whose minor children are physically present in the U.S. and are citizens or legal permanent residents. If an alien fits into one of the above categories, then ICE personnel are to reevaluate any custody determinations made about the alien and, under certain circumstances, refrain from detaining the alien all together. If an alien is detained, then the agency is to ensure they have the ability to communicate and visit with family, and are able to attend “family court or child welfare proceedings.” In some cases, the agency may facilitate the return into the country of a previously deported alien to attend such proceedings.<sup>192</sup>

SEPTEMBER 5

**ICE Keeps Illegal Alien Lobbyist on Payroll Despite Congress Eliminating Job** – News breaks that the Obama administration has kept ICE Public Advocate Andrew Lorenzen-Strait in his role despite President Obama signing legislation eliminating the position. Congress eliminated the Public Advocate position in March as part of legislation to fund the federal government through the end of the fiscal year, the relevant section of the law reading “None of the funds made available by this Act may be used to provide funding for the position of Public Advocate within U.S. Immigration and Customs Enforcement.”<sup>194</sup> Lorenzen-Strait is now the Deputy Assistant Director of Custody Programs and Community Outreach, where he performs the same duties as the now defunct Public Advocate position.

SEPTEMBER 17

**Obama Says an Executive Amnesty Would Ignore the Law, Forgets He’s Already Done It** – In an interview with Spanish media outlet *Telemundo*, President Obama tells viewers he does not have authority to unilaterally grant amnesty to the estimated 12 million illegal aliens currently in the U.S. if Congress refuses to pass amnesty legislation. In declaring he lacks such ability under his executive powers, President Obama says that granting the nation’s entire illegal alien population a reprieve from deportation and authorizing them to work in the country “would be ignoring the law in a way that would be very difficult to defend legally.”<sup>195</sup> The President drew a distinction between his circumvention of the law for illegal aliens 30 and younger via his administration’s Deferred Action for Childhood Arrivals (DACA) program—which he claimed was legal because it was done to allow federal agencies the ability to devote more time and resources to “high-priority” immigration cases—and doing the same for the entire illegal alien population, saying the latter is “not an option.”<sup>196</sup> His interview was not the first time, however, in which he claimed it was outside of his authority to grant backdoor amnesty to the illegal alien population. President Obama made a similar assertion in March 2011, before implementing the Morton Memos and DACA.<sup>197</sup>



OCTOBER 1

**Feds Give Illegal Aliens Nearly \$29 Million in Prescription Drugs** – The Office of the Inspector General for the Department of Health and Human Services releases a report revealing that the Federal government doled out nearly \$29 million in prescription drug benefits

to illegal aliens over the last two years.<sup>198</sup> According to the report, the Centers for Medicare and Medicaid Services (CMS) inappropriately approved \$28,990,718 in payments to sponsors that submitted 279,056 records of prescription drugs for 4,139 illegal aliens from 2009 to 2011 under the Medicare Part D program. Current law generally prohibits illegal aliens from receiving federal public benefits, such as prescription drugs under Medicare.<sup>199</sup> However, illegal aliens are enrolled in Medicare Part D, and sponsors that contract with CMS submit claims on behalf of illegal aliens because there is no mechanism for sponsors (private prescription drug plans) to check whether a beneficiary is lawfully present.<sup>200</sup>

OCTOBER 5

**Obama Administration Does Nothing after California Governor Signs Anti-Detainer Bill** – California Governor Jerry Brown signs legislation, called the “TRUST Act,” that generally bans local law

enforcement officials in the state from detaining any person on the basis of an ICE detainer request after that individual becomes eligible for release from local jail. While in certain circumstances the bill does not outright ban transferring custody of criminal aliens to ICE upon request, it does however give local officers the option of releasing such dangerous criminal aliens back onto the streets. The Obama administration takes no action.<sup>201</sup>



OCTOBER 8

**Administration Allows Illegal Aliens to Rally on National Mall for Amnesty While Banning Military Veterans from War Memorials** – Demonstrating the

Obama administration’s prioritization of illegal aliens over the American people, the National Park Service (which has closed the National Mall to the general public due to a government shutdown), grants an exception to allow amnesty advocates to rally on the Mall.<sup>202</sup> The “Camino Americano: March for Immigration Reform,” is sponsored by pro-amnesty groups such as CASA in Action and the AFL-CIO and lasts several hours.<sup>203</sup> Members of Congress speaking at the rally tell the protesters to thank “the administration at this time of shutdown for allowing us to be here today.”<sup>204</sup> Meanwhile, veterans groups traveling to D.C. to view the war memorials are met with blockades.

OCTOBER 18

**President Obama Nominates Campaign Donor with No Immigration Experience to be Next Head of Homeland Security** – President Barack Obama officially unveils his pick for Secretary

of the Department of Homeland Security: former Defense Department general counsel Jeh Johnson. While Johnson’s biography suggests he has some national security experience, he apparently lacks any experience on the President’s second-term priority—immigration. Media outlets report he is a longtime Democrat donor, federal campaign finance records showing that over the past decade, Johnson has contributed more than \$100,000 to Democratic candidates and groups, with a third of that going to Obama’s 2008 presidential campaign.<sup>206</sup>

OCTOBER 24

**Obama Renews Commitment to Pass Amnesty** – With less than 20 legislative days remaining in the House of Representatives, President Obama renews his amnesty push, calling for House Republican leaders to take up immigration before the end of 2013. “We should pass immigration reform. It’s good for our economy. It’s good for our national security. It’s good for our people. And we should do it this year,” he says.<sup>207</sup>

**USCIS Ombudsman Conference Pushes Amnesty** – At its annual conference, the U.S. Citizenship and Immigration Services (USCIS) Ombudsman devotes its keynote panel to promoting President Obama’s amnesty agenda. The panelists represent organizations who would provide services to illegal aliens in the event of an amnesty, including: the National Council of La Raza, City University of New York Citizenship Now, Immigration Advocates Network, National Immigration Law Center, and Kids in Need of Defense. The pro-amnesty panelists spend the morning discussing how their organizations could ensure that implementation of any upcoming amnesty should include as many illegal aliens as possible, and emphasize how they were already using “DACA” in their broader amnesty push.<sup>208</sup>

NOVEMBER 5

**Obama, Big Business Huddle at the White House over Immigration** – President Obama huddles with key business leaders at the White House to discuss immigration. Among the guests in Obama’s Roosevelt room are the CEOs of McDonald’s, Marriott, State Farm, Lockheed Martin, Deloitte, and Motorola. The execs met with President Obama and key White House advisers, including Valerie Jarrett and Cecilia Muñoz.<sup>209</sup>

**D.C. City Council Approves Driver’s Licenses for Illegal Aliens, White House Does Nothing** – The District of Columbia Council approves a bill to provide driver’s licenses to illegal aliens.<sup>210</sup> The bill creates a two-tiered driver’s license system, meaning that the licenses provided to illegal aliens will be visibly distinct from those of legal residents and citizens. The licenses provided to illegal aliens must contain the phrase, “not valid for official federal purposes.” Advocates argue that the distinguishing mark will limit the effectiveness of D.C.’s sanctuary policy by singling out illegal aliens. The Obama administration does nothing as illegal aliens gain benefits in its own backyard.<sup>211</sup>



NOVEMBER 11

**Memo: USCIS Circumvents Federal Law Governing Time Limits on Temporary Work Visas** – United States Citizenship and Immigration Services (USCIS) issues a policy memorandum (dated November 11, 2013) that will allow the Obama administration to circumvent existing time limits for guest worker visas.<sup>212</sup> The memo specifically applies to H-2A (agricultural workers), H-2B (low-skilled workers), and H-3 (“trainee”) visas, and achieves its goal by amending the USCIS Adjudicator’s Field Manual, the guide instructing USCIS officials on how to process applications. The new policy instructs Immigration Services Officers to allow the holders of a dependent visa to obtain their own principal visa as a seasonal worker or trainee without counting the time previously spent in the country against the maximum time limit of the visa. This policy therefore doubles the amount of time a seasonal worker or trainee could stay in the United States, as it allows

a spouse who has been a derivative visa holder to essentially switch places with the principal visa holder when the original principal visa holder's maximum time limit has been reached. The change in status would thus reset the clock to zero for both. By instituting this policy by means of an update to the USCIS' Adjudicator's Field Manual rather than by an appropriate change to the law or regulations, the Obama administration has again unilaterally expanded immigration while bypassing the public scrutiny and degree of accountability that the proper regulatory process is designed to ensure.<sup>213</sup>

NOVEMBER 13

**Obama's Homeland Security Nominee Affirms Amnesty Support** — President Obama's nominee to become the next Secretary of the Department of Homeland Security, Jeh Johnson, testifies before a Senate panel regarding his pending confirmation. Though immigration is not the main focus, Johnson uses the hearing to express his support for amnesty. He says, "I support comprehensive common sense immigration reform. If reform is enacted into law I will work to prepare DHS to administer the changes in law and ensure that DHS has the staff, resources, and capability to do so." Johnson also lists "immigration reform" as his seventh priority in a questionnaire given to him prior to the hearing.<sup>214</sup>



NOVEMBER 14

**Memo: Obama Uses Visa Waiver Program to Implement Another Backdoor Amnesty** — The Obama administration issues another policy memo, this time instructing USCIS personnel to use prosecutorial discretion to give immediate relatives (spouse, parent, or child) of U.S. citizens who entered the country through the Visa Waiver Program (VWP) and remained beyond their authorized stay the ability to obtain a green card and eventual citizenship.<sup>215</sup> Generally, federal immigration law requires foreign nationals to obtain a visa before they can be admitted to the United States. However, under the VWP, eligible aliens from designated countries<sup>216</sup> are permitted to enter the U.S. for up to 90-days for "business or temporarily for pleasure" without a visa.<sup>217</sup> This 90-day time limit can *only be temporarily extended in "emergency" situations*, and in order to qualify to enter the U.S. under the VWP, an individual must waive his or her right to contest any removal orders placed against them.<sup>218</sup> Despite the fact that federal law clearly states the VWP is a temporary, limited-admission program, this policy memo nonetheless argues that DHS not only has the authority to decline to remove a VWP overstay, but to grant the alien a green card as well if the alien is an immediate relative of a U.S. citizen.<sup>219</sup>

NOVEMBER 15

**Memo: Administration Grants Backdoor Amnesty to Illegal Alien Subset** — In yet another move calculated to fulfill the President's backdoor amnesty agenda, the Obama administration issues a new policy memorandum,<sup>220</sup> this time granting illegal aliens who are immediate relatives of active and veteran U.S. military members the ability to obtain a green card and eventual citizenship.<sup>221</sup> President Obama creates this path to citizenship by granting these illegal alien relatives "parole in place." However, rather than being based in statute, the concept of "parole in place" is a politically-motivated distortion of U.S. immigration law.<sup>222</sup> **There is no statutory or regulatory authority for this status**, as it is predicated on yet another memorandum, this time by the former General Counsel of the Immigration and Naturalization Service under the Clinton administration.<sup>223</sup>

NOVEMBER 20

**Foreign Students at Record Level; DHS Proposes Rule to Bring in More** – The Department of Homeland Security proposes changing federal regulations to allow even more foreign students to enroll at U.S. colleges and universities. DHS’s proposed rule would effect this change by allowing spouses and children of foreign students to study at U.S. colleges and universities, so long as the course of study is not full-time. The administration proposes this rule in spite of the number of foreign students in the U.S. growing by 40 percent over the past decade (2003-2013).<sup>224</sup>

DECEMBER 2

**Seattle Refuses to Honor ICE Detainers, Administration Does Nothing** – The Obama administration does nothing after the King County Council passes Ordinance 2013-0285<sup>225</sup> by a vote of 5 to 4, prohibiting county law enforcement from honoring federal Immigration and Customs Enforcement (ICE) detainers for aliens except in a very limited number of circumstances. Previously, King County, which encompasses Seattle, has honored all requests by federal authorities to hold aliens for no more than an additional 48 hours to allow ICE agents time to make arrangements for the transfer of the detainee into federal custody for the purpose of removing the alien.<sup>226</sup>

DECEMBER 3

**White House Reverses Course; Confirms President Lived with Illegal Alien Uncle**

The White House confirms that President Obama did in fact live with his illegal alien uncle in Massachusetts for several weeks while attending Harvard Law School. The confirmation by the White House constitutes a complete about-face from White House’s earlier claims that the President and his uncle, Onyango “Omar” Obama, had never even met.<sup>227</sup>

