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ACLU: 287(g) changes minimal



Billy Smith, Houston Chronicle

Suspected illegal immigrants are held in a special cell in Harris County Jail.

Immigration and Customs Enforcement officials [announced plans last Friday](#) to revamp their agreements with local law enforcement agencies participating in its controversial 287(g) program.

ICE chief John Morton told the Chronicle then that the changes will help ensure the program tightly focuses efforts on criminals who are "the worst of the worst."

But the ACLU, which [obtained a copy of the new, standardized Memorandum of Agreements](#) (MOAs), said today that the revamped contracts in fact make few substantive changes to the program, which deputizes local law enforcement to act as immigration agents.

Nationally, the 287(g) program [has been criticized](#) as being vulnerable to racial profiling and lacking oversight by ICE. ICE, however, states that it's a [key tool](#) in its efforts to target suspected illegal immigrants with criminal records.

"The Department of Homeland Security has claimed that the new MOA contains many significant improvements, but now that we actually have the document, it is clear that many of the claimed changes are really not changes at all, that the remaining changes have little or no positive operative effect, and that the new MOA actually takes several disturbing steps backward, particularly in the area of transparency," said Omar Jadwat, staff attorney with the ACLU Immigrants' Rights Project.

The new MOA includes three levels of "priorities" for suspected criminals, with Level 1 being the highest, and including suspected murderers, rapists, kidnappers, etc.

The standardized agreement states that "resources should be prioritized to the following levels." But, the ACLU pointed out, it does not provide guidance or tracking to ensure that local authorities detain suspects based on the priority rankings.

Mayor Bill White and HPD had requested in March to train city jailers through the program, and ICE announced last Friday that HPD was accepted as a partner in the program. However, city spokesman Frank Michel said this week that the city is still waiting to review the new, standardized MOAs before officially signing up for the partnership.

The new MOAs also try to restrict the release of information about the program to the public, and states that any documents generated as a result of the partnership "shall not be considered public records."

Legal questions about that aside, it certainly seems like a deviation from [the Obama administration's announcement](#), shortly after taking office, of a new era of "transparency."