

Millions targeted for possible deportation under Trump rules

By **ALICIA A. CALDWELL**
Associated Press

WASHINGTON — Millions of people living in the United States illegally could be targeted for deportation — including people simply arrested for traffic violations — under a sweeping rewrite of immigration enforcement policies announced Tuesday by the Trump administration.

Any immigrant who is in the country illegally and is charged or convicted of any offense, or even suspected of a crime, will now be an enforcement priority, according to Homeland Security Department memos signed by Secretary John Kelly. That could include people arrested for shoplifting or minor offenses — or simply having crossed the border illegally.

The Trump administration memos replace more narrow guidance focusing on immigrants who have been convicted of serious crimes, are considered threats to national security or are recent border crossers.

Under the Obama administration guidance, immigrants whose only violation was being in the country illegally were generally left alone. Those immigrants fall into two categories: those who crossed the border without permission and those who overstayed their visas.

Crossing the border illegally is a criminal offense, and the new memos make clear that those who have done so are included in the broad list of enforcement priorities.

Overstaying a visa is a civil, not criminal, offense. Those who do so are not specifically included in the priority list but, under the memos, they are still more likely to face deportation than they had been before.

The new enforcement documents are the latest efforts by President Donald Trump to follow through on campaign promises to strictly enforce immigration laws. He’s also promised to build a wall at the Mexican border — he insists Mexico will eventually foot the bill — and Kelly’s memos reiterate calls for Homeland Security to start planning for the costs and construction.

Trump’s earlier immigra-



AP Photo/Steven Senne

Molly Hitt, of Boston, displays an American flag while standing in front of a memorial to the Irish potato famine, right, during a rally called “We Will Persist,” Tuesday in Boston. According to organizers the rally was held to send a message to Republicans in Congress and the administration of President Donald Trump that they will continue to press for immigration rights and continued affordable healthcare coverage.



Charles Reed/U.S. Immigration and Customs Enforcement via AP

In this photo taken Feb. 7, an arrest is made during a targeted enforcement operation conducted by U.S. Immigration and Customs Enforcement (ICE) aimed at immigration fugitives, re-entrants and at-large criminal aliens in Los Angeles.

tion orders, which banned all refugees as well as foreigners from seven Muslim-majority countries, have faced widespread criticism and legal action. A federal appeals court has upheld a temporary halt.

Kelly’s enforcement plans call for enforcing a long-standing but obscure provi-

sion of immigration law that allows the government to send some people caught illegally crossing the Mexican border back to Mexico, regardless of where they are from. Those foreigners would wait in that country for U.S. deportation proceedings to be complete. This would be used for people

who aren’t considered a threat to cross the border illegally again, the memo says.

That provision is almost certain to face opposition from civil libertarians and Mexican officials, and it’s unclear whether the United States has the authority to force Mexico to accept third-country nationals. But the memo also calls for Homeland Security to provide an account of U.S. aid to Mexico, a possible signal that Trump plans to use that funding to get Mexico to accept the foreigners.

Historically, the U.S. has quickly repatriated Mexican nationals caught at the border but has detained immigrants from other countries pending deportation proceedings that could take years.

Mexico’s new ambassador to the U.S., Geronimo Gutierrez, called the policy changes “something very serious.” In a hearing Tuesday with Mexican senators, he said, “Obviously, they are a cause for concern for the foreign relations department, for the Mexican government,

and for all Mexicans.”

The memos do not change U.S. immigration laws, but take a far harder line toward enforcement.

One example involves broader use of a program that fast-tracks deportations. It will now be applied to immigrants who cannot prove they have been in the United States longer than two years. It’s unclear how many immigrants that could include.

Since at least 2002 that fast deportation effort — which does not require a judge’s order — has been used only for immigrants caught within 100 miles of the border, within two weeks of crossing illegally.

The administration also plans to expand immigration jail capacity. Currently Homeland Security has money and space to jail 34,000 immigrants at a time. It’s unclear how much an increase would cost, but Congress would have to approve any new spending.

The American Civil Liberties Union said it would challenge the directives.

