

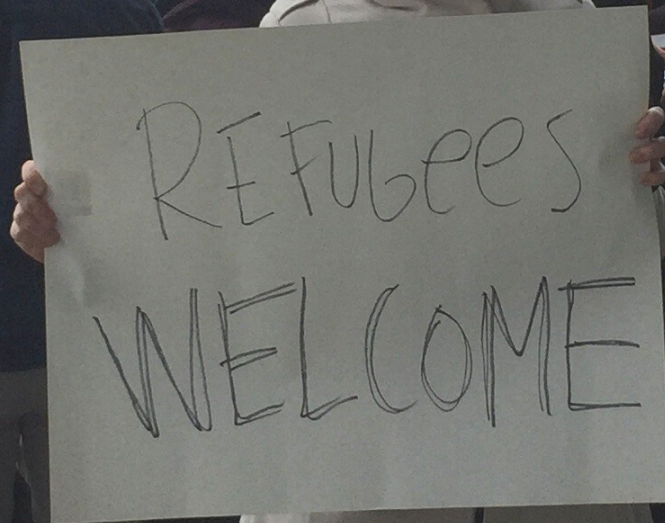


MOBILIZE.ORGANIZE.RESIST
IMMIGRANT ADVOCATES RESPONSE COLLABORATIVE

OUR PATH FORWARD

Recommendations for a
better way forward for
immigrant communities

NOVEMBER 2020



About Us

We are a collaborative of immigration legal service providers and for the last four years we have gone to Court and to government offices every day to defend immigrants and fight for their ability to live in the United States. Many of us were doing this work before the Trump administration, and understand all too well the cracks in the foundation upon which their attacks were based. Based on our experiences representing immigrants and living first-hand the impact of the changes in law and policy, these are our recommendations for how we, as a country, can rebuild a system that undoes the harm to our immigrant communities while setting us on a path to true and meaningful immigration reform.



Ensure the Sanctity of the Judicial Process

Immediately

1. Overturn executive orders and internal guidance that have interfered with judicial independence, including those tying case completion quotas to performance reviews and those eliminating discretion in individual case adjudications.
2. Treat each case equally without fast-tracking certain claims over others.
3. Ensure clear and robust communications with the public about operational statuses of the court and other relevant information.
4. Resume stakeholder engagements and solicit stakeholder feedback into how to best improve local court practices.

Long Term

1. Vacate all immigration-related Attorney General opinions issued under the Trump Administration.
2. Restore Justice AmeriCorps funding and other federal funding for legal access programs and Immigration Court Helpdesk programs.
3. As long as the COVID pandemic continues, require video appearances for all immigration court and immigration agency hearings, unless the noncitizen requests an in-person appearance. For master calendar hearings in immigration, waive the appearance of respondents who are represented by counsel, and allow counsel to appear by video in immigration court.
4. Once the COVID pandemic has ended, discontinue all video appearances for court and agency hearings unless compelling circumstances exist and all parties agree to conducting the hearing remotely.
5. Establish an independent immigration judiciary that is no longer under Executive control.
6. Establish a right to counsel in immigration court proceedings, with funding for those who cannot afford representation.

Revise Priorities for Removal, Restore Prosecutorial Discretion, Reverse Expansion of Expedited Removal

Immediately

1. Institute a 100-day moratorium on all removals.
2. Immediately rescind all Executive Orders and Presidential Proclamations banning the entry of non-citizens into the United States, including those based on CDC Title 42.
3. Vacate February, 2017 memorandums on immigration enforcement as well as expansion of expedited removal and replace them with policies that favor exercises of prosecutorial discretion and holistic support for immigrant communities.
4. Announce policies favoring release on parole or statutory minimum bond amount for all detained immigrants; direct ICE to conduct sua sponte bond redeterminations for all detained immigrants, applying the new release and enforcement policies.

Long Term

1. Establish new Detention Standards and ensure immediate compliance in all facilities used to detain migrants.
2. End prosecutions of asylum seekers and other border crossers.
3. Develop and invest in systems that allow for fair and humanitarian processing of asylum claims at the borders.

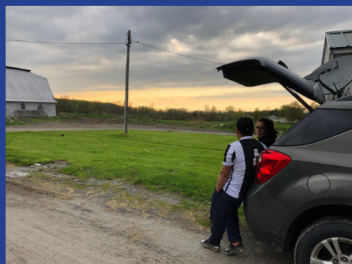
Reaffirm our Commitment to Principles of Humanitarian Protections and Global Migration

Immediately

1. In compliance with court orders, restore DACA fully, including two-year periods of validity, eligibility for initial applications, and eligibility for Advance Parole.
2. Reinstate designations of Temporary Protected Status for all designations ended in the last four years.
3. Ensure future COVID-19 Federal relief and stimulus packages include mixed status and undocumented families.
4. Restore meaningful stakeholder engagement between local offices, headquarter offices, and communities and solicit stakeholder feedback on how current processes can be improved.
5. Immediately dismantle the Victims Of Immigrant Crime Engagement office and return staff to previous community relations positions.
6. Immediately dismantle the USCIS Denaturalization Task Force, and conduct a review of any denaturalizations effectuated over the last four years.
7. Institute an immediate freeze on all immigration-related regulations proposed or promulgated in the last four years, including but not limited to the new USCIS and EOIR fee schedules, the DHS and DOS Public Charge rules, the regulations undermining the Flores settlement, the affidavits of support rule, and the limitations on employment authorization eligibility for asylum seekers.

Long Term

1. Review and vacate Attorney General decisions that limit or reduce eligibility for asylum for victims of family based persecution or gender based violence.
2. Increase refugee resettlement numbers to at least previous levels and recommit financial support to resettlement agencies.
3. Conduct a review of all cases currently pending in immigration courts and determine which can be resolved in ways that promote family and community unity as well as reaffirm our commitment to global principles of support for free migration.



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