

# DHS Announces Expansion of Prosecutorial Discretion Guidelines

## Signals Opportunity to Regain Common Sense

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**Washington D.C.** - Today, the Department of Homeland Security (DHS) announced that it would put guidelines in place across all immigration agencies to ensure that its enforcement priorities are focused on removing persons who are most dangerous to the country.

In a letter to Senator Dick Durbin (D-IL) and other senators who had requested that DHS consider deferring the removal of all DREAM Act eligible students, DHS announced that it would not categorically defer removal, but that persons who were not high priority targets for removal would have the opportunity to request prosecutorial discretion on a case by case basis. Low priority cases—previously identified in a prosecutorial discretion memo issued by Immigration and Customs Enforcement Director John Morton on June 17—include persons who are not criminals and have been in the country since childhood, have strong community ties, are veterans or relatives of persons in the armed services, are caregivers, have serious health issues, are victims of crime or otherwise have a strong basis for remaining in the United States.

DHS announced the creation of a joint committee with the Department of Justice that will review nearly 300,000 cases currently in removal proceedings and determine which cases are low priority and can be administratively closed. In addition, agency-wide guidance will be issued to ICE, USCIS and CBP officers to ensure that they appropriately exercise discretion when determining whether a low priority case should be referred to immigration court.

### **Mary Giovagnoli, Director of the Immigration Policy Center, stated:**

The American Immigration Council welcomes DHS's announcement today that it will attempt to put muscle behind new guidelines on prosecutorial discretion. We have long advocated for using the tools of the executive branch to do effective immigration enforcement that does not cripple families and our economy. The creation of an interagency working group and the expansion of prosecutorial discretion guidance is a critical step toward slowing down the deportation of immigrants who have so much to give to this country. However, only comprehensive immigration reform can permanently address the problems of our immigration system.

### **According to Melissa Crow, Director of the Legal Action Center:**

Today's announcement clearly indicates the Obama Administration's commitment to implementing the expansive use of prosecutorial discretion authorized by the June 17th Morton Memo. As we closely monitor how these new announcements are implemented, DREAM students, military families, victims of crime, and many other individuals who pose no threat to public safety may receive a reprieve from removal. We hope that the forthcoming guidance will help to ensure that DHS field offices across the country use their enforcement resources in a way that meaningfully advances the agency's priorities and prevents low priority cases from continuing to clog the court system.

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**For more information, please contact Seth Hoy at [shoy@immcouncil.org](mailto:shoy@immcouncil.org) [1] or (202) 507-7509**

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