DECEMBER 10

**USCIS Director Caves to Pressure from Harry Reid** – News breaks that Alejandro Mayorkas, the Director of U.S. Citizenship and Immigration Services (USCIS), caved to pressure from Senate Majority Leader Harry Reid (D-NV) and ordered USCIS personnel to reopen reviews of EB-5 visa applications for projects in Reid’s home State of Nevada.<sup>228</sup> Though the applications for the investor visa program were previously rejected for expedited review on grounds of “suspicious financial activity,” upon reportedly receiving a phone call from Majority Leader Reid, Director Mayorkas ordered an expedited review of the cases.<sup>229</sup> Mayorkas is already under investigation by the Inspector General for improperly helping approve the visa for a Chinese executive at the request of a Virginia-based tech company run by former Secretary of State Hillary Rodham Clinton’s brother.<sup>230</sup>

DECEMBER 11

**Vice President and Key White House Aide Call for Amnesty on Skype Chat** – Companies Skype and Bing (both owned by pro-amnesty Microsoft) host an online chat with Vice President Joe Biden and White House Domestic Policy Advisor Cecilia Munoz. Biden calls on the House to pass amnesty, while Munoz promises the audience that the President will extend DACA, his administrative amnesty program for so-called DREAMERS, if Congress does not pass an amnesty bill.<sup>231</sup>

DECEMBER 19

**Deportations Drop in 2013** – Immigration and Customs Enforcement (ICE) releases its year-end removal numbers, revealing that the administration has removed fewer aliens from the U.S. in 2013 than in 2012. While administration officials and the amnesty lobby continue to claim that deportation numbers are at record highs, the statistics reveal a 10 percent drop in removals over the last year. In 2012, ICE reported removing 409,849 aliens.<sup>232</sup> This year’s report, however, shows ICE removed only 368,644 aliens.<sup>233</sup> The year-end removal numbers also demonstrate a decline in interior enforcement, and underscore the administration’s continued efforts to pad removal numbers by redefining CBP border apprehensions as ICE removals.<sup>234</sup>

**White House Announces Pro-Amnesty Nominee to be Next USCIS Leader** – The White House announces President Obama’s nominees for several key leadership posts, including for Director of U.S. Citizenship and Immigration Services.<sup>235</sup> Obama nominates Leon Rodriguez, a former board member of the pro-amnesty CASA de Maryland. During Rodriguez’s tenure on the board of CASA, the organization published a booklet entitled “Warning: Protect Yourself from Immigration Raids,”<sup>236</sup> which instructs illegal aliens on how to avoid or minimize the chance of being deported.



DECEMBER 23

**Homeland Security Gets New Leadership** – Jeh Johnson is sworn in as the fourth U.S. Secretary of Homeland Security.<sup>237</sup> Secretary Johnson appears to lack any experience on immigration. News reports suggest President Obama’s appointment of Johnson, a longtime Democrat donor, is payback for his years of support. Federal campaign finance records show that over the past decade, Johnson has contributed more than \$100,000 to Democratic candidates and groups.<sup>238</sup> In particular, Johnson gave more than \$33,000 to Obama’s 2008 presidential campaign. In fact, his ties with President Obama extend to more than just donations, with then candidate-Obama’s campaign website listing him as both a member of his national finance committee and as a foreign policy advisor. He also donated \$2,300 to Hillary Clinton’s presidential primary campaign.

Former U.S. Citizenship and Immigration Services Director, Alejandro Mayorkas, is also sworn in that same day.<sup>239</sup> He is both nominated and approved for the number two position at DHS in spite of an investigation pending against him by the DHS Inspector General for impropriety relating to the EB-5 investor visa program.<sup>240</sup>

# TIMELINE: 2014

## No Illegal Alien Left Behind

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JANUARY 14

**Obama Threatens to Use His Pen and Phone** — Upon convening his first Cabinet meeting of the year, President Obama declares he will implement his 2014 agenda with or without Congress and calls on Congress to complete “immigration reform,” which he describes as a “major piece of unfinished business from last year.” He goes on to explain that his administration is “not just going to be waiting for legislation,” but will act unilaterally if Congress refuses to pass his agenda. He proclaims, “I’ve got a pen and I’ve got a phone, and I can use that pen to sign executive orders and take executive actions... And I’ve got a phone that allows me to convene Americans from every walk of life—nonprofits, businesses, the private sector, universities, to try to bring more and more Americans together around what I think is a unifying theme....”<sup>241</sup>



JANUARY 17

**Administration Releases Apprehension Data, Shows Unlawful Border Crossings on the Rise** — Customs and Border Protection releases data showing that apprehensions of illegal aliens crossing into the U.S. increased during fiscal year 2013. In total, U.S. Border Patrol apprehended 420,789 illegal aliens at the southern and northern borders, a 16 percent increase from fiscal year 2012.<sup>242</sup> The data shows that 98 percent of all apprehensions occurred on the southern border, and that much of the increase is coming from those leaving Central America. Just days after the Border Patrol releases this data, the Department of Homeland Security’s new Secretary, Jeh Johnson, made his first visit to the southern border.<sup>243</sup> Declaring that DHS has made “significant progress” over recent years to secure it, Johnson calls on Congress to pass amnesty.<sup>244</sup>

JANUARY 24

**DHS Secretary Says Illegal Aliens Have “Earned the Right” to Become Citizens**  
Just one month after being sworn-in, Secretary Johnson gives a speech to the U.S. Conference of Mayors advocating for comprehensive immigration reform. During the speech he tells them that he believes illegal aliens have “earned the right” to become U.S. citizens.<sup>245</sup>

JANUARY 28

**Illegal Aliens Attend State of the Union** — For the second straight year, illegal aliens attend President Obama’s State of the Union Address as invited guests. In addition to being invited by pro-amnesty Members of Congress, First Lady Michelle Obama welcomes an illegal alien to her viewing box.<sup>246</sup>

JANUARY 31

**Obama Threatens Unilateral Action on Immigration...Again** — President Obama threatens during an online chat to use executive action to stop the deportation of illegal aliens if Congress fails to pass amnesty in 2014. President Obama’s threat comes in response to a question asking him to what extent he can

use his executive powers to grant a broad amnesty to all illegal aliens similar to his DACA initiative. President Obama responds, “If at some point we see that it’s not getting done, I’m gonna look at all options to make sure that we have a rational, smart system of immigration. But I’m going to do everything I can in these months to see if we can get this over the finish line....”<sup>247</sup> The President’s statement is the latest in a series of remarks in which he flip-flops as to whether he can—or will—use his executive authority to unilaterally halt the deportation of *all* illegal aliens.

#### FEBRUARY 5

**Administration Makes it Easier for Terrorists to Gain Admission to U.S.** — The Obama administration unilaterally takes steps to weaken a federal law that prohibits those who provide “material support” to individuals or organizations engaged in terrorist activity from being admitted to the United States. Federal law prohibits aliens who commit an act that the alien “knows, or reasonably should know, affords *material support*” to individuals or organizations that have committed (or plan to commit) a terrorist activity from being admitted to the country.<sup>248</sup> However, in an agency notice published February 5, Homeland Security Secretary Jeh Johnson and Secretary of State John Kerry announce they are exempting from that law individuals whose “material support” is either “limited”<sup>249</sup> or “insignificant.”<sup>250</sup> The move not only opens the door for terrorists seeking to do harm in the U.S., but represents another circumvention of the law by the administration by which it excludes broad classes from the law rather than on a case-by-case basis.<sup>251</sup>

#### FEBRUARY 7

**DHS Secretary Preps for Amnesty** — After just over one full month in office, Homeland Security Secretary Jeh Johnson announces that he is preparing his department for a mass amnesty. “I have already directed the Deputy Secretary of Homeland Security to coordinate the process to ensure we are ready to implement the law,” he said referring to DHS’s ability to process future amnesty applications.<sup>252</sup> Calling amnesty “a matter of homeland security,” Johnson also reiterates his support for it. “This is not a special path to citizenship as I see it; it is an opportunity to get in line behind those who are here legally. This is not rewarding people for breaking the law; it is giving them the opportunity to get right with the law. And it is preferable to what we have now.”<sup>253</sup>

#### FEBRUARY 8

**Obama Puts Illegal Aliens Ahead of Law-Abiding Immigrants** — The *New York Times* reports that U.S. Citizenship and Immigration Services has been prioritizing the processing of applications for President Obama’s Deferred Action for Childhood Arrivals (DACA) program for illegal alien minors over those of individuals attempting to enter the country lawfully. The DACA program, which grants lawful presence and work authorization to illegal aliens who claim to have been brought to the U.S. as minors, has tripled the visa wait time for the spouses, children, and parents of U.S. citizens who are trying to immigrate to the country lawfully according to the news outlet. Until recently, a U.S. citizen could obtain a green card for an immediate relative in five months or less, but after the administration instituted DACA in 2012, the reporting reveals USCIS diverted its attention to DACA recipients and the typical wait lengthened to 15 months.<sup>254</sup>

FEBRUARY 11

**Audit Shows Obama Administration Undermines Worksite Enforcement** — The Office of Inspector General (OIG) of the Department of Homeland Security issues a report on its audit of the Obama administration's worksite enforcement strategy from 2009 to 2012.<sup>255</sup> The audit reveals that the administration has continually reduced fines for businesses caught employing illegal aliens. The audit found that from fiscal years 2009 through 2012, DHS reduced penalties on employers who hire illegal aliens an average of 40%, from \$52.7 million to \$31.2 million. The audit also found that DHS failed to properly oversee the field offices and ensure ICE guidance and procedures for the I-9 process were uniformly implemented.<sup>256</sup>

MARCH 4

**Obama Seeks to Cut Immigration Enforcement** — President Obama releases his budget for fiscal year 2015.<sup>257</sup> In it, the President cuts overall funding for Immigration and Customs Enforcement by 4.5 percent, decreases the number of detention beds, seeks an increase in alternatives to detention, and eliminates funding for the State Criminal Alien Assistance Program (SCAAP). Additionally, the President claims to reduce the deficit by assuming Congress passes amnesty in 2014, and attributes \$158 billion in deficit reduction over the next decade and \$1 trillion over 20 years to "immigration reform."<sup>258</sup>

MARCH 7

**Border Patrol Chief Restricts Agents' Ability to Defend Themselves** — Chief of the U.S. Border Patrol, Michael Fisher, issues a policy memorandum further limiting the ability of Border Patrol agents to use force to protect themselves at the border.<sup>259</sup> The directive comes in response to complaints by open border groups that Border Patrol agents have used excessive force when patrolling the border, despite reports of increased danger for agents, including projectiles being hurled across the border in an effort to harm them. Fisher's actions puts the demands of the open borders lobby ahead of the safety of Border Patrol agents, who are injured while trying to prevent drug cartels and illegal aliens from unlawfully crossing the border.<sup>260</sup> Since 2007, there have been over 6,000 assaults against Border Patrol agents, resulting in countless injuries and three deaths.<sup>261</sup>

MARCH 11

**DHS Secretary Admits Administration Manipulates Deportation Stats** — During a hearing on Capitol Hill, Homeland Security Secretary Jeh Johnson admits that the Department has been reclassifying deportation data in a way that makes it appear that deportations have increased. Specifically, Secretary Johnson confirms that a large part of the 368,000 deportations reported by Immigration and Customs Enforcement for fiscal year 2013 are due to the activity of an entirely different agency—Customs and Border Protection—and would not have counted towards ICE's removal total in previous administrations.<sup>262</sup>

MARCH 13

**Obama Orders Review of Deportation Practices** — President Obama tells members of the Congressional Hispanic Caucus in a meeting at the oval office that he has ordered DHS Secretary Jeh Johnson to review the department's deportation practices. According to the White House, President Obama expresses "deep concern about the pain families feel" from having illegal alien relatives deported and said the goal of the

review is to help DHS conduct enforcement “more humanely within the confines of the law.”<sup>263</sup> Attendees at a subsequent White House meeting indicate that the President actually told Johnson to begin the review “his first day” as secretary.<sup>264</sup>

**MARCH 18**

**Administration Reopens Cases of Illegal Aliens** – U.S. Citizenship and Immigration Services (USCIS) reopens applications of illegal aliens who were denied provisional waivers of the 3- and 10-year bars to admission to due criminal records.<sup>265</sup> Pursuant to a USCIS memo,<sup>266</sup> during the review process, if the administration determines the criminal offense is not of a certain nature or severity, then the agency will reverse the denial and grant the illegal alien the waiver to stay in the country. The guidance represents another attempt by the Obama administration to ensure it finds a way to circumvent the law for as many illegal aliens as possible, and takes the step of proactively reopening cases of illegal aliens to find ways to make it easier for them to stay in the country.<sup>267</sup>