“These memos confirm that the Trump administration is willing to trample on due process, human decency, the well-being of our communities, and even protections for vulnerable children, in pursuit of a hyper-aggressive mass deportation policy,” said Omar Jadwat, director of the ACLU’s Immigrants’ Rights Project.

However, Rep. Lamar Smith, a Texas Republican who sits on the House Homeland Security Committee, applauded the Trump effort, saying the memos “overturn dangerous” policies from the Obama administration.

The directives do not affect President Barack Obama’s program that has protected more than 750,000 young immigrants from deportation. The Deferred Action for Childhood Arrivals remains in place, though participants could be deported if they commit crimes or otherwise are deemed to be threats to public safety or national security, according to the department.

During the campaign Trump vowed to immediately end that program, which he described as illegal amnesty.

The directives indicate that some young people caught crossing the border illegally by themselves may not be eligible for special legal protections if they are reunited with parents in the United States. And those parents or other relatives that the government believes helped the children would face criminal and immigration investigations.

Under the Obama administration, more than 100,000 children, mostly from Honduras, El Salvador and Guatemala, were caught at the border. Most were reunited with parents or relatives living in the United States, regardless of the adults’ immigration status.

The enforcement memos also call for the hiring of 5,000 new Border Patrol agents and 10,000 Immigration and Customs Enforcement agents, but it’s unclear how quickly that could take place. Currently, two of every three applicants for Customs and Border Protection jobs fail polygraph exams and there are about 2,000 vacancies.

IMMIGRATION: Federal government can deputize local law enforcement to enforce immigration law

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law allows in that we notify them any time someone born outside of the U.S. is booked into our jail. We then provide ICE with a potential release date from local charges. If ICE decides to move forward on the deportation process, they may come and pick the inmate up upon release from local charges, or they will provide us with a detainer.”

The federal agency uses the administrative detainers to have local jails hold possible undocumented immigrants. The U.S. District Court in Oregon in 2014 ruled the detainers were not mandatory holds but only requests. Since then, per the sheriffs’ association, Oregon jails do not honor the requests.

“Our preference is to obtain a legitimate federal warrant for the arrest and detention of an ICE suspect,” Rowan added. “Our goal here is to not jeopardize local monies being paid out on a suit filed here, so caution is used each and every time. The sooner ICE can pick up and move the inmate the better.”

Even with the court ruling, Rowan stated the issue is not easy to navigate.

“The last thing I want is to put someone out on the streets that poses a threat to local public safety, but also be mindful of the risk associated to holding an offender longer than the law allows,” Rowan said. “Each is evaluated on a case by case basis, but I will always place public safety first.”

Pendleton police chief Stuart Roberts in an email said no one has contacted his department about the new federal policy nor “any deviation from policy, practice or law.”

“Therefore we will maintain status quo,” he said.

“Our job is to deal with the crime that is happening, make arrests, and present the product to the DA’s office. Hermiston has no lists whatsoever specific to citizenship.”

— **Jason Edmiston**, Hermiston Police Chief

Hermiston Police Chief Jason Edmiston said while cities sometimes act in conjunction with the federal government, Hermiston has no plans to change their operations.

“It’s not uncommon for local entities or employees to be deputized under a federal umbrella, such as during a major drug investigation,” Edmiston said. “As far as specifically to immigration, we have not been contacted. Before any decision would be made at the local level, we would consult the city manager’s office. There are no plans in place for the Hermiston Police Department to participate in any kind of round-ups for immigration purposes.”

“Our job is to deal with the crime that is happening, make arrests, and present the product to the DA’s office,” he said. “Hermiston has no lists whatsoever specific to citizenship.”

Morrow County Sheriff Ken Matlack said his office has worked with plenty of federal agencies, but operates under the state’s 1987 law when it comes to immigration. However, there are circumstances when local police find out about someone’s immigration status.

During a stop for speeding, for example, Matlack said police will ask for a driver’s license. Not providing a license is a crime in Oregon, the class C misdemeanor of failure to carry and present.

