

PRINCIPLES FOR IMMIGRATION REFORM THAT PROMOTE FAIRNESS FOR ALL IMMIGRANTS

Many of us have fought for years for fundamental fairness for all immigrants. We have sought to roll back harsh mass deportation programs that tear apart families and to ensure that our immigration laws align with our values of justice. As we build towards an overhaul of our federal immigration system, we must take this opportunity to address some of its most egregious aspects and simultaneously resist new harmful provisions that we would have to fight for decades to come.

✓ Ending Disproportionate Double Punishment for Past Convictions

Since 1996, certain criminal convictions, including some minor misdemeanors from many years ago, automatically trigger deportation for life regardless of individual circumstances. Immigrants suffer a disproportionately harsh double punishment because they have already served their criminal sentence prior to deportation proceedings. Some immigrants even face deportation for conduct that was not deportable at the time it was committed or is not considered a “conviction” under state law.

✓ Restoring a Fair Day In Court

Immigrants should not be treated only as the sum of their mistakes in a nation that values second chances. Immigration Judges must be given back the power to grant a second chance and cancel someone’s deportation after looking at other aspects of a person’s life—such as family ties, length of time in the U.S., rehabilitation, and acceptance of personal accountability. Criminal court judges should also be given back the power they once had to recommend against deportation.

✓ Terminating Mass Deportation Programs, like the Criminal Alien Program, Secure Communities, and 287(g)

The entanglement of these deportation programs with the criminal justice system threatens the rights of U.S. citizens and immigrants alike, encouraging racial profiling and resulting in long periods of detention. This undermines community safety by eroding trust between immigrant communities and local law enforcement. Immigrants hoping to reunite with their families by coming or returning to the U.S. without authorization now also face excessive criminal punishments, compounding the racial and economic injustices of the criminal justice system. Immigration legislation must rein in the constant funneling of immigrants into the deportation system and the unequal treatment of immigrants in the criminal justice system.

✓ Ending Fast-Track Deportations

Current immigration laws allow the government to deport many without letting them see an Immigration Judge. Most also do not have lawyers to help them. For these people, low-level government agents simply decide to order their removal. No one should be banished from the U.S. and torn from their family and community without their day in court.

✓ Ending Mandatory Detention

Laws that require jailing thousands of immigrants while they fight their deportation cases are inhumane. Even in the criminal justice system, people facing charges can at least request bail. Many immigrants are transferred to for-profit detention centers thousands of miles from their homes, do not have access to lawyers, and are pressured to accept deportation to escape the deplorable conditions.

WATCH OUT!

Immigration reform legislation is a minefield, full of potential deportation traps for those currently in lawful status and those trying to obtain it.

Fight Back Against:

- Automatic unwaivable bars to getting lawful status
- New deportation grounds
- Increased immigrant detention
- Expansion of mass deportation programs
- Heightened militarization of the border
- Greater immigration and criminal penalties for border-crossers and other immigration-related violations



**IMMIGRANT
DEFENSE
PROJECT**

**national
IMMIGRATION
project**
of the National Lawyers Guild

For more information, please contact:

Angie Junck, ILRC, ajunck@ilrc.org, (415) 321-8558

Lena Graber, National Immigration Project of the National Lawyers Guild, lena@nationalimmigrationproject.org, (617) 227-9727 x6

Benita Jain, IDP, bjain@immigrantdefenseproject.org, (530) 723-6482

Ann Benson, WDA, abenson@defensenet.org, (360) 385-2538