

A JUDICIAL WATCH SPECIAL REPORT

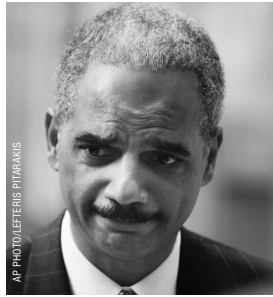
A Special Illegal Immigration Report



A Timeline of the Obama Administration's Four
Year-Long Conspiracy to Grant Amnesty to Illegal
Aliens by Dismantling Enforcement of Our Laws
Against Illegal Immigration

Introduction by Judicial Watch President Tom Fitton

(L-R) President Barack Obama, U.S. Attorney General Eric Holder, U.S. Secretary of Homeland Security Janet Napolitano, U.S. Immigration and Customs Enforcement Director John Morton



For the past four years the Obama administration has been engaged in a conspiracy led by President Obama, Attorney General Eric Holder, Homeland Security Secretary Janet Napolitano and Immigration and Customs Enforcement Director John Morton to achieve amnesty for illegal aliens whether Congress acts on legislation or not.

Today the Obama Administration and leading Republicans and Democrats in Congress are discussing plans for “comprehensive immigration reform.” All these plans include some form of a “path to citizenship” for illegal aliens currently in the United States.

What is not being discussed today is the 800-pound gorilla in Washington...the craven, conscious, politically-driven efforts of the Obama administration to get to amnesty for illegal aliens by flagrantly undermining, ignoring, violating, and otherwise refusing to enforce existing laws against illegal immigration.

That is because the Obama administration has been engaged for the past four years in a conspiracy...led by President Obama, Attorney General Holder, Homeland Security Secretary Janet Napolitano and Immigration and Customs Enforcement Director Morton...to achieve amnesty for illegal aliens whether Congress acts or not.

Therefore, we believe the current debate over legislation in Congress is a sideshow. There can be little doubt, that even if passed by Congress, any new enforcement provisions will be utterly meaningless since President Obama has already made it clear in a thousand different ways and over four years that he does not care about his constitutional obligation to enforce immigration laws passed by Congress and signed into law.

In this report is an analysis of the extent the Obama administration has been willing to go to deceive Americans into accepting unprecedented executive branch immigration law rewrites and changes in immigration processing to fail to fulfill their federal responsibility to enforce United States immigration law. We owe a debt of gratitude to Senator Jeff Sessions and his staff, as well as the Federation for Immigration Reform (F.A.I.R.) for their roles for separately producing this educational material.

Judicial Watch presents this Special Report to lay out in black and white the extent of this conspiracy.

A handwritten signature in black ink, appearing to read 'Tom Fitton'.

Thomas Fitton, President

Timeline to Backdoor Amnesty, 2009-2013

The conspiracy by the Obama Administration to grant amnesty to millions of illegal aliens by whatever means, constitutional or otherwise, in the United States began within days of Barack Obama's first inauguration. The following timeline outlines the extent of this conspiracy to get to amnesty through public lobbying and behind-closed-doors decisions to stop, disrupt and otherwise dismantle all enforcement of laws against illegal immigration.

2009

January 29: Napolitano Delays E-Verify Requirements 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. 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.



U.S. Secretary of
Homeland Security
Janet Napolitano

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 this issue.

April 30: DHS Stops Effective Worksite Raids, Switches to Audits

ICE issues new 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.

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 immigration; and (3) empty promises of “serious and effective enforcement.”

2010

May 19: ICE Director Tells Agents not to Cooperate with Arizona

In an interview with the *Chicago Tribune*, ICE Director John Morton announces that ICE may not even process or accept illegal aliens transferred to the agency's custody by Arizona officials.

May 27: ICE Email Reveals Luxury Living in New Detention Facilities

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.

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 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 to 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.

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 Morton. According to the union, the vote reflects "the growing dissatisfaction among ICE employees and Union Leaders that Director Morton...has 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..."

July 6: DOJ Files Complaint to Enjoin Arizona's SB 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."

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. Thus, in effect, no longer will ICE pick up an illegal alien for illegally entering the country with false ID or false immigration documents.



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.

October 8: ICE Presents Misleading Deportation Data

According to ICE’s deportation statistics, from October 2009 until September 2010 the agency deported over 390,000 illegal aliens. Roughly half of the deportations — more than 195,000 — were of criminal illegal aliens. However, they fail to mention that while the deportation of criminal illegal aliens, the change in the total number of overall deportations is statistically insignificant. In fact, the number of deportations non-criminal illegal aliens has decreased.

December 6: Public Learns Homeland Security Padded FY 2010 Deportation Numbers

Interviews and internal communications cited in the *Washington Post* indicate the record number of over 390,000 deportations 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.

2011

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 most illegal aliens, but only to take action against those who meet the these “priorities.”

June 17: Morton Memo #2: Obama Administration Bypasses Congress, Will Not Prosecute Illegal Aliens Eligible for the DREAM Act

Director Morton issues a second memorandum further directing ICE agents to refrain from enforcing U.S. immigration laws against certain segments of the illegal alien population — criteria similar to that under the DREAM Act — despite having no legal or congressional authority and despite the fact that the DREAM Act was three times defeated in Congress.



June 17: Morton Memo #3: Non-Enforcement Against Illegal Aliens Claiming to be Victims

Director Morton issues a third memorandum instructing ICE personnel to consider refraining from enforcing the law against 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 nonfrivolous dispute with an employer, landlord, or contractor.

June 23: ICE Union Outraged Over Morton DREAM Act Memo

Leaders of the national ICE union express outrage over the June 17 administrative amnesty memorandum authored by Director Morton. The law officers say 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. In plain words, they are saying the political appointees of ICE are advancing the agenda of those here illegally and maneuvering against their own law officers trying to do their duty.

