

## FAQs -- Internal

### **Why are you announcing these changes now?**

Over the past three years, this Administration has undertaken an unprecedented effort to make the immigration enforcement system more effective and efficient by focusing on public safety threats, border security and the integrity of the immigration system. In June 2010, ICE issued its civil enforcement priorities. In June 2011, U.S. Immigration and Customs Enforcement Director John Morton issued two memoranda on the appropriate exercise of prosecutorial discretion. In November 2011, the Department began the case-by-case review of all individuals in removal proceedings to ensure consistency with the Administration's priorities. DHS has analyzed the effect of these policies to date and determined that additional steps are necessary to ensure that the Department's enforcement resources are focused on criminal aliens and other high priority cases.

### **Does the new policy constitute administrative amnesty?**

No. This process will not result in any individuals receiving permanent lawful status but will provide for temporary grants of deferred action in appropriate cases. It will help streamline the immigration enforcement system, increasing the focus on the removal of criminal aliens, repeat immigration law violators and recent border crossers while ensuring that resources are not spent pursuing productive young people who were brought to this country as a child. It is an appropriate exercise of prosecutorial discretion within the framework of the existing law. Only the Congress, acting through its legislative authority, can confer the right to permanent lawful status. It remains for the executive branch, however, to exercise discretion within the framework of the existing law, which is what this new process does.

### **Is this process consistent with the Secretary's statement that DHS cannot provide categorical relief for individuals who meet the criteria of the DREAM Act?**

Yes. This policy is an exercise of prosecutorial discretion designed to ensure that our immigration laws are enforced in a strong and sensible manner. It confers neither substantive rights nor a pathway to citizenship. It will result in temporary grants of deferred action, and only after a case-by-case review. It is consistent with our enforcement priorities, which put a low priority on young people who came here as children and are now contributing to our country.

### **Why not simply provide eligible individuals with Temporary Protected Status?**

The Secretary has determined that deferred action is appropriate here. Temporary Protected Status (TPS) is designed to allow the Secretary of Homeland Security to permit citizens of a foreign country to lawfully remain in the U.S. due to conditions in their home country that temporarily prevent individuals from returning safely or because the country is unable to adequately handle the return of its nationals. Typically, the Secretary may designate a country for TPS due to the existence of temporary conditions like an ongoing armed conflict, an environmental disaster (such as earthquake or hurricane), or an epidemic.