“Our effort at that point is to determine who you are and why don’t you have a driver’s license,” Matlack said. “And we do that for everyone that doesn’t have a driver’s license.”

Foreign nationals often provide a driver’s license from another county and those are legal in Oregon, he said. Drivers also might have other documentation, such as a passport or a green card, which shows a person has legal permanent residency.

If an officer can determine who the person is, they probably get off with a citation for driving without a license, he said. But if a driver cannot prove who they are — or if they commit the class A misdemeanor of lying about who they are — the next trip is to jail.

“We don’t let people go before we know who they are,” Matlack said.

For Morrow County law enforcement, that requires a drive to the Umatilla County Jail, Pendleton, which has the equipment to identify someone through fingerprints. Matlack said that can take a few hours and reveal Bill Jones is really Frank Johnson with warrants or perhaps a detainer from Immigration and Customs Enforcement.

Jonathan Shaklee, a Kennewick-based immigration lawyer at the firm Shaklee and Oliver, said he has had an increase in calls for his services, and notices an increase in anxiety from callers.

“A lot of people are worried because of the expanded expedited removal proceedings,” he said. “There used to be a classification system for prioritizing deportation or removal cases. It seems that has been removed. Anyone who’s committed a crime or might have been charged — it could be minor

— they’re not prioritizing fugitives who’ve fled the country as opposed to people picked up for shoplifting,” he said. “The language in the memo is very broad.”

Shaklee also said under section 287(g), the federal government can essentially deputize state or local law enforcement agencies to enforce immigration law.

Shaklee said he doesn’t know how strictly those rules will be enforced.

“I’m not sure if (local and state law enforcement) will get penalized (for not participating),” he said.

In the past, if a person was arrested for a local crime, they would be taken to jail and wait to be bailed out. If ICE happened to come through at that time, the person might be detained. But generally, local police weren’t looking for illegal immigrants.

Shaklee said he’s had many employers come in with undocumented employees, wanting to help them.

“It’s tricky when the employer comes in with the employee, because there’s an inherent conflict of interest,” Shaklee said. “If he knows a worker is undocumented, legally he should be firing them.”

Shaklee said the best thing for employers to do is to find counsel to represent them and make sure they are in compliance with I-9 requirements.

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AP Photo/Blake Nicholson

In this Feb. 16 photo, debris is piled on the ground awaiting pickup by cleanup crews at the Dakota Access oil pipeline protest camp in southern North Dakota near Cannon Ball.

Deadline to leave pipeline protest camp won’t be extended

BISMARCK, N.D. (AP) — The Army Corps of Engineers said it won’t extend a Wednesday deadline for Dakota Access oil pipeline opponents to vacate their encampment on federal land in North Dakota.

The camp has existed since August and at times has housed thousands of people who supported the concerns of Sioux nations that the \$3.8 billion pipeline to carry North Dakota oil through the Dakotas and Iowa to a shipping point in Illinois threatens the environment and sacred sites. Dallas-based developer Energy Transfer Partners disputes those claims.

With flooding expected this spring, the Corps on Feb. 3 told the few hundred people remaining in camp that they must take their possessions and leave by 2 p.m. Wednesday.

Camp leader Phyllis Young said rain Monday hampered that effort, and that Native Americans also took time out for traditional ceremonies related to the

weather. Frozen ground also is making it difficult for people to remove tent stakes, she said.

Corps Capt. Ryan Hignight confirmed that people in camp sought an extension on the deadline to move. But he said the Corps is focused on people’s safety and on the environment.

Gov. Doug Burgum also listed Wednesday as the deadline in an evacuation order he issued last week. Spokesman Mike Nowatzki said Tuesday that the deadline hasn’t changed. He said arrests are possible if people refuse to leave.

A schedule for emptying the camp, released late Wednesday, calls for the first bus to arrive at 9 a.m. to take those willing to leave to a “transition center” in Bismarck to get a change of clothes, medical screening and hotel and bus vouchers.

The schedule’s entry for 2 p.m. says: “Certain individuals in the camps would like to experience a ceremonial arrest which will occur at this time.”