

Los Angeles County backs Obama's anti-immigrant agenda

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28 May 2015

Earlier this month, the Los Angeles Board of Supervisors passed a motion to support the Priority Enforcement Program, a renamed version of the infamous Secure Communities Program that the Obama administration has used to deport record numbers of undocumented workers.

At the same time, the board ended 287(g), a program that placed Immigration and Customs Enforcement (ICE) agents inside jails to determine whether detainees were deportable. The move is aimed at providing a political cover for the California Latino Legislative Caucus and other Hispanic Democrats whose support for Obama's mass deportation policies has undermined their efforts to posture as defenders of immigrant rights.

The 287(g) program, the Priority Enforcement Program and its predecessor, the Secure Communities Program, are all aimed at criminalizing and deporting undocumented immigrants through the collaboration of federal, state and local law enforcement agencies. The 287(g) program allows state and local police to partner with ICE to screen detainees for immigration-related violations.

The Secure Communities Program came into effect in 2008 to institutionalize what was once voluntary participation between police and immigration authorities by integrating databases and gathering information from local and state jails. Its alleged purpose was to focus "resources on identifying and removing the most serious criminal offenders first and foremost," claimed former ICE Director John Morton.

In reality, Secure Communities was fully integrated with the FBI's Next Generation Identification biometric database collection project and served as a powerful deportation mechanism. Local authorities shared digital fingerprints from everyone booked into jail with federal authorities, who decided who could be deported.

Former Department of Homeland Security (DHS) Secretary Janet Napolitano said in 2010 that refusing to cooperate with ICE was not an option for local police departments since the FBI could share the collected fingerprint records with ICE regardless of objections at the

local level.

Under the Secure Communities Program, ICE regularly requested local law enforcement agencies to prolong a person's detention for two to five days, without a judicial warrant or court order, to allow ICE to take custody of a suspected undocumented immigrant. Several federal court decisions ruled that these so-called detainer requests were a violation of the Fourth Amendment.

Public opposition led about 250 counties and municipalities to either pass resolutions limiting cooperation with ICE requests for detentions or refusing to detain people targeted for transfer to immigration authorities. The number of local California law enforcement jurisdictions participating in the 287(g) program also dropped from 75 to 34.

An additional concern for local authorities was the cost of enforcing what they considered an unfunded mandate as well as the legal problems they could incur given the unconstitutional character of the program.

Last November, the Obama administration converted the deeply hated Secure Communities Program to what was coined as Priority Enforcement Program, which they promised would be a kinder and gentler way for ICE to collaborate with local police. In essence the draconian deportation mechanism was repackaged as more humane, under the guise of ridding the country of "felons, not families," as Obama presented it.

At the LA County Board meeting held earlier this month, the board terminated its cooperation with the 287(g) program. While County Supervisor Sheila Kuehl admitted there was "a distinction without a difference" between the Priority Enforcement Program and the previous policy, the board endorsed it nevertheless.

With its ambiguous language, the new program implemented last January, creates legal loopholes to ensure that the same repressive measures continue. While Secure Communities allowed ICE agents inside county jails, under the Priority Enforcement Program they will be waiting outside after being notified by sheriffs when the "criminal

alien” is being released. The agency says the public “can trust that only people convicted of serious crimes will be targeted,” according to the *Los Angeles Times*.

According to the ACLU, “ICE may still ‘seek the transfer of an alien’ if the person has been convicted of an offense described as Priority 1 (a) (national security), (c) (gang involvement), (d) (most felonies), or (e) (an INA ‘aggravated felony’), or Priority 2 (a) (three or more separate misdemeanors) or (b) (one ‘significant misdemeanor’).”

While nominally restricting the use of illegal detainees, ICE can request an additional detention under “special circumstances.” These include: “if a person meets the above priorities and ICE also has a final removal order or ‘other sufficient probable cause’ of removability,” according to the ACLU.

ICE will continue to receive fingerprint information for every person booked in jail regardless of whether he or she has been formally charged or is convicted of any crime. This will allow the federal agency to “mine” the criminal justice system” to meet deportation targets and deport those convicted of minor crimes.

As reported by ICE, the Secure Communities Program allowed the agency to review 32 million fingerprint records, which were sent from local jails to the FBI to be checked against criminal databases and then forwarded to ICE.

These programs are intended to target the whole immigrant population: according to a report by the Transactional Records Access Clearinghouse, a data research organization at Syracuse University, out of the record-high 438,421 people deported in 2013, only 12 percent had committed a serious crime. The vast majority had no previous record of a criminal conviction. More than half of the deportees were removed from the country on the basis of petty misdemeanors such as traffic violations.

In 2013, ICE deported 46,759 non-citizens accused of illegal entry, 45,400 for driving under the influence of alcohol or committing traffic violations, and 6,770 for marijuana possession. Only 2,192 were deported for drug trafficking, 2,100 for sexual assault, and 6,505 for other types of assault.

Since the inception of the Illegal Immigration Reform and Immigration Responsibility Act (IIRAIRA) of 1996, the definition of “aggravated felony” has been extended to petty crimes and misdemeanors, including drug and traffic violations and domestic violence. If such definitions were applied to the whole population, the majority of the US citizens would be considered criminals.

Deportation records reveal the true goals and character of Obama’s policies: facilitating mass surveillance and allowing the crosschecking of fingerprints of every person

booked into a local jail against an immigration database, while promoting the criminalization of immigrants.

The cosmetic changes in deportation priority policies is nothing more than a tactical shift by the Obama administration aimed at attracting Hispanic votes before the 2016 Democratic Party election campaign.

Frustration and disappointment caused by Obama’s harsh immigration policies is now being used as a talking point in Hilary Clinton’s campaign for the Democratic Party presidential nomination. “We have to finally, once and for all, fix our immigration system,” Clinton said at a round-table discussion at Rancho High School in Nevada on May 5, attended by children whose parents face deportation.

Ironically, one of the main pre-election promises made by Obama was exactly the same: “to fix our broken immigration system.” During his 2008 run for the White House, he repeatedly said, “I can guarantee that we will have, in the first year, an immigration bill that I strongly support.” That promise resulted in record-high deportation levels, more brutal treatment of refugees, and more deaths of migrants attempting to cross the border.

Clinton, who was first lady when one of the most reactionary pieces of immigration legislation, the IIRAIRA, was passed during her husband’s presidency, is now hypocritically posing as a champion of immigrant rights.

The IIRAIRA gave immigration officers the power to carry out the “expedited removal” of refugees at ports of entry without due process. It also broadened the definition of “aggregated felony” charges, making petty crimes a basis for deporting people and refusing to grant asylum status to others. Section 287(g) was part of that law.

In June 2014, Clinton told CNN anchor Christiane Amanpour that the Central American refugee children who crossed the Mexican border into the United States last summer “should be sent back as soon as it can be determined who the responsible adults in their families are... Just because your child gets across the border, that doesn’t mean the child gets to stay.”



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