**MARCH 26**

### **Obama Promises Amnesty Lobby He’ll Expand Backdoor Amnesty in 3 Months**

Two prominent amnesty activists tell reporters that President Obama has indicated that he will further expand his administrative amnesty in three months if Republicans have not yet taken legislative action furthering the passage of an amnesty bill. Lorella Praeli, the director of advocacy and policy for United We Dream, said “[t]he President made it clear that three months from now, if there is no legislative action, he will do more using executive authority.” Frank Sharry, executive director of America’s Voice, said that the President left the “clear impression that if Republicans don’t act in three months, he will.”<sup>268</sup>

**MARCH 27**

### **Former ICE Director Pens Op-Ed Discouraging Enforcement of Immigration Laws**

Former acting Immigration and Customs Enforcement Director John Sandweg—who for five months served as Obama’s chief immigration law enforcer—proposes in a *Los Angeles Times* op-ed<sup>269</sup> that the agency stop enforcing the law against two sets of illegal aliens: non-criminal re-entrants and immigration fugitives. Remarkably, Sandweg asserts that input from ICE officers influenced him to advocate de-prioritizing these two classes of illegal aliens.<sup>270</sup>



**APRIL 2**

### **CBP Chief Admits Obama Immigration Policies Fuel Unaccompanied Minor Spike** – In a budget hearing before the House Appropriations Homeland Security Subcommittee,

newly confirmed U.S. Customs and Border Protection Commissioner Gil Kerlikowske admits that Obama administration policies are likely contributing to the recent surge in minors crossing the border unlawfully. He tells the Subcommittee, “[t]he deferred action, the family reunification, is an issue,” driving the increase in unaccompanied minors flooding the border. CBP projects a ten-fold increase over the past three years in children crossing the border illegally without parents or guardians, from 6,000 in 2011, to 34,000 in 2013, and 60,000 projected for 2014.<sup>271</sup>

APRIL 9

**Secretary Johnson Meets with Congressional Hispanic Caucus** — Homeland Security Secretary Jeh Johnson meets privately with the Congressional Hispanic Caucus (CHC), to discuss immigration policy.<sup>272</sup> Both Secretary Johnson and the CHC come to the meeting with a list of ideas to further weaken enforcement of immigration laws. According to the *Los Angeles Times*, Secretary Johnson brings a “file full” of suggested changes to immigration law. Meanwhile CHC members present Johnson with the six page memo<sup>273</sup> that they sent him the previous week demanding that the Department delay or suspend the deportations of illegal aliens who would qualify for amnesty under the Senate amnesty bill, and their list of “policy options” for how it might do so. CHC members tell reporters following the meeting that they believe the administration will take additional steps to further limit the number of deportations.<sup>274</sup>



APRIL 21

**Sec Johnson Weighs *Another* Backdoor Amnesty** — The *Associated Press* reports that two sources close to Secretary Johnson say he is weighing limiting deportations on illegal aliens who do not have “serious criminal records.”<sup>275</sup> The sources include the former acting Director of Immigration and Customs Enforcement, John Sandweg, and an amnesty advocate who has allegedly been engaged in talks with Administration officials but would only speak on the condition of anonymity. According to Sandweg and the amnesty advocate, Johnson is considering changing the administration’s existing “priorities” for deporting illegal aliens to exclude those who have re-entered the country after being already deported (a felony), as well fugitives from immigration proceedings. Sandweg, who spent five months acting as the country’s chief immigration enforcer, advocated for these exact changes in an op-ed<sup>276</sup> penned for the *Los Angeles Times* less than one month ago.

APRIL 22

**Sec Johnson Meets with Amnesty Lobby** — Just one day after the *Associated Press* reports that Secretary Johnson is mulling over ways to further limit deportations, he meets with two dozen people representing various pro-amnesty groups, whom the Department refers to as “key immigration stakeholders.” The meeting, according to a DHS press release, states it is “part of the on-going and inclusive review process” to assess how Secretary Johnson will administer immigration laws.<sup>277</sup> Noticeably missing from the so-called “stakeholder” meeting are immigration enforcement officers....

MAY 8

**Administration Releases Education Guidance to Intimidate Schools** — The Obama administration revises 2011 guidance to public elementary and postsecondary educators that requires “equal access” to K-12 education for illegal aliens.<sup>278</sup> Like the 2011 version, the 2014 guidance includes a letter from the Departments of Education and Justice declaring that the U.S. Supreme Court and Federal civil rights laws prohibit school districts from excluding students who are—or have parents who are (or are perceived to be) — illegal aliens. The “guidance” is just one more tactic employed by the administration to intimidate state and local governments from passing measures to deter illegal immigration and quantify its impact on local school districts.<sup>279</sup>

MAY 12

**Obama Administration Proposes Giving Work Permits to H-1B Spouses** — The Department of Homeland Security publishes a proposed rule that will give work authorization to certain dependent spouses of H-1B nonimmigrant visa holders.<sup>280</sup> The proposed rule would amend current regulations to allow the spouses of H-1B holders to work while the H-1B holder is in the process of seeking lawful permanent residence status through their employment. Although H-1B visas are supposed to be “nonimmigrant” visas meant to alleviate temporary labor shortages rather than another permanent immigration category, DHS proposes the rule change explicitly to encourage H-1B visa holders to seek permanent residence. The rule change is announced in spite of the 20 million Americans who are unemployed or only working part time because they cannot find full time work. Adding insult to injury, Deputy Secretary of DHS Alejandro Mayorkas claims the proposed rule is necessary if American businesses are to remain competitive globally. The Department estimates that its proposal will result in as many as 106,600 spouses applying for work permits in its first year and 35,900 applying each year in the future.<sup>281</sup>

MAY 13

**Obama: Immigration Enforcement “Isn’t Smart”** — President Obama tells law enforcement officials that enforcing immigration laws “isn’t smart.” Immigration enforcement is “just not a good use of our resources. It’s not smart. It doesn’t make sense,” he says.<sup>282</sup> Obama makes the comments during a meeting with law enforcement officers at the White House during D.C.’s annual police week, where law enforcement agents from across the country come together to honor the service of fallen officers.

MAY 15

**Sec Johnson Hints Administration is Considering Watering Down Secure Communities** On PBS’ NewsHour, DHS Secretary Jeh Johnson indicates the administration is considering watering down the one enforcement program it has said it supports: Secure Communities. “The program” Secretary Johnson says, “has become very controversial,” and needs “a fresh start.” He goes on to claim that the program ought to efficiently “reach the removal priorities that we have, those who are convicted of something,” and that he expects to announce a change “in the near term.”<sup>283</sup> Johnson’s phrasing suggests this “fresh start” is meant to assuage concerns by amnesty advocates that the program will lead to the deportation of illegal aliens who have been merely charged with crimes as opposed to convicted.<sup>284</sup> The administration has long used the efficiency of Security Communities as a reason to dismantle other immigration enforcement programs, leaving little left if eroded by Homeland Security.<sup>285</sup>

MAY 27

**Administration Threatens it Will Broaden Executive Amnesty in August if House Doesn’t Act** — In an attempt to pressure House Republicans into passing amnesty legislation, President Obama instructs Department of Homeland Security Secretary Jeh Johnson to announce his anticipated changes to relax deportation policy in August if the House doesn’t pass amnesty by then.<sup>286</sup> A White House official explains the decision, saying Obama “believes there’s a window for the House to get immigration reform done this summer, and he asked the secretary to continue working on his review until that window has passed.”<sup>287</sup>

MAY 28

**Defense Secretary Admits Plan to Enlist Illegal Aliens** — In a letter to senators, pro-amnesty Defense Secretary Chuck Hagel confirms the administration’s plans to allow illegal aliens to enlist in the military, telling them that he has “taken initial action to allow for the enlistment” of DACA recipients.<sup>288</sup> To achieve its goal of enlisting illegal aliens, the administration plans to use the “Military Accessions Vital to National Interest” (MAVNI) program. Yet, no sooner than it acknowledges its intentions, the administration announces it will wait to implement its plan until the August Congressional recess, as a consequence if House Republicans refuse to pass amnesty.<sup>289</sup>



MAY 29

**Johnson Calls Status of Illegal Aliens “Ambiguous”** — Homeland Security Secretary Jeh Johnson appears before the House Judiciary Committee for the first time since being confirmed in December of 2013.<sup>290</sup> He tells the Committee that because some states have granted certain privileges to illegal aliens, that their status has become “ambiguous.” “There is legal ambiguity in that they are here undocumented, but there are states that permit them to have drivers’ licenses,” he said. “I consider that an ambiguous legal state. And we have to fix it.”<sup>291</sup>

MAY 30

**Obama’s DREAM to Cost Taxpayers Over \$2 Billion** — The Office of Management and Budget (OMB) sends House and Senate appropriators a letter<sup>292</sup> estimating that U.S. taxpayers will spend approximately \$2.28 billion in FY2015 on unaccompanied alien minors that enter the United States.<sup>293</sup> The \$2.28 billion represents an increase from the administration’s estimated price tag of \$868 million on minors unlawfully crossing the border in FY2014. The annual number of arriving unaccompanied minors has increased ten-fold from 6,560 in FY2011 to an estimated 60,000 in FY2014.<sup>294</sup> That same day, Border Patrol Deputy Chief Ronald Vitiello pens a subsequently leaked memo indicating that CBP estimates the number of unaccompanied alien minors crossing the border is expected to be even greater: 90,000.<sup>295</sup>



**CBP Memo Reveals Flood of Minors at Border Worse than First Imagined, Says Obama to Blame** — Deputy Chief of the U.S. Border Patrol pens a memo revealing that the flood of unaccompanied minor aliens flooding the U.S.-Mexican border is even worse than anticipated.<sup>296</sup> First, the memo states that the Border Patrol estimates 90,000 unaccompanied minors will cross the border in FY 2014, up from the estimated increase of 60,000. Next, the memo reveals that the increase in unaccompanied minor border crossers has impeded Border Patrol’s ability to respond to other national security and public safety threats. “The large quantity of DHS interdiction, intelligence, investigation, processing, detention and removal resources currently being dedicated to address [unaccompanied alien minors] is compromising DHS capabilities to address other transborder criminal areas, such as human smuggling and trafficking and illicit drug, weapons, commercial and financial operations,” Vitiello wrote.<sup>297</sup> Finally, in the memo Vitiello recognizes the administration’s policy of refusing to enforce the law against the vast majority of illegal aliens was to blame for the recent influx of minors along the border. “Releasing other than Mexican family units, credible fear claims, and low-threat aliens on their own recognizance, along with facilitating family reunification of [unaccompanied alien minors] in lieu

of repatriation to their country of citizenship, serve as incentives for additional individuals to follow the same path,” he wrote.<sup>298</sup>

#### JUNE 5

**DHS Announces DACA Renewal Process** — Just ahead of the two year anniversary of the Obama administration’s unilateral implementation of the DREAM Act, DHS announces the renewal process for the amnesty program.<sup>299</sup> Officially known as Deferred Action for Childhood Arrivals (DACA), the program grants a reprieve from deportation and work authorization for two years for certain illegal alien minors. In announcing the renewal process, DHS releases a revised application form (now to be used for both initial and renewal applications) and instructions that change the education requirement to qualify for the program. Specifically, while initial applicants are required to demonstrate that they are enrolled in some form of “educational” program —including vocational training or even an English language course—*at the time of applying*, renewal applicants are not required to demonstrate that they have successfully completed, or are still even enrolled in such.<sup>300</sup> Moreover, in creating the DACA application process, the administration did nothing to remedy the previous form’s lax verification requirements. Indeed, there are no set documentary requirements indicating which types of evidence illegal aliens must show for the backdoor amnesty program, leaving the discretion as to acceptable documentation up to the aliens themselves.<sup>301</sup> Finally, the renewal process also essentially makes DACA a three-year—instead of a two-year—deferral from deportation program. To be sure, the new application form makes clear that DACA recipients can apply for renewal up to one-year *after the expiration* of their current deferment with no consequence. As of April 2014, more than 560,000 illegal aliens have received amnesty through DACA.<sup>302</sup>

#### JUNE 11

### Obama Administration Denies Responsibility for Surge of Minors at the Border

Homeland Security Secretary Jeh Johnson denies that his department’s lax enforcement policies are causing unaccompanied alien minors to flood the southern border with Mexico. Testifying before the Senate Judiciary Committee, he tells them “I believe that the situation is motivated primarily by the conditions in the countries that they’re leaving. El Salvador, Honduras and Guatemala—violence, poverty, I believe that is principally what is motivating the situation.” Then, despite claiming to have “never seen” the leaked Border Patrol memo identifying the administration’s policy of refusing to enforce the law as written as the reason behind the surge, Johnson dismisses it, saying, “I don’t know that I agree with the assessment there.”<sup>303</sup>

#### JUNE 30

**Obama Vows to Implement Amnesty Through Executive Action** — Standing before the White House press corps in the Rose Garden, President Obama vows to use his executive powers to unilaterally implement an amnesty for illegal aliens.<sup>304</sup> The President calls the House’s refusal to take up the Senate mass guest worker amnesty bill, S. 744, a “year of obstruction” and says its failure to “pass a darn bill” means no opportunity for the 12 million illegal aliens to “come out of the shadows and earn their citizenship” and “fewer resources to strengthen our borders.” President Obama insists he does not “prefer taking administrative action” but declares, “America cannot wait forever for [House Republicans] to act. And that’s why, today, I’m beginning a new effort to fix as much of our immigration system as I can on my own, without Congress.”

