

[Young immigrant buoyed by change in deportation policy](#) (Winston-Salem Journal – August 23, 2011)

By Bertrand M. Gutierrez

The Obama administration's recent announcement that it is easing deportation proceedings involving noncriminal cases has at least one local illegal immigrant hoping for the best but wondering whether he will be locked in legal limbo. [Janet Napolitano](#), [secretary](#) of the [U.S. Department of Homeland Security](#)

, said in a letter dated Aug. 18 that her department and the [U.S. Department of Justice](#) are jointly doing a case-by-case review of about 300,000 individuals currently in deportation proceedings, with the aim of giving criminal cases top priority. "This case-by-case approach will enhance public safety. Immigration judges will be able to more swiftly adjudicate high-priority cases, such as those involving convicted felons. This process will also allow additional federal enforcement resources to be focused on border security and the removal of public safety threats," [Napolitano](#) said. Fredd Reyes, a [Thomasville](#)

resident, has the kind of case the [administration](#)

might review favorably. "I feel like God has finally answered my prayers. Sometimes you just give up. You feel, 'maybe it's my time.' And just when I'm about to throw in the towel, I heard this news. It gave me hope," Reyes said. Reyes, who was profiled by [the Winston-Salem Journal](#)

last month, entered the [U.S.](#)

legally from [Guatemala](#)

when he was 2 years old — about 22 years ago. But the Reyes family overstayed their [travel visa](#)

, he said, and their attempts to seek legal status have not been successful. He says he has no criminal record (being in the [United States](#)

without authorization is a civil offense, not a criminal offense). In 2005, he graduated from [East Davidson High School](#)

, where he made the dean's list for three years, played soccer and performed in theater productions. On Sept. 6, Reyes could be sent back to [Guatemala](#)

. He is scheduled on that date to appear before [a federal immigration judge](#)

, so the announcement last week was uplifting, he said. Attorneys for Reyes are asking for an extension of "deferred action," a measure that Immigration and Customs Enforcement agents can use in certain cases. If Reyes is allowed to stay, he wonders how his everyday life will intersect with other laws, such as those barring him from getting a driver's license or paying in-state tuition for college. "So, it's like, what next? My license (acquired legally before laws changed) expires in December. A driver's license and a work permit, those things are not guaranteed. If they're allowing us to stay, we have to work," Reyes said. Reyes' case, along with thousands of others nationwide, has become a lightning rod for the national debate regarding immigration. Immigration-advocacy groups, which hold sway over a potentially significant voting bloc, have been pressuring Obama to champion immigration reform more vigorously. It was after protests last week that Obama announced the Department of Homeland Security's immigration

policy guidelines. While the administration's announcement may seem new, the initiative isn't. In June, [ICE Director John Morton](#) sent a letter to high-level agents advising them to give criminal cases a higher priority. In the letter, he says ICE officials can consider how a person arrived in the [U.S.](#), particularly if the person was a young child, and whether the person has graduated from high school or is pursuing higher education.

[Rep. Virginia Foxx](#), a Republican whose district spans from Northwest North Carolina to parts of Winston-Salem, said in an email that she disagrees with the enforcement policy, saying it looks "an awful lot like a backdoor amnesty policy." "Deciding which deportations to allow to continue on a 'case-by-case' basis is not only terribly ambiguous but amounts to a selective enforcement of existing immigration laws,"

[Foxx](#)

said. "

[Congress](#)

would not approve such a move, so it appears that the [administration](#) is simply going to skirt the lawmaking process and pick and choose which laws to enforce. This clearly undermines the American tradition of the rule of law." Efforts to get a response from Sen. Richard Burr, R-

[N.C.](#)

, were unsuccessful.

[Tom O'Donnell](#)

, the

[chief of staff](#)

for Sen. Kay Hagan, D-

[N.C.](#)

, referred to a letter dated July 15 to describe the senator's support of Morton's approach. She says in the letter that laws as they relate to national security and public safety must be enforced without fail, but with limited resources, the [federal government](#) must prioritize. [Rep.](#)

[Mel Watt](#)

, a Democrat whose district includes parts of

[Winston-Salem](#)

,

[Greensboro](#)

,

[High Point](#)

and

[Charlotte](#)

, said in a phone interview that he also agrees with the administration's enforcement policies, particularly as they affect the Reyes case. "It's a step toward what we should do in

[Congress](#)

,

[Watt](#)

said. "They did absolutely nothing wrong to get here. We hear the stories in our office all the time, and

it's just heart wrenching. I know a lot of people out there will disagree vigorously with what I'm saying, but we are a nation of immigrants. We shouldn't get here and then pull up the ladder behind us." During the federal fiscal year through July, ICE has removed 16,978 immigrants through the [Atlanta](#) regional hub, which includes [Georgia](#) , [North Carolina](#) and [South](#)

[Carolina](#)

. Of

that number, 10,518

were convicted criminals and 6,460 were noncriminal immigration violators.