

Fatal Accident Puts Focus On Deportation Program

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Body

BOSTON -- A **fatal accident** that the police say involved an illegal immigrant driving drunk has stirred outrage in Massachusetts and **put** Gov. Deval Patrick on the defensive for his resistance to a federal **program** intended to **deport** criminals.

According to the police, the immigrant, Nicolas Guaman from Ecuador, struck and killed a young motorcyclist in Milford last month while intoxicated, dragging him for a quarter of a mile. Mr. Guaman has a previous criminal record, the police said, and many here have pointed to his case as an example of why the federal **program**, known as Secure Communities, is necessary.

Under Secure Communities, the fingerprints of anyone booked into jail by the state and local police are sent through the F.B.I. to the Department of Homeland Security, which tracks immigration violations. Immigration agents then decide whether to **deport** immigrants flagged by such checks.

Mr. Patrick, a Democrat, announced in June that Massachusetts would not participate in Secure Communities, citing concerns that it casts too wide a net and leads to the **deportation** of immigrants with no criminal histories. Two other Democratic governors, Pat Quinn of Illinois and Andrew M. Cuomo of New York, have also rejected the **program**, though the Obama administration has announced plans to expand it nationwide, with or without states' support, by the end of 2013.

The Guaman case and several others -- including that of Onyango Obama, a Kenyan uncle of President Obama who was arrested last month outside Boston on drunken-driving charges and found to be in violation of a 1992 **deportation** order -- have become part of a growing debate over whether Massachusetts is too easy on illegal immigrants.

Critics, including some Democrats, are also asking why Mr. Patrick, a close ally of Mr. Obama's, would reject a **program** central to Mr. Obama's immigration enforcement plan. The Obama administration has taken steps recently to **focus** its **deportation** strategy on illegal immigrants who have been convicted of violent and drug-related crimes.

"Unfortunately, the governor doesn't think it's a serious enough problem to deal with," said State Senator Richard T. Moore, a Democrat whose district includes Milford. "We're hearing from the public constantly: what are we going to do about this problem?"

Mr. Moore is co-sponsoring new bipartisan legislation meant to crack down on illegal immigration, in part by imposing tougher penalties, including possible jail time, for driving without a license and not registering cars properly. Mr. Guaman was not carrying a license at the time of his arrest.

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Onyango Obama, the half brother of the president's father, who did have a driver's license, was taken into custody on an immigration detainer after his arrest in Framingham on Aug. 24. Immigration and Customs Enforcement released him on Sept. 8 but has refused to say why, citing federal privacy laws.

In another recent case, a Mexican immigrant was arrested on a charge of drunken driving last weekend in Boxborough, and the police said he had five previous drunken-driving convictions. The man, Eduardo A. Torres, had been deported three times previously, according to immigration officials.

On Wednesday, Mr. Moore joined three county sheriffs at a State House news conference calling for Mr. Patrick to embrace the Secure Communities program immediately. Also on Wednesday, Senator Scott Brown, a Republican facing re-election next year, urged Janet Napolitano, the homeland security secretary, to "proceed with the full activation" of the program in Massachusetts.

He also suggested that Mr. Patrick's resistance would delay the program's activation in Massachusetts; it currently operates only in Boston. But a spokesman for the immigration agency, which runs the program, said that would not be a factor.

The sheriffs of Bristol, Plymouth and Worcester Counties, all Republicans, said they were working with federal officials to adopt elements of the program in their counties immediately. Mr. Patrick said on Wednesday that the state already sends fingerprints of arrestees to the F.B.I., which is free to share them with immigration agents. The state also sends fingerprints of convicted criminals directly to the immigration agency once they arrive in state prisons, he said.

"This is about grandstanding and headlines," Mr. Patrick said of his critics on the issue. "Meanwhile, the public should know that every fingerprint is sent to the federal government; they should know that every felony is referred to the federal government."

It is far from certain that Mr. Moore's bill will pass both houses of the legislature; similar crackdowns in recent years have passed the Senate but not the more liberal House of Representatives. But Eva Millona, executive director of the Massachusetts Immigrant and Refugee Advocacy Coalition, said she was worried.

"We seem to continue to lose supporters," she said.

Ms. Millona added that it was unfair to connect drunken driving with illegal immigration. "Drunk driving is another issue, and people should be punished for it," she said. "But immigration status has nothing to do with it."

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Graphic

PHOTO: Nicolas Guaman

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