JULY 5

**DHS Data Shows Deportations of Minors Dropped 80 Percent During Obama Administration** — Internal Department of Homeland Security documents refute claims by the Obama administration that unaccompanied alien minors who illegally cross the border will be sent home. According to an Immigration and Customs Enforcement document obtained by the *Los Angeles Times*, removals of illegal alien minors have decreased by 80% compared to the final year of the Bush administration.<sup>305</sup> In 2008, 8,143 alien minors were removed compared to only 1,669 last year.<sup>306</sup>

JULY 6

**Sec Johnson Refuses to Say Illegal Alien Minors will be Deported** — Appearing on NBC's *Meet the Press*, Homeland Security Secretary Jeh Johnson declines to say whether the recent unaccompanied alien minors detained at the border will likely be deported or permitted to stay in the United States.<sup>307</sup> When asked what the administration's priorities are in the crisis, Johnson answers, "We have to do right by the children..."

JULY 7

**EPIC Report Blames Obama Immigration Policy for Border Crisis** — A leaked government report by the El Paso Intelligence Center (EPIC) finds that perceptions of U.S. immigration policy, not violence, is the primary factor causing the Central American migrant surge.<sup>308</sup> According to the report, prepared by the Criminal Threats Unit of the Strategic Analysis Section of EPIC, the vast majority—219 out of 230 migrants—told Border Patrol officers that their primary reason for traveling to the United States is the perception that unaccompanied minors and adult women traveling with minors will receive free passes to stay in the United States. The report also indicates that there was a decline in per capita homicide rates in El Salvador, Honduras, and Guatemala, according to United Nations Office on Drugs and Crime statistics from early fiscal year 2011.<sup>309</sup>

JULY 9

**Obama Refuses to Visit Border While Fundraising in Texas** — After attending fundraisers in Texas, President Obama delivers a speech defending his handling of the border crisis. In the speech, President Obama notes that he has directed Homeland Security Secretary Jeh Johnson to visit the border and Vice President Joe Biden to visit Central America. The President also defends his decision not to travel to the Texas border, which was 300 miles away from his Dallas stop, claiming he lacks interest in "photo ops." He adds, "There's nothing that is taking place down there that I am not intimately aware of and briefed on."<sup>310</sup>

JULY 14

**Data Shows Asylum Approvals Increased 10-Fold Under Obama** — According to official Department of Homeland Security data leaked to *The Daily Caller*, the number of asylum claims increased 10-fold since President Obama took office.<sup>311</sup> The data shows that in fiscal year 2009, officials approved 3,411 "credible fear" claims. By comparison, in fiscal year 2013 the number is up to 30,393—nearly triple the number from fiscal year 2012.

JULY 16

**Obama Reaffirms Commitment to Expanding Administrative Amnesty in August** – In a closed door meeting, President Obama assures the Congressional Hispanic Caucus he still plans on taking action later this year to further expand his administrative amnesty.<sup>312</sup> After the meeting, longtime amnesty advocate Rep. Luis Gutierrez (D-IL) paraphrased the President as telling the CHC, “I want to be as broad as I can be. I want to be as generous as the law will allow me to be.”<sup>313</sup> Gutierrez also reveals that Obama instructed Homeland Security Secretary Jeh Johnson and White House Counsel Neil Eggleston to work with the CHC to find ways the President can unilaterally keep illegal alien families in the country.<sup>314</sup>

JULY 19

**Obama Administration Warned About Border Crisis** – Despite claiming to be caught off-guard by the increase of unaccompanied alien minors crossing the Southern border, new information indicates that the Obama administration knew at least two years ago that the numbers would surge.<sup>315</sup> According to *The Washington Post*, law enforcement repeatedly warned White House and State Department officials two years ago about surging numbers of unaccompanied minors. One senior federal law enforcement official told *The Post* that government employees raised “red flags to high levels” and “alarm bells” but were ignored by administration officials more concerned with the 2012 presidential election and the Senate amnesty bill.<sup>316</sup> In addition, e-mails from 2011 written by non-profit groups and retired law enforcement agents warned the Department of Homeland Security of the influx of Central American unaccompanied minors in 2011.<sup>317</sup>

JULY 24

**Obama Considers Plan to Admit More Central American Minors** – As Congress debates legislation to address the border crisis, President Obama considers how to circumvent any new law and admit more Central American minors to the U.S. Obama’s plan, first reported by *The New York Times* and confirmed by the White House, entails granting refugee status or humanitarian parole to Central American minors in their home countries.<sup>318</sup> The crux of the plan is to set up screening centers in Central America, starting in Honduras. There, U.S. officials would screen applicants and determine whether to grant minors (under 21) refugee status or humanitarian parole. Although more than 16,000 minors and 30,000 families from Honduras have been caught illegally entering the U.S. this fiscal year, the Obama administration estimates that only 5,000 Hondurans will apply and that 1,750 will receive refugee status. If the program in Honduras works smoothly, the administration plans to expand it to Guatemala and El Salvador.<sup>319</sup>

AUGUST 1

**Obama Plans to “Act Alone” by Summer** – In an impromptu press conference, President Obama sets the stage for dramatically expanding his administrative amnesty program by the summer’s end. Frustrated that Congress failed to pass his supplemental spending bill to address the border crisis, Obama declares, “I’m going to have to act alone.”<sup>320</sup> The President’s statement confirms comments from White House Press Secretary Josh Earnest that “the President is considering measures that he could take on his own.”<sup>321</sup>

AUGUST 7

**TSA Allows Illegal Aliens to Board Commercial Aircraft with Deficient ID** — In a letter sent to Congressman Kenny Marchant (R-TX), the Transportation Security Administration (TSA) admits it allows illegal aliens to board commercial aircraft with no more than a “Notice to Appear” as identification.<sup>322</sup> The TSA letter confirms initial reports from July 2014 that the TSA is allowing illegal aliens to board aircraft without proper identification, which the Obama administration denies, calling the claims “completely wrong.”<sup>323</sup>

AUGUST 18

**White House, Business Privately Plot Immigration Changes** — Senior Obama administration officials privately meet with business groups in order to garner more support for Obama’s decision to bypass Congress.<sup>324</sup> The administration downplays the outreach to business groups—who typically back Republican candidates—as a political move to protect the President from voter backlash in the midterm elections.<sup>325</sup> During the summer, administration officials held at least 20 meetings with companies including Cisco, Intel, Accenture, Oracle, Microsoft, and pro-amnesty business interest groups Fwd.US, the U.S. Chamber of Commerce, and Compete America.<sup>326</sup>

AUGUST 28

**Obama Reiterates Promise for Administrative Amnesty; Question Is When** — President Obama says he is moving forward with his plan to bypass Congress and unilaterally exempt millions of illegal aliens from deportation. “Have no doubt: In the absence of congressional action, I’m going to do what I can to make sure the system works better,” the President declares.<sup>327</sup> Reiterating the “blame Republicans” message, White House Press Secretary Josh Earnest adds, “The president is determined to act where House Republicans won’t.”<sup>328</sup>

**Obama Nominates Sarah Saldaña to Lead Immigration and Customs Enforcement** — President Obama indicates his intention to nominate Dallas prosecutor Sarah Saldaña to be Director of Immigration and Customs Enforcement (ICE).<sup>329</sup>



The position of ICE Director was left vacant by John Morton when he resigned over a year ago. In his four-year tenure as ICE Director, Morton crafted a series of memoranda which granted administrative amnesty to illegal aliens through the adoption of numerous non-enforcement policies.<sup>330</sup>

SEPTEMBER 3

**Illegal Aliens Becoming Long-Term Residents under Obama Administration** — The Pew Research Center releases new data showing that illegal aliens in the U.S. are becoming long-term residents under the Obama administration.<sup>331</sup> Specifically, Pew estimates that in 2013, 61 percent of the illegal alien population had lived in the U.S. for over 10 years and that the median duration of illegal residence was 13 years.<sup>332</sup> By contrast, in 2008 approximately 48 percent of the illegal alien population had lived in the U.S. for over 10 years and the median duration of illegal residence was 9 years.<sup>333</sup>

SEPTEMBER 4

**Obama's Executive Actions Could Amnesty 8.5 Million** — The Migration Policy Institute (MPI) publishes a new report estimating that up to 8.5 million illegal aliens could receive amnesty under the executive actions being considered by President Obama.<sup>334</sup> MPI considered possible changes to the Deferred Action for Childhood Arrivals (DACA) program, the creation of new deferred action programs, and the expansion of the President's non-enforcement policies.

SEPTEMBER 6

**Obama Postpones Executive Amnesty** — President Obama announces that he will delay taking unilateral action to grant amnesty until after the November elections. The White House justifies the decision in an official statement, "The reality the President has had to weigh is that we're in the midst of the political season, and because of the Republicans' extreme politicization of this issue, the President believes it would be harmful to the policy itself and to the long-term prospects for comprehensive immigration reform to announce administrative action before the elections..." The statement continues, "Because he wants to do this in a way that's sustainable, the President will take action on immigration before the end of the year."<sup>335</sup> The decision to abandon the plan for executive action before the end of summer comes less than 24 hours after the President declared that he was going to act "soon."<sup>336</sup>

SEPTEMBER 11

**Obama Sets a New Deadline for Executive Amnesty** — In full damage-control mode, White House officials promise members of the Congressional Hispanic Caucus (CHC) that the President will announce his executive amnesty program for millions of illegal aliens "by the holidays."<sup>337</sup> White House Chief of Staff Denis McDonough, flanked by Domestic Policy Director Cecilia Munoz and White House General Counsel Neil Eggleston, makes the promise to members of the CHC during a private meeting in the Capitol, to calm anger among lawmakers that the President violated his promise to unilaterally grant amnesty to millions of illegal aliens by the end of summer.<sup>338</sup>

**DHS Data Shows Deportations Continue to Drop Under Obama** — New data is released that shows deportations in 2014 have dropped 20 percent since 2013, and are now at their lowest level since 2007.<sup>339</sup> Specifically, the data obtained from the Department of Homeland Security (DHS) shows that DHS deported 258,608 immigrants during the first 10 months of FY 2014.<sup>340</sup> This represents a drop of 20 percent when compared to the same period in FY 2013 (320,167 deportations) and a 25 percent drop compared to the first ten months of FY 2012 (344,624 deportations).<sup>341</sup>

SEPTEMBER 25

**Defense Department Announces Military Amnesty** — Through the issuance of a memo, the United States Department of Defense begins allowing illegal aliens to enlist in the armed forces. The memo, less than a page long, simply declares that Deferred Action for Childhood Arrivals (DACA) beneficiaries are now eligible to enlist through a program called MAVNI: Military Accessions Vital to National Interest.<sup>342</sup>

SEPTEMBER 30

**HHS Grants \$9 Million to Lawyers Representing Illegal Aliens** — The Department of Health and Human Services (HHS) announces it will award \$9 million in taxpayer-funded grants for direct legal representation of approximately 2,600 unaccompanied illegal alien minors facing deportation.<sup>343</sup> According to Spokesman Kenneth Wolfe, HHS has previously funded legal access programs that include providing information, legal screenings, and recruitment and training of pro bono lawyers, but this will be the first time it will award grants for direct legal representation.<sup>344</sup>

OCTOBER 9

**Obama Intends to Unilaterally Increase Foreign Tech Workers** — At a fundraiser in Hollywood, President Obama indicates that he will use his “pen” to unilaterally change the high-skilled worker visa program. “I will use all the executive authority that I legally have in order to make fixes to some of the system,” the President says, including “making the H1B system that is often used by tech companies and some of the other elements of our legal immigration system more efficient so we can encourage more folks to stay here.”<sup>345</sup>

OCTOBER 17

**Obama Administration Plans to Let Haitians Cut in Line** — Marking the President’s latest executive action on immigration, U.S. Citizenship and Immigration Services (USCIS) announces that it will soon launch a program to admit over 100,000 Haitian nationals into the United States on an expedited basis.<sup>346</sup> The Obama administration calls the new initiative the “Haitian Family Reunification Parole” (HFRP) Program.

