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Name: _____

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

Text	First Read	Second Read
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	What is DACA? What do the history books reveal?	How does the term
President Obama's action follows a long line of presidents who relied on their executive branch authority to address immigration challenges. A chart of these decisions below makes clear that	How long have presidents been using executive	"executive action" apply to immigration?
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,	action to grant temporary immigration relief? How many examples are in the chart?	Why are these executive actions considered to be "temporary"? <i>Hint: Are they law?</i>
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.	What are the three reasons cited as to when a president decides to use executive action?	
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	What is IRCA?	What is a "split- eligibility" family?

 (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. 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. 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 	What did President Bush Sr. do when legislation stalled in Congress?	In this context, what does it mean to "enforce the law humanely"?
 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. 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 	Why were the majority of these executive actions created? List 3 reasons.	
 Include: Large-scale actions: In addition to Family Fairness, other large-scale actions include paroles 		

of up to 600,000 Cubans in the 1960s and over 300,000 Southeast Asians in the 1970s, President Carter's suspension of deportations for over 250,000 visa-holders, and President Reagan's deferral of deportations for up to 200,000 Nicaraguans.	What is the largest number of the large-scale actions to date? For which group?	Why do you think one or more of these groups might have been so large?
• Family-based actions: Other actions to protect families include the suspended deportations of families of visa-holders (Carter), parole of foreign-born orphans (Eisenhower, Obama), deferred action to widows of U.S. citizens and their children (Obama), and parole-in-place to families of military members (Obama).		What is the purpose of family-based action?
 Actions while legislation was pending: Other actions taken while legislation was pending include parole of Cuban asylum seekers fleeing Castro (Nixon, Kennedy, Johnson), deferred action to battered immigrants whom the Violence Against Women Act (VAWA) would protect (Clinton), parole of orphans (Eisenhower), and DACA (Obama). 	Why were Cubans seeking asylum?	Why might a president take action when legislation in congress is pending?
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Endnotes

1 This data is compiled from Marshall Fitz, *What the President Can Do on Immigration If Congress Fails to Act* (Washington, DC: Center for American Progress, July 2014), http://www.americanprogress.org/issues/immigration/report/2014/07/01/93042/what-the-president-can-do-on-immigration-if-congress-fails-to-act/; Andorra Bruno, Todd Garvey, Kate Manuel, and Ruth Ellen Wasem, *Analysis of June 15, 2012 DHS Memorandum, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children* (Washington, DC: Congressional Research Service, July 13, 2012), http://edsource.org//wp-content/uploads/Deferred-Action-Congressional-Research-Service-Report.pdf; Arthur C. Helton, "Immigration Parole Power: Toward Flexible Responses to Migration Emergencies," *Interpreter Releases* 71, no. 1637 (December 12, 1994); John W. Guendelsberger, "Family Fairness: A Status Report," *In Defense of the Alien* 15 (1992):45-57, http://www.jstor.org/stable/23143114; and other media reports, press releases, and articles, linked to here where publicly available

Cumulative Task: Presidents have long used executive action to enforce the law. *What does it mean however to enforce the law "humanely" in the context of granting immigration relief?* Use the policy report and cite <u>at least one</u> specific example from the chart to support your answer. (Feel free to research the historical context further if you think it will improve your response.)