



national network for immigrant and refugee rights

310 Eighth Street, Suite 303 | Oakland, California 94607 | 510.465.1984 | 510.465.1885 fax | nnirr@nnirr.org | www.nnirr.org

NNIRR Commentary

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Obama's Executive Action Is a Historic Step – But We Need Fairness and Justice for All

Stop Detentions and Deportations, Roll Back Militarization of the Border

A reprieve from deportation—even a partial and temporary one—for millions of immigrants is a significant development and should give momentum towards more humane, inclusive immigration legislation.

President Obama's executive action will not even embrace the majority of the undocumented, but his Nov. 20 announcement is surely to the credit of the growing alliance of grassroots community groups and allies who have been calling for months—and years—for an [end to detentions and deportations](#) and the separation of immigrant families.

This is the consistent message we have heard from our members and allies.

This historic action is a far cry from the more sweeping immigration policy changes that are needed, and it certainly does nothing to address “root causes” of migration. The executive action does not end Operation Gatekeeper, and the U.S. policy of “zero tolerance” towards undocumented immigration. It does not end the border policy of “detention through deterrence” and Operation Streamline, which denies due process and expedites imprisonment and deportation of undocumented border crossers.

But it is the kind of executive action that has been urged for years, not just as a stop-gap political tactic, but as a key strategy to address the consequences of our flawed immigration system: *the existence of millions of immigrants without opportunity to immigrate safely or to regularize their status.*

While we understood this executive action would be limited in its scope, we are very disappointed that the administrative relief will leave the majority of undocumented immigrants at risk for deportation. In fact, undocumented parents who risked re-entering the U.S. after deportation in order to support and be with their children may be among the “felons” that Obama has identified as priorities for deportation, among the hundreds of thousands of immigrants who have been “criminalized” by harsh and punitive immigration laws. Moreover, millions of immigrants who have been deported in past years—most on immigration violations—have obviously missed this opportunity.

While Obama spoke directly about the “values” of this country when he pitched his executive action—the tone and message in the executive action proposal left many of us cringing with his emphasis on going after immigrant “felons”, subjecting people to “criminal background checks” and “cracking down on illegal immigration” at the border. **Again, that problematic messaging about “good” and “bad” immigrants with no accountability for the “criminalization” of immigrants imposed by punitive immigration enforcement laws.**

Another disappointment in the Obama executive action was the failure to take decisive action on the immigration backlog. While there will be some adjustment in how pending green card applicants are treated, there was no mention of reducing the still substantial backlog and moving many eligible family members into permanent resident status. Many communities with longstanding visa backlogs have pressed for this resolution for years and it is another key element of immigration that has failed to move forward in Congress.

Nor did Obama use this occasion to tackle the Central American refugee issue, certainly a current dilemma that could be efficiently addressed by establishing a class-wide protection for children and their families fleeing violence in Central America.

For those who may benefit from administrative relief, challenges remain for access to health care, which was not included in this reprieve. And many families may still find themselves divided, with some members eligible for relief from deportation and others not.

Even the announcement of a “replacement” of the much-criticized “Secure Communities” (S-Comm) enforcement program with a “Priority Enforcement Program” (already being referred to as ‘PEP-Comm’) is raising concerns about immigrant contact with local police. While there are some differences in the programs, a core issue with S-Comm will remain: ICE will get the fingerprints of everyone arrested in the country, and will be asking local police for notification when certain “priority” profiles are to be released. We’ll be watching this one.

Not surprising, but most disappointing, was Obama’s advocacy for greater border enforcement and push for congressional legislation to increase the number of Border Patrol agents by 20,000. **While this has been seen as a response to conservative critics by providing a political “balance” to administrative relief, the impact of the Administration’s sustained emphasis on border enforcement has contributed to record deportations of immigrant workers, parents and children, and has had the most cruel impact on migrants and border communities.** Even more unsettling--most experts agree that increased enforcement itself does little to affect the numbers of people crossing the border without documents—that flow is still largely determined by economic and social factors in migrant-sending countries.

Not only does increased enforcement at the border send a wrong signal about what immigration policy should be about, but it may very well undermine the participation of border communities in the administrative relief program. Heightening the militarized environment of the border region, especially with widespread concerns about the excessive use of force and harassment by the Border Patrol, is a potentially disastrous position.

In the coming months, immigrant communities will no doubt be immersed in preparations to access the administrative relief program. It is important that those who are eligible and wish to come forward to apply for administrative relief can do so fairly and safely. Legal and community organizations are already at work providing information and organizing community educational and preparatory events.

Still others will be continuing the work that has preoccupied the immigrant rights community for many, many years: the work of stopping detentions and deportations, of ending the militarization of the border and saving migrant lives. Many groups in immigrant communities will be doing both, and certainly all must feed into a more energized community and movement for the rights and equality of all immigrants, and for fair and just immigration reform.

[Click here](#) for more information and ongoing updates on the Obama’s executive action. [Read NNIRR’s Open Letter to President Barack Obama](#) on the eve of his announcement. -30-