OCTOBER 28

**Obama Receives Executive Amnesty Recommendations** — President Obama receives executive amnesty recommendations from Homeland Security Secretary Jeh Johnson and Attorney General Eric Holder.<sup>347</sup> Additionally, Obama administration sources reveal that the President is considering further reducing deportations, as well as making changes to increase legal immigration.<sup>348</sup> However, White House officials predict that President Obama will delay taking unilateral action until after Congress passes a bill to fund the government beyond mid-December.<sup>349</sup>

NOVEMBER 5

**Obama Vows to Keep Promise, Grant Executive Amnesty** — After the midterm elections, President Obama holds an hour-long press conference in which he vows to grant executive amnesty to millions of illegal aliens by the end of the year.<sup>350</sup> As he fields questions from reporters, the President refuses to see the election results as a referendum on his immigration policies, even when prodded to respond to Republican claims that it was.<sup>351</sup> The President acknowledges that the American people “sent a message,” and claims that he heard it.<sup>352</sup> However, the message, he insists, was not a repudiation of his policies, but merely that elected officials should work hard and “get the job done.”<sup>353</sup>

NOVEMBER 6

**Lawsuit Reveals Administration Pressure to Overlook Crimes by Illegal Aliens –** A lawsuit is filed by a senior Immigration and Customs Enforcement (ICE) attorney exposing how ICE supervisors are forcing agents to drop enforcement cases against illegal aliens, even those with criminal records.<sup>354</sup> The plaintiff, Patricia Vroom, served as ICE’s Chief Counsel in Arizona.

NOVEMBER 12

**Details Emerge About Obama’s Anticipated Executive Amnesty –** New details about President Obama’s anticipated executive action on immigration are leaked to major news outlets.<sup>355</sup> The planned executive actions will deliver amnesty to an estimated 4.5 million illegal aliens, dramatically increase the level of immigration into the country, and dismantle immigration enforcement.<sup>356</sup>

NOVEMBER 14

**Obama Administration Announces Sweeping Program to Bring Central Americans to the U.S. –** The Obama administration announces a sweeping program to bring Central Americans to the United States permanently.<sup>357</sup> In doing so, the Obama administration is executing a plan originally announced in July, as tens of thousands of illegal alien minors streamed across the U.S.-Mexico border.<sup>358</sup> Under the program, the federal government will grant either refugee status or parole to children and adults from Guatemala, Honduras, and El Salvador.

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**FAIR Report: Executive Amnesty Will Give Illegal Aliens Taxpayer Funded Benefits**

FAIR releases a report showing that the full extent of President Obama’s forthcoming executive amnesty is far greater than is being reported.<sup>359</sup> In the report, FAIR explains how executive amnesty through parole or deferred action will make illegal aliens eligible for certain major benefits programs.

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NOVEMBER 20

**Obama Issues Executive Action Granting Amnesty to Millions of Illegal Aliens –** In a prime-time speech, President Obama announces that he will unilaterally grant amnesty to millions of illegal aliens.<sup>360</sup> After the speech concludes, Homeland Security Secretary Jeh Johnson releases ten immigration policy memoranda that are sweeping in the number of aliens they cover and the relief they provide.<sup>361</sup> Combined, the policy memos are believed to apply to approximately 5 million illegal aliens in the U.S. and an untold number of aliens outside the U.S. who will be allowed to enter the U.S. under new policies designed just for them. In terms of relief, the policy memos offer illegal aliens relief spanning from deferral of deportation and work authorization to a pathway to citizenship. They also create special exceptions for certain workers seeking to enter the U.S.



**Executive Amnesty Poised to Give Millions of Illegal Aliens Driver’s Licenses –** In addition to shielding illegal aliens from deportation and rewarding them with work authorization, it is revealed that President Obama’s executive amnesty will make illegal aliens eligible for driver’s licenses in up to 48 states. Specifically, by ordering the Department of

Homeland Security (DHS) to expand the Deferred Action for Childhood Arrivals (DACA) program, create a new deferred action program for illegal alien parents of citizens and green card holders, and expand parole-in-place for illegal aliens in the United States, approximately 5 million illegal aliens will gain access to government-issued driver's licenses and identification cards, as well as receive taxpayer funded benefits, despite federal statutes that require the government to deport them.<sup>362</sup>

#### DECEMBER 2

**Legal Scholars Testify that Obama's Amnesty is Unconstitutional** – The House Judiciary Committee holds a three hour hearing on “President Obama's Executive Overreach on Immigration”.<sup>363</sup> Four witnesses testify before the Committee: Ronald Rotunda, a law professor who wrote a leading course book on Constitutional law; Jay Sekulow, a law professor and Chief Counsel for the American Center for Law and Justice; Thomas Dupree, a constitutional law practitioner at a leading law firm and former deputy assistant attorney general; and Marielena Hincapie, the Executive Director of the National Immigration Law Center and advocate for illegal aliens.<sup>364</sup> While all four witnesses state that they are sympathetic to the President's immigration policy, all but Ms. Hincapie agree that the administration's unilateral actions are clearly unconstitutional.<sup>365</sup>

#### DECEMBER 3

**DHS Begins Hiring Employees, Leasing Space to Implement Executive Amnesty** – In an email to its employees, U.S. Citizenship and Immigration Services (USCIS) reveals that it is already hiring employees and leasing space to carry out the President's executive amnesty announced November 20th.<sup>366</sup> Specifically, USCIS announces that it is “taking steps to open a new operational center in Crystal City, Virginia, to accommodate about 1,000 full-time, permanent federal and contract employees in a variety of positions and grade levels...The initial workload will include cases filed as a result of the executive actions on immigration announced on Nov. 20, 2014.”<sup>367</sup>

**17 States File Suit to Challenge Executive Amnesty** – Seventeen states file a lawsuit to challenge President Obama's executive amnesty, claiming the President exceeded his authority by issuing policy memoranda to roll-back enforcement of federal immigration law.<sup>368</sup> The suit is led by the State of Texas under Attorney General Greg Abbott in anticipation of costs the states will endure as a result of the President granting lawful presence to millions of illegal aliens.<sup>369</sup> The plaintiff states challenging the President's actions are Alabama, Georgia, Idaho, Indiana, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska, North Carolina, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wisconsin.<sup>370</sup> Officials from three additional states, Arizona, Florida, and Ohio, also announce that they will soon join the lawsuit.<sup>371</sup>

#### DECEMBER 24

**Government Auditors Find Misreporting and Gaps in Drone Border Surveillance Program** – A government audit reveals that the Obama administration made inaccurate claims about the drone program. Furthermore, the administration did not operate the drone program to cover as much geographic area, for as long, and in conjunction with other technology, as law enforcement planned. The Department of Homeland Security's (DHS) Office of Inspector General (OIG) publishes these findings in a report entitled “U.S. Customs and Border Protection's Unmanned Aircraft System Program Does Not Achieve Intended Results or Recognize All Costs of Operations.”<sup>372</sup>

# TIMELINE: 2015

## Courts Intervene to Stop Obama's Overreach

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JANUARY 6

**Mexican Government Will Help Its Citizens Qualify for Obama's Amnesty** Mexican President Enrique Peña Nieto meets with President Obama in the Oval Office, where he heaps praise on President Obama's executive amnesty. Calling it "intelligent and audacious" and "an act of justice," Nieto promises that his government will help Mexican citizens living illegally in the United States obtain documents to qualify for it.<sup>373</sup> During the meeting, President Nieto says that a "very big majority" of the illegal aliens that stand to benefit from amnesty are Mexican citizens but are "now part of the U.S. community."<sup>374</sup> He assures the President that the Mexican government will help Mexicans qualify for the executive amnesty program by providing them with documents showing that they have been living illegally in the United States since 2010 and providing them their birth certificates without requiring them to return to Mexico.<sup>375</sup>

JANUARY 20

**Obama Uses State of the Union Address to Pick Amnesty Over Funding DHS** — In his first State of the Union Address since voters overwhelmingly rejected his immigration agenda, President Obama uses his speech to double down on amnesty. Although he stops short of demanding "comprehensive" immigration reform, Obama sends a clear message to the American people: he is willing to jeopardize national security to maintain his executive amnesty programs. On two separate occasions during the address, President Obama defends his unilateral dismantling of our immigration laws. First, buried in a paragraph promoting middle class economics the President announces his intention to veto the House-passed Department of Homeland Security (DHS) funding bill that also defunds the executive amnesty programs. Disguising his message by referring to the DHS bill as "refighting past battles on immigration when we've got to fix a broken system," Obama declares that the bill has "earned my veto."<sup>376</sup> Later on, he notes that "passions still fly on immigration" and claims that "no one benefits" when illegal aliens are deported.<sup>377</sup>

JANUARY 28



**Lynch Claims Executive Amnesty Is Constitutional, Illegal Aliens Have "Right" to Work** At her confirmation hearing before the Senate Judiciary Committee, Attorney General nominee Loretta Lynch testifies that she supports the President's executive amnesty.<sup>378</sup> She also declares that illegal aliens have as much of a right to work in this country as American citizens and lawful permanent residents.<sup>379</sup>

FEBRUARY 5

**DHS Sets Up Amnesty Hotline for Illegal Aliens** — The Department of Homeland Security (DHS) sets up a toll-free hotline for illegal aliens who believe federal law enforcement officials are denying them full access to President Obama's executive amnesty programs. In an email announcing the hotline, DHS advises illegal aliens to "please tell us about your experience" if you think you were treated "contrary to the new DHS enforcement priorities."<sup>380</sup>

FEBRUARY 9

**DHS Allows Executive Amnesty Beneficiaries to Bring in Relatives from Central America** – USCIS announces it will allow beneficiaries of President Obama’s executive amnesty to bring relatives into the country from Central America.<sup>381</sup> The administration will do so through a Central American refugee program it originally formulated last July as tens of thousands of illegal alien minors from Central America streamed across the border illegally. The administration officially announced the program in November and began accepting applicants in December.<sup>382</sup>

FEBRUARY 17

**Federal Judge Temporarily Blocks Obama’s Executive Amnesty** – Judge Andrew Hanen of the District Court for the Southern District of Texas issues a temporary injunction on President Obama’s executive amnesty program after ruling that the plaintiffs—Texas and two dozen other states—have sufficiently demonstrated that the implementation of the President’s memos granting deferred action and parole status to millions of illegal aliens would injure their states.<sup>383</sup> The District Court’s ruling comes just as the Obama administration was set to begin implementation of the amnesty programs outlined in the memos issued by Homeland Security Secretary Jeh Johnson last November.



FEBRUARY 23

**DOJ Seeks Stay of Injunction on Obama’s Executive Amnesty** – The Department of Justice (DOJ) files papers in federal court seeking a stay of the injunction on President Obama’s executive amnesty.<sup>384</sup> Texas District Court Judge Andrew Hanen issued the injunction just as the Obama administration was scheduled to begin the application process for the expanded DACA program. In an accompanying 120-page ruling, Judge Hanen found that the State of Texas had shown clear injury through the benefits Texas would be required to give deferred action recipients. He thus ruled Texas and other states had standing to sue and issued an injunction blocking implementation of the executive amnesty until the Court was able to make a decision on the merits of the case.