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 then in process, ICE officials attempted to publicly distance themselves from such lenient policies and deny that they ever existed.

October 12: ICE Director Admits White House Role in Amnesty Memos

In testimony before the House Judiciary Committee, Director Morton admits that White House Director of Intergovernmental Affairs and former National Council of La Raza employee (now White House Domestic Policy Director) Cecelia Munoz, assisted in preparation of the administrative amnesty memoranda.

October 18: ICE Does Nothing After Santa Clara County Vote to Ignore Immigration Detainers

ICE refuses to take any action 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.

October 19: ICE Does Nothing after D.C. Mayor Orders Police to Disregard Immigration Laws

ICE refuses to act after District of Columbia Mayor Vincent Gray issues an executive order to prevent D.C. police from enforcing U.S. immigration laws. 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.

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; 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.

Source: Federation for American Immigration Reform

November 22: ICE Does Nothing after New York City Enacts Ordinance to Prevent Detention of Illegal Aliens

ICE refuses to act after New York City 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 for ICE removal.



U.S. Immigration and Customs Enforcement

December 15: DOJ Accuses Maricopa County, Arizona, of Discrimination Against Latinos; Rescinds 287(g) Agreements without Filing Suit

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 – a cooperative agreement whereby local law enforcement receive training in identifying and apprehending illegal aliens. Director 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 deputies and not directly violate federal law, which *requires* the federal government to respond to inquiries by law enforcement agencies to verify immigration status.

December 29: ICE Relaxes Detention Policies

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. ICE then 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 with simultaneously welcoming criminal aliens back onto the streets

2012

January 19: Administration Closes Over 1,600 Deportable Alien Cases as Part of Administrative Pilot Review

ICE attorneys in Denver and Baltimore recommend that the agency voluntarily close 1,667 removal cases, resulting in the release of illegal aliens already in proceedings without consequence for violating U.S. immigration law.

February 7: ICE Creates Public Advocate Position to Lobby for Illegal Aliens

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

February 13: 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.

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.

April 17: Obama Administration Defends Pulling National Guard Troops from Border

After 19 months of stationing 1,300 National Guard 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 crossings. 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.

Source: Federation for American Immigration Reform

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.



April 27: Obama Administration Weakens Secure Communities

ICE shifts its policy on Secure Communities, where local officers report arrests of people who are here illegally, to stop the enforcement of immigration laws 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.

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 voluntarily close 20,648; it states over 4,300 of these cases have already been processed and the remaining will be closed pending background checks.

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 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.

Source: Federation for American Immigration Reform

June 15: Obama Administration Circumvents Congress. 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, 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.

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 deportation 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.”

Source: Federation for American Immigration Reform

2013

February 25:

In the administration’s most recent example of placing politics over public safety, Janet Napolitano, Homeland Security Secretary, announced that sequestration would affect detention policy for illegal aliens in saying “I’m supposed to have 34,000 detention beds for immigration, how do I pay for those?” The following day, the Obama administration announced that it had released hundreds of criminal illegal immigrants held in detention facilities, saying they could no longer afford to hold them because of across-the-board cuts that are set to take affect March 1. This unprecedented action was seen by many observers to be part of the administration’s reckless and irresponsible strategy to frighten the American public and forcing Congress into acting to stop the automatic budget cuts known as sequestration.

We've received a lot of media coverage on our leadership on this issue. This is just a sampling... Tom

Documents confirm Obama administration's 'catch and release' immigration policy

By: Barbara Hollingsworth | Local Opinion Editor

Well, what do you know. Obama administration officials at the Department of Homeland Security deliberately misled Congress when they denied using "selective enforcement" to deport convicted criminals in the U.S. illegally. Their much-criticized "catch and release" policy was confirmed by documents obtained by Judicial Watch under the Freedom of Information Act.

The documents "show that the Obama administration is implementing 'stealth amnesty' which is an end-run around the rule of law and Congress," said Judicial Watch president Tom Fitton.

Contrary to administration claims that convicted criminals were being deported just as fast as DHS got them, the released documents show that local immigration officials were in fact being given what Judicial

PR NEWSWIRE

Obama Officials Misled Congress Regarding Scope of Illegal Immigration Deportation Dismissals According to Documents Obtained by Judicial Watch

Local Immigration Officials Given Wide Latitude to Dismiss Illegal Immigration Deportation Cases, Including For Those Involving Violent Crimes

WASHINGTON, PRNewswire-USNewswire/ -- Judicial Watch, the public interest group that investigates and prosecutes government corruption, announced today that it has obtained documents from the Obama Department of Homeland Security (DHS) showing that DHS officials misled Congress and the public about the scope of an immigration enforcement policy change that gave wide latitude to local immigration officials to dismiss illegal alien deportation cases. According to the documents, obtained pursuant to a Judicial Watch Freedom of Information Act (FOIA)



VICTORY AGAINST ACLU, LAPD IN ILLEGAL IMMIGRATION SANCTUARY POLICY LAWSUIT

Judicial Watch has been the leading force fighting against illegal alien sanctuary policies. We've scored victories in Maryland, Texas, Arizona, Virginia, and New Jersey, to name just a few states where we've battled illegal immigration activists toe-to-toe. (Our message is simple: politicians can't expend taxpayer dollars to support illegal activity.)

But of course, one of the major "hot zones" for illegal immigration chaos is Southern California, and Judicial Watch earned a key victory there recently.

Per the CBS affiliate in Los Angeles:

A Superior Court Judge Friday refused to dismiss a lawsuit challenging the LAPD's controversial Special Order 7. That order allows the LAPD to waive the law that says police must impound a car of an unlicensed driver for as long as a month.

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