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Close Read Chart
Executive Grants of Temporary Immigration Relief, 1956-Present

Text	First Read	Second Read
<p>Much has been made of President Obama’s Deferred Action for Childhood Arrivals (DACA) program, through which he deferred deportation for young adults brought to the U.S. as children. But as immigration legal scholar Hiroshi Motomura has noted, the president has broad executive authority to shape the enforcement and implementation of immigration laws, including exercising prosecutorial discretion to defer deportations and streamline certain adjudications. In fact, the history books reveal that President Obama’s action follows a long line of presidents who relied on their executive branch authority to address immigration challenges.</p> <p>A chart of these decisions below makes clear that presidents have ample legal authority—and abundant historical precedent—supporting their discretion to take action in immigration matters. Since at least 1956, every U.S. president has granted temporary immigration relief to one or more groups in need of assistance. This chart collects 39 examples, which span actions large and small, taken over many years, sometimes by multiple administrations.¹ Some presidents announced programs while legislation was pending. Other presidents responded to humanitarian crises. Still others made compelling choices to assist individuals in need when the law failed to address their needs or changes in circumstance.</p> <p>Perhaps the most striking historical parallel to today’s immigration challenges is the “Family Fairness” policy implemented by Presidents Ronald Reagan and George Bush, Sr. The story behind the fairness policy begins on November 6, 1986, when President Reagan signed the 1986 Immigration Reform and Control Act</p>	<p>What is DACA?</p> <p>What do the history books reveal?</p> <p>How long have presidents been using executive action to grant temporary immigration relief?</p> <p>How many examples are in the chart?</p> <p>What are the three reasons cited as to when a president decides to use executive action?</p> <p>What is IRCA?</p>	<p>How does the term “executive action” apply to immigration?</p> <p>Why are these executive actions considered to be “temporary”? <i>Hint: Are they law?</i></p> <p>What is a “split-eligibility” family?</p>

<p>(IRCA), which gave up to 3 million unauthorized immigrants a path to legalization if they had been “continuously” present in the U.S. since January 1, 1982. But the new law excluded their spouses and children who didn’t qualify and forced them to wait in line, creating “split-eligibility” families, as they were called. The U.S. Catholic bishops and immigration groups criticized President Reagan for separating families.</p> <p>In 1987, Reagan’s Immigration and Naturalization Service (INS) commissioner announced a blanket deferral of deportation (logistically similar to today’s DACA program) for children under 18 who were living in a two-parent household with both parents legalizing, or with a single parent who was legalizing. Then, in July 1989, the Senate passed legislation to protect a bigger group—prohibiting deportation of all spouses and children of those who were legalizing under IRCA.</p> <p>But the legislation stalled in the House, and in 1990 President Bush Sr. administratively implemented the Senate bill’s provisions. His INS commissioner, saying “We can enforce the law humanely,” expanded the blanket deferral to as many as 1.5 million spouses and children of immigrants who were legalizing, provided they met certain criteria. President Bush thus protected over 40 percent of the then-unauthorized population from deportation. The House then passed legislation, and President Bush signed it later that year.</p> <p>The Family Fairness program is only one example of the common characteristics of presidential decisions to act on immigration. Several decisions were large-scale actions potentially affecting hundreds of thousands or millions of immigrants. Some presidents focused on the necessity of keeping families together. And other presidents acknowledged the absurdity of trying to deport people for whom major legislation in Congress was pending. Some of these examples include:</p> <ul style="list-style-type: none"> ▪ Large-scale actions: In addition to Family Fairness, other large-scale actions include paroles 	<p>What did President Bush Sr. do when legislation stalled in Congress?</p> <p>Why were the majority of these executive actions created? List 3 reasons.</p>	<p>In this context, what does it mean to “enforce the law humanely”?</p>
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