

DHS Signals Policy Changes Ahead for Immigration Raids

By Spencer S. Hsu

Washington Post Staff Writer

Sunday, March 29, 2009; 1:19 PM

Homeland Security Secretary Janet Napolitano has delayed a series of proposed immigration raids and other enforcement actions at U.S. workplaces in recent weeks, asking agents in her department to apply more scrutiny to the selection and investigation of targets as well as the timing of raids, federal officials said.

A senior department official said the delays signal a pending change in whom agents at U.S. Immigration and Customs Enforcement choose to prosecute -- increasing the focus on businesses and executives instead of ordinary workers.

"ICE is now scrutinizing these cases more thoroughly to ensure that [targets] are being taken down when they should be taken down, and that the employer is being targeted and the surveillance and the investigation is being done how it should be done," said the official, discussing Napolitano's views about sensitive law enforcement matters on the condition of anonymity.

"There will be a change in policy, but in the interim, you've got to scrutinize the cases coming up," the senior DHS official said, noting Napolitano's expectations as a former federal prosecutor and state attorney general.

Another DHS official said Napolitano plans to release protocols this week to ensure more consistent work-site investigations and less "haphazard" decision-making.

Napolitano's moves have led some to question President Obama's commitment to work-site raids, which were a signature of Bush administration efforts to combat illegal immigration. Napolitano has highlighted other priorities, such as combating Mexican drug cartels and catching dangerous criminals who are illegal immigrants.

Napolitano's moves foreshadow the difficult political decisions the Obama administration faces as it decides whether to continue mass arrests of illegal immigrant workers in sweeps of meatpackers, construction firms, defense contractors and other employers.

Critics say workplace and neighborhood sweeps are harsh and indiscriminate, and they accuse the government of racial profiling, violating due process rights and committing other humanitarian abuses.

The raids have enraged Latino community and religious leaders, immigrant advocates and civil liberties groups important to the Democratic base, who have stepped up pressure on Obama to stop them.

At a rally last week in Chicago, Cardinal Francis George, head of the archdiocese of Obama's home city, called on the government "to end immigration raids and the

separation of families" and support an overhaul of immigration law. "Reform would be a clear sign this administration is truly about change," George said.

Also last week, House Speaker Nancy Pelosi (D-Calif.) and the Congressional Hispanic Caucus made similar calls as the caucus met formally with Obama for the first time.

"Raids that break up families in that way, just kick in the door in the middle of the night, taking [a] father, a parent away, that's just not the American way. It must stop," Pelosi added at a Capitol Hill conference on border issues sponsored by the U.S. Chamber of Commerce.

But Obama also faces pressure from conservative lawmakers and many centrist Democrats, who say that workplace enforcement is needed to reduce the supply of jobs that attract illegal immigrants, and that any retreat in defending American jobs in a recession could ignite a populist backlash.

When the White House announced plans last week to move more than 450 federal agents and equipment to the border to counter Mexico's drug cartels, lawmakers warned Napolitano against diverting money from workplace operations.

Rep. Lamar Smith (Tex.), ranking Republican on the House Judiciary Committee, said the administration "appears to be using border violence as an excuse" to undercut immigration enforcement in the nation's interior.

"It makes no sense to take funds from one priority (worksite enforcement) to address a new priority (the growth in border violence).. This is just robbing Peter to pay Paul," Sen. Robert C. Byrd (D-W.Va.), the powerful chairman of the Senate Appropriations subcommittee for homeland security, said in an e-mail.

Led by Byrd, Congress this year ordered ICE to spend \$127 million on workplace operations, \$34 million more than President George W.. Bush had requested. Reducing those amounts, even in ICE's overall \$5 billion budget, would provoke a fight, senior aides in both parties said.

DHS officials categorically deny any reduction. Instead Napolitano has sought to chart a middle course by ordering a review of which immigrants are targeted for arrest. While a policy is still under development, Napolitano has said she intends to focus more on prosecuting criminal cases of wrongdoing by companies. Analysts say they also think ICE may conduct fewer raids, focusing routine enforcement on civil infractions of worker eligibility verification rules.

Former Bush administration officials said their raids were also targeted against supervisors, but that it took time to build complicated white-collar cases. In the meantime, they said, depriving companies of their workforces and in some cases filing criminal charges against illegal immigrant workers sent a clear message of deterrence to both management and labor.

Mark Krikorian, executive director of the Center for Immigration Studies, which seeks to reduce immigration, said Obama aides are trying to manage the issue until an economic turnaround permits an attempt to overhaul immigration laws.

"I think their calculus is, how do they keep Hispanic groups happy enough without angering the broader public so much that they sabotage health care and their other priorities?" Krikorian said.

Ali Noorani, executive director of the National Immigration Forum, an immigrant advocacy group, said that to the contrary, groups such as his support Obama's focus on going after bad employers and criminal illegal immigrants first -- or as he put it, prioritizing "drug smugglers, not window washers."

Within ICE, the front-office vetting of cases has led to some doubts. Last week, for example, ICE postponed plans to raid employers at a military-related facility in Chicago for which they had arranged to temporarily detain as many as 100 illegal immigrants, according to one official. A second official said Napolitano thought the investigative work was inadequate.

The raid would have been the second under the Obama administration. After the first, a Feb. 24 sweep of an engine-parts maker in Bellingham, Wash., that led to 28 arrests, Napolitano publicly expressed disappointment that ICE did not inform her beforehand and announced an investigation into agency communication practices.

In response, Leigh H. Winchell, the ICE special agent in charge in Seattle, wrote an e-mail to his staff -- subsequently leaked to conservative bloggers -- saying they had acted correctly. He also copied a statement from House Republicans calling Napolitano's review "beyond backwards."

"You did nothing wrong and you did everything right," Winchell wrote. "I cannot control the politics that take place with these types of situations, but I can remind you that you are great servants of this country and this agency."