FEBRUARY 25

**CRS Report Confirms Each Amnestied Illegal Alien is Eligible for \$35,000 in Tax Credits** A report from the Congressional Research Service (CRS), the nonpartisan policy research arm for lawmakers, finds that President Obama’s November executive amnesty makes illegal aliens eligible for tens of thousands of dollars in tax credits.<sup>385</sup> The CRS report—addressed to the Senate Judiciary Committee—confirms the prior testimony of a tax expert appearing before the Senate Homeland Security Committee and the testimony of Internal Revenue Service (IRS) Commissioner John Koskinen before the Senate Finance Committee.<sup>386</sup>

### **Obama: DHS Employees Who Don’t Follow Orders Will Face “Consequences”**

President Obama delivers an implied threat to discipline or even fire Department of Homeland Security (DHS) employees who might be inclined to follow the law instead of DHS’s unlawful amnesty policies.<sup>387</sup> Answering questions before amnesty activists at a town hall event hosted by *MSNBC* and *Telemundo* anchor Jose Diaz-Balart, the President explains that any official at Immigration and Customs Enforcement (ICE) who refuses to obey his executive actions will face “consequences”.<sup>388</sup>

**Administration May Launch Executive Amnesty in Some States Despite Injunction**  
Amnesty advocate Rep. Luis Gutierrez (D-IL) says the administration may partially implement President Obama's DAPA and expanded DACA programs in some states, despite the federal injunction blocking them nationwide.<sup>389</sup> According to Gutierrez, the administration is weighing whether it has the authority to ignore the judge's order in the 24 states that did not choose to sue the federal government.<sup>390</sup> He also claims that the White House is "absolutely" considering whether the ruling only should apply in Texas itself.<sup>391</sup>

**FEBRUARY 26**

**Amnesty Supporting Attorney General Nominee Advances** — By a 12-8 vote, the Senate Judiciary Committee approves the nomination of Loretta Lynch to become the next Attorney General. True immigration reformers oppose Lynch's nomination because of her support of President Obama's executive amnesty. During her confirmation hearing, Ms. Lynch claimed executive amnesty is constitutional and went so far as to claim that illegal aliens have a "right" to work in the country.<sup>392</sup> Ms. Lynch's nomination will now go before the full Senate where she can be confirmed with a simple majority vote.

**MARCH 5**

**Obama Administration Admits it has Approved 100,000 Expanded DACA Applications**  
The Obama administration reveals that it already started implementing part of its new executive amnesty program, despite a federal court injunction putting the programs on hold.<sup>393</sup> As part of the sweeping executive actions announced in November—and scheduled to start in February—President Obama broadened the eligibility criteria of the 2012 Deferred Action for Childhood Arrivals (DACA) program by: (1) dropping the age cap, (2) moving up the date by which and alien must be present in the U.S., and (3) extending the grants of deferred action and work authorization from two to three years.<sup>394</sup> After Judge Andrew Hanen issued an injunction on February 16, Department of Homeland Security (DHS) Secretary Jeh Johnson said DHS "will not accept applications for the expanded DACA program on February 18, as originally planned."<sup>395</sup> Yet, the Obama administration now acknowledges that it began approving applications under the new criteria immediately after the November 20 announcement.

**MARCH 12**

**DOJ Appeals after Judge Demands Explanation for Inconsistent Statements** — The Department of Justice (DOJ) appeals to the 5th Circuit after Judge Hanen refused to accede to the administration's demand that it lift (stay) the injunction blocking the President's executive amnesty programs. On February 23, the DOJ had asked the district court for a stay of the injunction and a ruling by February 25.<sup>396</sup> However, Judge Hanen announced he would not rule on the motion to stay until the federal government clarified inconsistent statements it had made in court regarding the implementation of the executive amnesty programs. In particular, the court asked why the DOJ stated in court that DHS had not begun implementing the November 2014 memorandum when in fact it had already approved 100,000 three-year DACA applications based on it.<sup>397</sup> Judge Hanen set a hearing for the DOJ to "fully explain" on Thursday, March 19.

MARCH 17

**Heritage: Executive Amnesty to Cost Taxpayers Billions Annually** — Robert Rector, senior research fellow at the Heritage Foundation, testifies that Deferred Action for Parental Accountability (DAPA) amnesty recipients will receive trillions of dollars in taxpayer benefits over their lifetimes. In his study, Rector estimates that 3.97 million illegal aliens with an average 10th grade education are eligible for DAPA.<sup>398</sup> These amnestied illegal aliens will be eligible for the Earned Income Tax Credit (EITC) and the Additional Child Tax Credit (ACTC), including the ability to retroactively claim these refundable credits for three prior years.<sup>399</sup> Accordingly, Rector calculated “cash payments from the EITC and ACTC to DAPA recipients would equal \$7.8 billion per year.”<sup>400</sup> Additionally, Rector calculates the retroactive claiming of EITC and ACTC at \$23.5 billion.<sup>401</sup>

MARCH 19

**Federal Judge May Impose Sanctions for Obama Administration Violating Injunction** Federal Judge Andrew Hanen, who is overseeing the lawsuit brought by 26 states to stop President Obama’s executive amnesty, announces during a hearing that he is considering imposing sanctions against the Obama administration for violating the injunction that temporarily stops the program.<sup>402</sup> Judge Hanen ordered the hearing after the Department of Justice (DOJ) revealed that the Obama administration had already began implementing the executive amnesty for at least 100,000 illegal aliens despite the injunction and assertions by DOJ attorneys in court.<sup>403</sup>

MARCH 19

**ICE Dragnet Catches 23 Amnesty Recipients Among Serious Criminals** — A five-day nationwide operation targeting aliens with serious criminal convictions conducted by U.S. Immigration and Customs Enforcement (ICE) leads to the arrest of 2,059 criminal aliens, 23 of whom are Deferred Action for Childhood Arrivals (DACA) recipients.<sup>404</sup> Department of Homeland Security (DHS) officials confirm that all 23 had originally been granted amnesty under DACA, and of the 23, 15 still have lawful presence under the program.<sup>405</sup> Of these, DHS claims 14 had been granted DACA before their convictions, but confirms that it had granted deferred action to at least one illegal alien after the individual’s conviction in a drug case.<sup>406</sup>

MARCH 23

**Second Wave of UACs in Full Swing, Only 1 in 6 Being Returned** — After the administration’s past claims of substantial success in resolving the crisis of unaccompanied alien minors (UACs) streaming across the border, Department of Homeland Security (DHS) records show that a second surge of minors crossing the border is in full swing.<sup>407</sup> Customs and Border Protection (CBP) records indicate that the Border Patrol has seized over 12,000 UACs so far in fiscal year 2015 (between Oct. 1, 2014- Feb. 28, 2015) and over 10,000 aliens traveling in family units.<sup>408</sup> The Border Patrol transfers these aliens to Immigration and Customs Enforcement (ICE) at an average of 2,000 UACs a month, meaning that the Border Patrol is returning only one in six of these apprehended minors to their home countries.<sup>409</sup>

MARCH 24

**Obama Loosens Rules on Corporate Visas** — Through a U.S. Citizenship and Immigration Services (USCIS) policy memorandum, the Obama administration unilaterally waters down the eligibility requirements

for the L-1B nonimmigrant visa program, further increasing the number of guest workers admitted into the U.S. each year.<sup>410</sup> The L-visa was created to enable multinational corporations to temporarily transfer their top-level employees with “specialized knowledge” of the corporation to assist its affiliates in the United States.<sup>411</sup> Now, “specialized knowledge” is broadened to such a degree that nearly any foreign employee could qualify for an L-1B visa.

**IG: Mayorkas Improperly Influenced EB-5 Decisions** – A Department of Homeland Security (DHS) Inspector General report finds that Alejandro Mayorkas improperly influenced the approval of EB-5 visas as director of U.S. Citizenship and Immigration Services (USCIS). Mayorkas was confirmed by the Senate as DHS deputy director—the number two position—in December 2013, despite the investigation pending against him at the time.<sup>412</sup> The investigation into Mayorkas began in 2012 following allegations of impropriety by at least 15 career USCIS employee whistleblowers regarding his personal involvement in certain EB-5 visa applications.

**MARCH 30**

### **Obama Administration Expands Crime Victim Visas to Cover Workplace Violations**

The Obama administration expands efforts to encourage illegal aliens to file claims against their employers for workplace violations by enlisting the cooperation of foreign governments.<sup>413</sup> In the past two years, the NLRB has signed three agreements with Mexico, Ecuador, and the Philippines, to “educate” their nationals working in the U.S., both legally and illegally, about what claims workers can make under the National Labor Relations Act (NLRA).<sup>414</sup> According to all three agreements, the consulates of those countries will try to locate their nationals working in the U.S., and help them contact NLRB investigators.<sup>415</sup> With this “outreach”, aliens, both legal and illegal, will be better positioned to sue their employers for violations of federal labor law. The DOL and the Equal Employment Opportunity Commission both have similar agreements with all three consulates.<sup>416</sup>

**APRIL 7**

### **Federal Judge Rebukes Administration; Maintains Hold on Executive Amnesty** – U.S.

District Judge Andrew Hanen denies the administration’s request to lift his preliminary injunction on DAPA and extended DACA. He then grants the Plaintiff States’ request for discovery to investigate the administration’s misrepresentations regarding the implementation of the President’s executive amnesty.<sup>417</sup> The States had sought early discovery upon learning the administration had already approved over 100,000 extended DACA applications after DOJ attorneys assured Judge Hanen no part of the President’s November amnesty programs would be implemented until February 18.<sup>418</sup> In his ruling, Judge Hanen explains that not only was his initial injunction of DAPA and the extended DACA program correct, but his reasoning had been strengthened by developments after the ruling.<sup>419</sup> His opinion shows that both President Obama and the administration, in court and in public statements, had undermined their own contentions that: 1) the states had no standing to challenge his programs in court; 2) the programs themselves were lawful; and 3) the federal government was harmed by the injunction.<sup>420</sup>

**APRIL 8**

**Army Will Triple Size of Program Offering Military Amnesty by 2016** – The military announces it will expand the Military Accessions Vital to the National Interest (MAVNI) program from 1,500 recruits a year to

3,000 by the end of this fiscal year, and to 5,000 a year by fiscal year 2016.<sup>421</sup> MAVNI itself is a limited program that provides legal, temporary aliens with the ability to enlist in the military and thus be immediately eligible for a fast track to citizenship, if they have health care backgrounds or certain language skills.<sup>422</sup> Generally, only citizens and green card holders may enlist in the U.S. military.<sup>423</sup> However, the Bush administration launched MAVNI in June 2008 by exploiting a provision in federal law that allows the Secretary of Defense to approve the enlistment of individuals who are otherwise not qualified to enlist if “such enlistment is vital to the national interest.”<sup>424</sup>

APRIL 14

**ICE Data Reveals 30,000 Criminal Aliens Released in FY2014** – The House Judiciary Committee reveals that U.S. Immigration and Customs Enforcement (ICE) released 30,558 criminal aliens with a total of 79,059 criminal convictions back onto the streets in fiscal year 2014.<sup>425</sup> These convictions included 86 homicide convictions; 186 kidnapping convictions; 373 sexual assault convictions; 449 commercialized sexual offenses; 1,194 battery convictions; 1,346 domestic violence convictions; and 13,636 driving under the influence of alcohol convictions.<sup>426</sup>



APRIL 16

**Congress Gives President Obama Unilateral Authority to Increase Foreign Workers** Congress strikes a deal on legislation that gives President Obama fast-track trade promotion authority (TPA).<sup>427</sup> Created in 1974, TPA gives the President the authority to negotiate trade deals for a period of time that Congress can approve or disapprove (by a simple majority vote).<sup>428</sup> However, under TPA Congress cannot amend the deal so this restriction is essentially Congress ceding power to the executive branch.<sup>429</sup> TPA expired on July 1, 2007, but remained in effect for agreements that were already under negotiation—the last of which was approved in 2011.<sup>430</sup> The Obama administration has been seeking the reauthorization of TPA since 2012, and if approved, the President plans to use it to implement the Trans Pacific Partnership (TPP) which will increase immigration. Specifically, a “key feature” of the TPP is a “temporary entry” guest worker program.<sup>431</sup> The scope of this new guest worker program is unclear, as the official outline of the deal merely describes it as “specific obligations related to individual categories of business person are under discussion.”<sup>432</sup>

APRIL 23

**Obama Administration Program Allows Illegal Aliens to Bring in Relatives from Central America** – During a Senate hearing, officials from the Obama administration confirm that a new Central American “refugee” program allows illegal alien beneficiaries of the President’s executive amnesty to bring in illegal aliens from Central America. The admission comes from Associate Director for Refugee, Asylum, and International Relations at U.S. Citizenship and Immigration Services (USCIS), Joseph Langlois, who testifies that illegal aliens receiving deferred action under DACA or DAPA are eligible to sponsor alien relatives through the program.<sup>433</sup>

