

For Immediate Release

Dissecting the HALT Act
Last Safety Valves in Immigration System Under Attack

July 25, 2011

Washington D.C. - Tomorrow, Tuesday, July 26, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing on the “Hinder the Administration’s Legalization Temptation Act” (HALT Act), a bill that would suspend discretionary forms of immigration relief until January 21, 2013—the day after the next Presidential inauguration.

Today, the Immigration Policy Center held a briefing to describe how the HALT Act systematically attacks many of the discretionary forms of relief available to immigrants. Immigration policy experts described the implications of limiting the Administration’s discretion in prosecuting immigration cases, as well as the impetus behind the bill.

Mary Giovagnoli, Director of the Immigration Policy Center, said:

“The HALT Act seeks to disable or suspend a number of immigration provisions that provide any discretionary relief to immigrants in order to chastise the Administration for a series of policy memos that contemplate using executive branch authority to improve current laws. Its authors seek to discourage the Administration from interpreting the law in ways that are more streamlined or benefit more individuals.”

Beth Werlin, Deputy Director of the Legal Action Center, further explained:

“By taking away the power to grant deferred action, the HALT Act is basically interfering with the Administration’s ability to prioritize its removal cases and focus its resources on serious criminals and those who pose a true security risk.”

Marshall Fitz, Director of Immigration Policy at the Center for American Progress, commented on the impetus behind the bill:

“The suggestion that the Administration is ‘tempted’ to legalize the undocumented population is disconnected from reality. The president can’t legalize undocumented immigrants. The most he can do is delay their removal from the country if there are compelling reasons. President Obama’s Department of Homeland Security has deported more immigrants than any administration in a generation. However, the authors of this bill continue to claim that DHS refuses to enforce the law and is pursuing a stealth amnesty agenda.”

Administrative authority must be preserved in order to ensure that important laws are available when they are needed. For example, the HALT Act would suspend Temporary Protected Status (TPS)—the protection granted to Haitians after the recent devastating earthquake—making it impossible for the Obama Administration to respond to humanitarian crises. Similarly, the HALT Act suspends waivers for the three and ten year bars to admission to the U.S.—exemptions that exist specifically to ensure that U.S. citizens or lawful permanent residents would not suffer extreme hardship if their relatives were deported.

The HALT Act is particularly disturbing because it is so blatantly political, suspending important forms of relief only until the next presidential inauguration. This means that its chief sponsors, Congressman Lamar Smith and Senator David Vitter, are interested in using the American public and the immigration system as vehicles for promoting their political dispute with President Obama over immigration policy. The HALT Act would take a broken immigration system and make it even more inflexible and unworkable in order to make a political point. This is not the way to solve our immigration crisis, but only further highlights the necessity for passing legislation that comprehensively overhauls our immigration system, and gives us the flexible and forward looking policies we need to succeed in the 21st century.

For more information on the HALT Act, see:

- [*Dissecting the HALT Act: The Impact of Eliminating Discretion from our Immigration System*](#) (IPC Fact Check, July, 2011)

For more detailed information on the three and ten year bars, see:

- [*So Close and Yet So Far: How the Three and Ten-Year Bars Keep Families Apart*](#) (IPC Fact Check, July, 2011)

For general information on prosecutorial discretion, see:

- [Prosecutorial Discretion: A Resource Page](#)

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