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Exclusive: Trump targets illegal immigrants who were given reprieves from deportation by Obama

By [Mica Rosenberg](#) and [Reade Levinson](#)

In September 2014, Gilberto Velasquez, a 38-year-old house painter from El Salvador, received life-changing news: The U.S. government had decided to shelve its deportation action against him.

The move was part of a policy change initiated by then-President Barack Obama in 2011 to pull back from deporting immigrants who had formed deep ties in the United States and whom the government considered no threat to public safety. Instead, the administration would prioritize illegal immigrants who had committed serious crimes.

Last month, things changed again for the painter, who has lived in the United States illegally since 2005 and has a U.S.-born child. He received news that the government wanted to put his deportation case back on the court calendar, citing another shift in priorities, this time by President Donald Trump.

The Trump administration has moved to reopen the cases of hundreds of illegal immigrants who, like Velasquez, had been given a reprieve from deportation, according to government data and court documents reviewed by Reuters and interviews with immigration lawyers.

Trump signaled in January that he planned to dramatically widen the net of illegal immigrants targeted for deportation, but his administration has not publicized its efforts to reopen immigration cases.

It represents one of the first concrete examples of the crackdown promised by Trump and is likely to stir fears among tens of thousands of illegal immigrants who thought they were safe from deportation.

While cases were reopened during the Obama administration as well, it was generally only if an immigrant had committed a serious crime, immigration attorneys say. The Trump administration has sharply increased the number of cases it is asking the courts to reopen, and its targets appear to include at least some people who have not committed any crimes since their cases were closed.

Between March 1 and May 31, prosecutors moved to reopen 1,329 cases, according to a Reuters' analysis of data from the Executive Office of Immigration Review, or EOIR. The Obama administration filed 430 similar motions during the same period in 2016.

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** Administrative closure data is up to January 19, 2017

Sources: Reuters analysis of data from the Executive Office for Immigration Review

By Han Huang | REUTERS GRAPHICS

Jennifer Elzea, a spokeswoman for U.S. Immigration and Customs Enforcement, confirmed the agency was now filing motions with immigration courts to reopen cases where illegal immigrants had "since been arrested for or convicted of a crime."

It is not possible to tell from the EOIR data how many of the cases the Trump administration is seeking to reopen involve immigrants who committed crimes after their cases were closed.

Attorneys interviewed by Reuters say indeed some of the cases being reopened are because immigrants were arrested for serious crimes, but they are also seeing cases involving people who haven't committed crimes or who were cited for minor violations, like traffic tickets.

"This is a sea change, said attorney David Leopold, former president of the American Immigration Lawyers Association. "Before, if someone did something after the case was closed out that showed that person was a threat, then it would be reopened. Now they are opening cases just because they want to deport people."

Elzea said the agency reviews cases, "to see if the basis for prosecutorial discretion is still appropriate."

POLICY SHIFTS

After Obama announced his shift toward targeting illegal immigrants who had committed serious crimes, prosecutors embraced their new discretion to close cases.

Between January 2012 and Trump's inauguration on Jan. 20, the government shelved some 81,000 cases, according to Reuters' data analysis. These so-called "administrative closures" did not extend full legal status to those whose cases were closed, but they did remove the threat of imminent deportation.

Trump signed an executive order overturning the Obama-era policy on Jan. 25. Under the new guidelines, while criminals remain the highest priority for deportation, anyone in the country illegally is a potential target.

In cases reviewed by Reuters, the administration explicitly cited Trump's executive order in 30 separate motions as a reason to put the immigrant back on the court docket. (For a link to an excerpted document: tmsnrt.rs/2sl6aby)

Since immigration cases aren't generally public, Reuters was able to review only cases made available by attorneys.

In the 32 reopened cases examined by Reuters:

--22 involved immigrants who, according to their attorneys, had not been in trouble with the law since their cases were closed.

--Two of the cases involved serious crimes committed after their cases were closed: domestic violence and driving under the influence.

--At least six of the cases involved minor infractions, including speeding after having unpaid traffic tickets, or driving without a valid license, according to the attorneys.

In Velasquez's case, for example, he was cited for driving without a license in Tennessee, where illegal immigrants cannot get licenses, he said.

"I respect the law and just dedicate myself to my work," he said. "I don't understand why this is happening."

Motions to reopen closed cases have been filed in 32 states, with the highest numbers in California, Florida and Virginia, according to Reuters' review of EOIR data. The bulk of the examples reviewed by Reuters were two dozen motions sent over the span of a couple days by the New Orleans ICE office.

PUMPKIN SEED ARREST

Sally Joyner, an immigration attorney in Memphis, Tennessee said one of her Central American clients, who crossed the border with her children in 2013, was allowed to stay in the United States after the government filed a motion to close her case in December 2015.

Since crossing the border, the woman has not been arrested or had trouble with law enforcement, said Joyner, who asked that her client's name not be used because of the pending legal action.

Nevertheless, on March 29, ICE filed a two-page motion to reopen the case against the woman and her children. When Joyner queried ICE, an official said the agency had been notified that her client had a criminal history in El Salvador, according to documents seen by Reuters.

The woman had been arrested for selling pumpkin seeds as an unauthorized street vendor. Government documents show U.S. authorities knew about the arrest before her case was closed.

Dana Marks, president of the National Association of Immigration Judges, said that revisiting previously closed matters will add to a record backlog of 580,000 pending immigration cases.

"If we have to go back and review all of those decisions that were already made, it clearly generates more work," she said. "It's a judicial do-over."

(Reporting by Mica Rosenberg and Reade Levinson in New York; Additional reporting by Julia Edwards Ainsley in Washington; Editing by Sue Horton and Ross Colvin)

<http://www.reuters.com/article/us-usa-immigration-deportations-exclusiv-idUSKBN1902I4>