**Senate Confirms Amnesty Supporting Attorney General** – By a 56-43 vote, the Senate confirms Loretta Lynch as the next Attorney General—the nation’s highest law enforcement position—despite her professed support for President Obama’s amnesty agenda.<sup>434</sup> During her January confirmation hearing

before the Senate Judiciary Committee, Ms. Lynch took the radical position that illegal aliens have the “right” to work “regardless of how they came here” — a position that is contrary to current law — and she said President Obama’s executive amnesty is “legal and constitutional.”<sup>435</sup>

APRIL 24

**DHS Granted DACA to Illegal Alien Charged with Murder** — U.S. Citizenship and Immigration Services (USCIS) Director Leon Rodriguez admits the agency granted Deferred Action for Childhood Arrivals (DACA) to Emmanuel Jesus Rangel Hernandez, an illegal alien now charged with the murder of four, even though a federal crime database indicated he was a gang member.<sup>436</sup> Rodriguez admits the gross error in response to inquiries made by Senate Judiciary Chairman Chuck Grassley (R-IA) and Sen. Thom Tillis (R-NC) about USCIS’s approvals of gang-affiliated DACA applicants. The murders with which Rodriguez is charged took place in Senator Tillis’ hometown.<sup>437</sup>

MAY 4

**DHS Not Keeping Data on Prosecutorial Discretion** — A shocking new Inspector General (IG) report finds that the Department of Homeland Security (DHS) is not keeping data on the number of times agents use prosecutorial discretion to release removable illegal aliens.<sup>438</sup> Prosecutorial discretion, which is supposed to be on a case-by-case basis, is the claimed executive authority President Obama cites to justify shielding illegal aliens from deportation and granting them work permits. Yet, according to the report, “DHS does not collect and analyze data on the use of prosecutorial discretion to fully assess its current immigration enforcement activities and to develop future policy.”<sup>439</sup> As a result, the IG charges, DHS “may be missing opportunities to strengthen its ability to remove aliens who pose a threat to national security and public safety.”<sup>440</sup> The IG also found that agents are not properly vetting detained aliens before rewarding them with prosecutorial discretion. “When applying prosecutorial discretion, ICE field office personnel said they might not always have access to an individual’s criminal history in his or her country of origin,” the report found.<sup>441</sup> “As a result, aliens convicted of or wanted for a felony committed in their home country, but not convicted of a felony or significant misdemeanor in the United States may not be identified as a DHS enforcement priority.”<sup>442</sup>

MAY 7

**DOJ Confesses to Judge DHS Violated Injunction with 2,000 Extended DACA Approvals** — The Department of Justice (DOJ) files another “Advisory” with U.S. District Judge Andrew Hanen, confessing that the Department of Homeland Security (DHS) had given three-year DACA permits to 2,000 applicants even after Judge Hanen issued an injunction on February 16 blocking all such approvals.<sup>443</sup> The DOJ had already revealed in March that DHS had granted 100,000 such expanded approvals starting in November even though DOJ attorneys told the Judge that no part of expanded DACA would be implemented until February.<sup>444</sup>

MAY 11

**113 Republicans Go to Court to Oppose Obama’s Executive Amnesty** — One hundred and thirteen Republican members of Congress file an amicus brief in the 5th Circuit Court of Appeals in support of Judge Hanen’s preliminary injunction blocking President’ Obama’s DAPA and extended DACA programs.<sup>445</sup> The

brief was spearheaded by House Judiciary Chairman Bob Goodlatte (R-VA), Rep. Lamar Smith (R-TX), Sen. Ted Cruz (R-TX), and Sen. John Cornyn (R-TX) and signed by 88 members of the House of Representatives and 25 Senators.<sup>446</sup> Though, for his preliminary injunction, Judge Hanen ruled on only the basis that the amnesties violated the Administrative Procedure Act—leaving the constitutional questions yet to be determined—the amicus brief filed by the Congressmen focuses on the constitutional issues.<sup>447</sup>

**MAY 16**

**Immigration Court Backlog Hits All Time High of Over 445,000 Cases** — The backlog in federal immigration courts reaches a record high, with over 445,000 pending cases as of April.<sup>448</sup> The large increase in the backlog during the Obama administration may in large part be a result of giving more aliens apprehended at the border a hearing before an immigration judge. The administration’s failure to address the crisis of unaccompanied alien minors (UACs) and families crossing the southern border is also believed to be a factor.

**MAY 26**

**Citing State Benefits for Illegal Aliens, Appeals Court Upholds Injunction on Executive Amnesty** — The Fifth Circuit Court of Appeals denies the Obama administration’s request to lift the injunction on part of the President’s November 2014 executive amnesty. This ruling leaves in place District Court Judge Andrew Hanen’s injunction on Deferred Action for Parents of Americans (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA) until the courts decide the merits of the injunction itself.<sup>449</sup> “Because the government is unlikely to succeed on the merits of its appeal of the injunction, we deny the motion for stay and the request to narrow the scope of the injunction,” the appellate court held.<sup>450</sup>

**JUNE 3**

**DHS Releases Thousands of “Threat Level 1” Criminals** — House Judiciary Chairman Bob Goodlatte (R-VA) reveals that, of the over 30,000 criminal illegal aliens released onto the streets by the Department of Homeland Security (DHS) while waiting for their cases to be heard, 3,700 were deemed “Threat level 1” criminals.<sup>451</sup> The convictions of the entire population of released criminal aliens include 86 homicide convictions, 186 kidnapping convictions, 373 sexual assault convictions, 449 commercialized sexual offenses, 1,194 battery convictions, 1,346 domestic violence convictions, and 13,636 driving under the influence of alcohol convictions.<sup>452</sup>

**JUNE 9**

**Hundreds of Cuban Criminals Released into U.S. Every Year as Obama Negotiates to Open Cuba** — As President Obama negotiates with the Cuban government to open up relations between the U.S. and Cuba, he refuses to pressure Cuba into taking back its own criminal aliens.<sup>453</sup> Because of a Supreme Court case from 2001, *Zadvydas v. Davis*, the government must release all aliens, including criminal aliens, from detention six months after their 90-day removal period has expired if a court determines that removal of the alien is not reasonably foreseeable.<sup>454</sup> Cuba, more than any other nation, refuses to repatriate criminal aliens.<sup>455</sup> According to House Judiciary Chairman Bob Goodlatte (R-VA), in fiscal year 2014 Cuba refused to take back 878 criminals, more than a third of the total of



criminals released in the U.S. due to *Zadvydas v. Davis*.<sup>456</sup> It has already refused to repatriate 400 in the first eight months of this fiscal year.<sup>457</sup>

**JUNE 17**

## Border Patrol Agents Say Obama Administration Handcuffing Enforcement Efforts

Border Patrol agents along the Southern border openly state that Obama administration officials are preventing them from doing their job. “We lack the political will to enforce the law and allow our agency to be effective,” charges Shawn Moran, a spokesman for the National Border Patrol Council.<sup>458</sup> Specifically, the agents are saying U.S. Customs and Border Protection (CBP) officials have implemented new policies that hamper Border Patrol agents from detaining drug smugglers entering the United States. Previously, Border Patrol agents successfully apprehended drug smugglers through “roving interdiction patrols” during which agents would stop suspicious vehicles that had crossed the border into the U.S.<sup>459</sup> However, Obama administration officials within CBP started requiring reports from agents at the port-of-entry station the vehicle crossed through to enter the country that have created a bureaucratic hindrance.<sup>460</sup> The Border Patrol agents also claim they are being forced to transport unaccompanied alien minors and their parents to facilities within the interior of country, leaving the border vulnerable.<sup>461</sup>



**JUNE 23**

**Report: Worksite Enforcement Plummets under Obama** – A new report from the Center for Immigration Studies (CIS) finds that worksite enforcement has plummeted over the past couple of years. Using internal Immigration and Customs Enforcement (ICE) statistics, the report charges that the Obama Administration has “largely abandoned efforts to enforce the laws against hiring illegal workers”.<sup>462</sup>

## Obama’s Priority Enforcement Program Will Result in the Release of Criminal Aliens –

The Department of Homeland Security begins releasing details about the Priority Enforcement Program (PEP), the criminal alien identification program intended to replace the successful Secure Communities program.<sup>463</sup> In response, House Judiciary Committee Chairman Bob Goodlatte (R-VA) reveals that the newly launched Priority Enforcement Program (PEP) will result in the release of criminal aliens back onto the streets.<sup>464</sup>

## Obama Administration Misleading Public about Surge of Illegal Alien Minors –

Senator Ted Cruz (R-TX) obtains government documents that show that the Obama administration has not been forthcoming about the surge of unaccompanied alien minors (UACs) who unlawfully crossed the Southern border last year. The 24-page PowerPoint dated April 22, 2014, and prepared by the Office of Management and Budget as well as the Departments of Health and Human Services (HHS), Homeland Security (DHS), Justice (DOJ), and State for Congressional appropriators contradicts public statements made by Obama administration officials about the UAC surge. The documents suggest that the Obama administration knew ahead of time the UAC surge in 2014 would happen. While there were only 6,560 UACs in 2011, the document predicted 60,000 UACs in 2014, noting that is an increase “by nearly a factor of 10”.<sup>465</sup> One slide also estimated the number of UACs in 2015 to total 127,000 “if these growth rates continue”.<sup>466</sup> Notably, these are similar numbers OMB and HHS provided then-Senate Appropriations Chairwoman Barbara Mikulski last May.<sup>467</sup> These projections directly

contradict President Obama’s claim that the surge of UACs was unexpected and “an urgent humanitarian situation”.<sup>468</sup>

**JUNE 24**

**DHS Reverses Course; Abandons Detention of Illegal Aliens with Minors** – Department of Homeland Security (DHS) Secretary Jeh Johnson announces through a press release that he is ending the practice of detaining all illegal alien minors who unlawfully cross the border with a parent.<sup>469</sup> Instead, illegal alien families apprehended at the border who establish a “credible fear” of persecution—the initial threshold for seeking asylum—will be released after posting a bond that is “reasonable and realistic.”<sup>470</sup> In justifying the policy change, Secretary Johnson claims that “long-term detention is an inefficient use of our resources and should be discontinued.”<sup>471</sup>

**JUNE 29**

**Judge Reprimands Administration Again for Still Defying Court Order** – In a hearing in the case *Texas v. U.S.*, lawyers from the Department of Justice (DOJ) admit that the federal government still has not fully rescinded the 2,000 three-year work permits it issued in direct violation of Judge Andrew Hanen’s February 16 injunction blocking DAPA and extended DACA.<sup>472</sup> The DOJ had assured the judge in May, when U.S. Citizenship and Immigration Services (USCIS) had “discovered” it had granted these permits, that the agency would take “prompt corrective steps” to convert them to two-year work permits.<sup>473</sup> During the hearing, Judge Hanen says he is “shocked” that USCIS failed to “resolve the 2,000” and that he will consider sanctions “if they’re not resolved by July 31”.<sup>474</sup>

**JULY 5**

**DHS Implements Path to Citizenship for Illegal Alien Religious Workers** – In April, the federal Third Circuit Court of Appeals ruled that illegal aliens are eligible for religious worker visas, holding that U.S. Citizenship and Immigration Services (USCIS) regulatory requirement that religious work be performed while the alien is “in lawful immigration status” exceeds the agency’s powers.<sup>475</sup> Despite the ruling directly conflicting with INA Section 274A—which makes it unlawful to employ illegal aliens—the Obama administration declines to appeal the case. As a result, these illegal aliens will now be put on a path to citizenship through the employment-based fourth-preference green card classification.<sup>476</sup>

**JULY 7**

**Judge Threatens Secretary Jeh Johnson with Contempt of Court for Violation of Injunction** – Judge Andrew Hanen threatens to hold the Obama administration in contempt of court for failing to rescind all of the 2,000 three-year work permits granted in violation of his injunction.<sup>477</sup> In the order, Judge Hanen says that he remains “shocked and surprised” at the “cavalier attitude” the administration has taken towards rectifying the situation.<sup>478</sup> He further orders that if the government doesn’t revoke all 2,000 work authorizations by July 31st, Homeland Security Secretary Jeh Johnson and other officials must personally attend an August hearing to explain why they should not be “held in contempt of Court.”<sup>479</sup>

JULY 28

**Report: Executive Action Shields Nearly All Illegal Aliens from Deportation** – A report from the Migration Policy Institute (MPI) finds that President Obama’s executive amnesty will shield nearly all illegal aliens from deportation. In particular, the report focuses on two aspects of the President’s November 2014 decrees unrelated to deferred action: the administration’s new enforcement priorities and replacing Secure Communities with the Priority Enforcement Program (PEP). According to MPI, “While much of the attention to the president’s executive action announcement has focused on the deferred action programs, which could grant relief from deportation to as many as 5.2 million unauthorized immigrants, implementation of the new enforcement priorities and the PEP program are likely to affect a substantially larger number of unauthorized immigrants, about 9.6 million people.”<sup>480</sup> Since MPI calculates the entire illegal alien population at 11 million, this means approximately 87% of illegal aliens are exempt from removal.<sup>481</sup>

JULY 31

**GAO: Executive Amnesty Caused UAC Surge** – A report from the Government Accountability Office (GAO) finds that President Obama’s executive amnesty programs played a significant role in the surge of unaccompanied alien minors (UAC) from Central America who unlawfully crossed the border last year.<sup>482</sup> Additionally, the report discovers that foreign aid sent to Honduras, Guatemala, and El Salvador to address the problem has been wasted.<sup>483</sup>



SEPTEMBER 10

**Obama Administration Plans to Admit 10,000 Syrian Refugees; Taxpayers to Foot the Bill** – While European nations struggle to handle the estimated 4 million Syrians who are seeking to escape the violence in the region, the Obama administration announces that the U.S. will admit at least 10,000 of them as refugees in the next fiscal year.<sup>484</sup> This number reflects a significant increase compared to the current fiscal year (which ends September 30) where the U.S. admitted approximately 1,500 Syrian refugees.<sup>485</sup>

SEPTEMBER 14

**Government Documents Confirm Trade Deal Increases Foreign Workers** – Official U.S. Trade Representative documents obtained through a Freedom of Information Act (FOIA) request contradict Obama administration claims that immigration is not a component of the large trade deal the Administration is negotiating, known as the Trans-Pacific Partnership (TPP).<sup>486</sup> The documents reveal that there is an entire chapter in the TPP on immigration titled, “Temporary Entry for Business Persons.”<sup>487</sup>

OCTOBER 6

**Deportations Plummet Under Obama** – According to internal Department of Homeland Security (DHS) documents, during FY2015 the Obama administration deported the lowest number of illegal aliens since 2006. Between October 1, 2014, and September 28, 2015, DHS removed only 231,000 illegal aliens from the country, which corresponds to a 42 percent decline since 2012.<sup>488</sup> Notably, DHS also deported fewer criminal

aliens (136,700) despite the Obama administration's pledge to prioritize the removal of criminal aliens.<sup>489</sup> Unsurprisingly, the plummeting of removals corresponds with the implementation of the Priority Enforcement Program (PEP). A component of the November 2014 executive actions on immigration, PEP replaced the effective Secure Communities program and significantly reduced the scope of illegal aliens the administration is willing to deport.<sup>490</sup>

#### OCTOBER 9

### Education Secretary: Taxpayers Should Subsidize College Tuition for Illegal Aliens

Education Secretary Arne Duncan, speaking at the Congressional Hispanic Caucus Institute conference in Washington, calls on Congress to provide federal financial aid to illegal aliens.<sup>491</sup> "We have to make sure we give financial aid to our undocumented students and the fact that as a nation we have yet to do that is a travesty," says Duncan.<sup>492</sup> Duncan also praises the efforts of states that provide in-state tuition to illegal aliens, pointing out that they have "stepped up" by providing taxpayer-subsidized assistance.<sup>493</sup>

#### OCTOBER 14

### Obama Administration Policies May Allow Illegal Alien Sex Offenders to Avoid Deportation

— Senate Judiciary Committee Chairman Chuck Grassley (R-IA) and House Judiciary Committee Chairman Bob Goodlatte (R-VA) send a joint letter to Department of Homeland Security (DHS) Secretary Jeh Johnson regarding two illegal alien sex offenders currently in law enforcement custody.<sup>494</sup> In the letter, the lawmakers express concern that the administration's new lax Priority Enforcement Program (PEP), in combination with local sanctuary policies, may let certain sex offenders avoid deportation and be released back into American communities.<sup>495</sup>

#### OCTOBER 21

### UAC Crisis Continues, Fueled by Catch and Release Policies

— During a Senate hearing on the massive influx of unaccompanied alien minors (UACs), Chris Cabrera, the Vice President of the National Border Patrol Council, testifies that the Obama administration's "catch and release" policy is preventing the Border Patrol from stopping the UAC crisis.<sup>496</sup> The hearing highlights the fact that UACs and family groups primarily continue to cross the border illegally because they know they will get to stay in the U.S. once they arrive.<sup>497</sup> They are "very forthcoming" with Border Patrol agents in interviews, Cabrera explains.<sup>498</sup> According to Cabrera, they fully understand that even if they are caught, they will simply receive a "Notice to Appear," and then are free to go.<sup>499</sup> The solution to the crisis, he suggests, is for the illegal border crossers to be "detained, adjudicated, and repatriated."<sup>500</sup>

#### NOVEMBER 2

### Worksite Enforcement Plummets Under Obama

— Newly obtained government data shows that the Obama administration has essentially abandoned worksite enforcement over the last couple of years. According to Immigration and Customs Enforcement (ICE) statistics obtained by Law360, the number of audits of the I-9 documents required for new hires plummeted from 3,127 in fiscal year 2013 to 1,320 in fiscal year

2014.<sup>501</sup> The numbers are even smaller for fiscal year 2015 (which ended September 30), as ICE only conducted 360 audits through June.<sup>502</sup> The Center for Immigration Studies (CIS) found similar results earlier this year, noting that the decline in I-9 audits has resulted in fewer employer arrests and fines collected.<sup>503</sup>

#### NOVEMBER 9

**Fifth Circuit Thwarts Obama’s Amnesty Programs** – The U.S. Court of Appeals for the Fifth Circuit strikes a major blow to President Obama by keeping in place the injunction on part of the November 2014 executive amnesty. In a 2-1 decision, the court upholds District Court Judge Andrew Hanen’s injunction on Deferred Action for Parents of Americans (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA) until the courts decide the merits of these executive amnesty programs.<sup>504</sup> This ruling marks the fourth time this year the Obama Administration has lost in court defending DAPA and expanded DACA: twice before Judge Hanen and twice before the Fifth Circuit.

#### NOVEMBER 17

**Obama Administration Doubles Down on the Security of the Syrian Refugee Process** Appearing before the House Judiciary Committee for several hearings, Obama administration officials double down on defending the President’s Syrian refugee resettlement plan. In doing so, these officials directly contradict FBI Director James Comey’s previous testimony before the committee that the U.S. cannot properly vet Syrian refugee applicants for terrorist and national security threats.<sup>505</sup> During a Department of Justice oversight hearing, Attorney General Loretta Lynch says repeatedly that the refugee program’s screening processes are “robust”.<sup>506</sup> Then, during a hearing before the Subcommittee on Immigration and Border Security, both Leon Rodriguez, the Director of U.S. Citizenship and Immigration Services (USCIS) and Anne Richard, the Assistant Secretary of State for Population, Refugees, and Migration, also vouch for the program.<sup>507</sup>

#### NOVEMBER 25

### Number of UACs Apprehended Along Southwest Border Increases Significantly

U.S. Customs and Border Protection (CBP) releases statistics that reveal a significant increase in the number of unaccompanied alien minors (UACs) and family units crossing the southwest border.<sup>508</sup> The statistics show that nearly 5,000 UACs—mostly from Central America—were apprehended crossing the southwest border in October, almost double the number from October 2014.<sup>509</sup> Additionally, some 6,000 family units were apprehended during the same time period—nearly triple the number from October 2014.<sup>510</sup> While Obama administration officials claim that violence and poor economic conditions in Central America are to blame, UACs and family units cross the border illegally because they know they will get to stay in the U.S. once they arrive.

#### DECEMBER 2

**ICE Director Saldaña Admits Dramatic Decline in Criminal Alien Deportations** – Testifying before a Senate Judiciary Committee hearing focused on the Obama administration’s lax interior enforcement policies, Immigration and Customs Enforcement (ICE) Director Sarah Saldaña admits a dramatic decline in criminal alien deportations. True immigration reformer Sen. Jeff Sessions (R-AL), chairman of the Subcommittee on Immigration and the National Interest, presents Saldaña with deportation numbers he obtained from ICE. “In [fiscal year] 2011, your agency, ICE, removed 150,000 criminal aliens from the interior, in fiscal year 2012 it

dropped to 135,000, in fiscal year 2013 it dropped to 110,000, in fiscal year 2014 to 86,000, in fiscal year 2015 we believe the number is only around 63,000,” the senator said.<sup>511</sup> When asked if she agreed with the numbers, Saldaña says that “they sound about right”.<sup>512</sup>

#### DECEMBER 7

**Obama Administration Cobbles Together Plan as UACs Continue Surging Across the Border** — As unaccompanied alien minors (UACs) and family units are surging across the border illegally at rates similar to summer 2014 record levels, the Obama administration scrambles to accommodate them. Officials announce that they plan to open three new housing shelters—two in Texas and one in California—adding at least 1,400 beds.<sup>513</sup> Separately, a memo is obtained from Robert Salesses, Deputy Assistant Secretary of Defense, revealing that “DoD has received a formal request for assistance from the Department of Health and Human Services (HHS) to provide temporary housing support for [UACs].”<sup>514</sup> The memo also solicits information about DoD facilities that are “able to accommodate at least 300 beds, and be available for at least 60 continuous days during calendar year 2016.”<sup>515</sup>

#### DECEMBER 15

**Thwarted by Non-Enforcement Agenda, DHS Morale Continues to Plummet** — The 2015 “Best Places to Work in the Federal Government” rankings are released and the Department of Homeland Security (DHS) is once again ranked by its employees as the worst place to work in the federal government. DHS received an index score of 43.1 for 2015, the lowest of all 19 large government agencies.<sup>516</sup> By comparison, the next lowest agency—the Department of Veterans Affairs—received a score of 55.1 while NASA received the highest score at 76.1.<sup>517</sup> The nonprofit, nonpartisan Partnership for Public Service produces the rankings and the index score measures “employee satisfaction and commitment”.<sup>518</sup> Similarly, the 2015 Federal Employee Viewpoint Survey, which was released in September, also ranked DHS last among federal agencies.<sup>519</sup>

#### DECEMBER 22

**Deportations Significantly Decline in 2015** — U.S. Immigration and Customs Enforcement (ICE) releases its fiscal year (FY) 2015 removal report while most people are gone for the holidays. According to the report, the Obama administration removed 235,413 illegal aliens, a 26 percent decrease from the 315,943 removed in FY2014.<sup>520</sup> Total removals have plummeted throughout President Obama’s second term, with ICE removing 368,644 illegal aliens in FY2013 compared to 409,849 illegal aliens in FY2012.<sup>521</sup>

# Conclusion

This report details the numerous unilateral actions that the Obama administration has taken to dismantle immigration enforcement since taking office in 2009. Some of these actions have been subtle, some deceptive, and others even brazen, but all have been designed to achieve a single purpose: to render enforcement of U.S. immigration laws ineffective.

Despite the Obama administration's efforts to trivialize violations of U.S. immigration law, and find ways to allow those who are in the country unlawfully to live, work, access benefits, and ultimately gain citizenship, the American public continues to believe that its immigration laws should be enforced. In fact, the majority of Americans favor more immigration enforcement and reduced levels of immigration over amnesty policies, revealing the American people understand that the purpose of U.S. immigration law is to protect their most vital economic and social interests.<sup>522</sup>

Although President Obama is now in his final year in office, unrestrained use of executive discretion to ignore U.S. immigration law to achieve political ends can still be reined in. The record clearly shows that executive power has been abused at great cost to the integrity of our nation's immigration laws and the well-being and security of the American people.

Congress—the body which our Constitution grants plenary power to make immigration laws—must exercise its authority over immigration policy and restore the rule of law. If Congress accepts the Executive Branch's usurpation of power and relies only on the courts to uphold immigration law, it will not only betray the interests of the people its members were elected to represent, but abdicate the constitutional duties entrusted to them by the founders of our Republic.

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The Federation for American Immigration Reform is the largest and most influential nonprofit immigration organization in the United States. Made up of more than 250,000 concerned citizens, we share a common belief that our nation's immigration policies must be reformed to serve America's needs and interests today and into the future.

Since our founding in 1979, we have been leading the call for immigration reform, using our grassroots network to help Americans use their voices to speak up for effective, sensible immigration policies and legislation.

We believe our nation can and must have immigration policies that are nondiscriminatory and designed to serve the societal, environmental, and economic needs of our country. Recent polls show that the American public feels the same way.

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