



# Neighbors Link

## Legislative Newsletter

### Brief Overview

Research has consistently shown that immigration is a net benefit to the United States. In Westchester County, a full 25% of our population is foreign born and that has been a large part of why Westchester has such a vibrant culture and strong economy. Despite this, members of the immigrant community have faced deep uncertainty and fear over changing policies and draconian immigration enforcement. Neighbors Link strongly supports immigration reform that respects the dignity of each human and recognizes the contributions made by immigrants. The following pages discuss key legislative reforms and ways that community members can be involved in advocacy.

## Structural Reforms to Immigration System

### Advocacy Item

- Our current immigration system does not work and we need structural reforms to the system.

### Background Information on the Issue

- **Narrow categories of eligibility:** Most people immigrate to the United States through family relationships, job offers, or humanitarian grounds. Both family and employment-based immigration are limited to specific situations and relationships. Humanitarian protection is only available to certain categories of people. All routes are expensive, complicated and narrow.
- **Obstacles for eligible immigrants:** Immigrants eligible for one of the three routes face significant obstacles. US Citizens may only petition for certain relatives and depending on their relationship, the relative may have to wait years for a visa to become available. If a US citizen petitions for their sibling from Mexico, they must wait 22 years to apply for a green card. The wait time for several humanitarian visas can be between 5 - 15 years.
- **No path for many immigrants:** Nearly 11 million undocumented residents in the USA have **no way to regularize their status** without an overhaul of our immigration system. These individuals are relegated to the shadows and are prime targets for victimization.



# Expedited and Broad Path to Citizenship

## Advocacy Item

- We need a pathway to citizenship for the 11 million undocumented people who are already living in the US. The groups that have the most public support for an **expedited** path to citizenship are the nearly 4.5 million DACA and TPS recipients who could be eligible for relief under budget reconciliation. It is important to advocate for DACA and TPS recipients to be eligible for an expedited path to citizenship, especially given a recent decision by a federal judge to partially rescind DACA.

## Background Information on the Issue:

- Both DACA (Deferred Action for Childhood Arrivals) and TPS (Temporary Protected Status) recipients currently have the ability to receive a **temporary** reprieve from deportation, legal authorization to work and the ability to obtain a driver's license.
- DACA and TPS recipients have no permanent immigration status in the United States and rely on the President to extend these programs in order to continue to legally stay and work in the United States. Because these programs rely exclusively on the executive branch, they are vulnerable to changes based on the political climate.
- Most of these applicants have lived in the United States for at least ten years and are an integral part of our communities and economies. Studies indicate that as of 2017, 93.3% of Dreamers were actively employed. Similarly, in 2017 TPS recipients earned almost \$7.3 billion in total income and 94.1% of TPS recipients were employed and contributing to the US economy.

# Border Enforcement: Humane and Fair Treatment

## Advocacy Item

- The US has a legal obligation to those seeking protection from violence and persecution and a moral obligation to treat migrants humanely. This means we need to advocate on wide variety of issues, including whether (and how) people should be detained, how people can seek asylum, right to counsel and many of the other legislative issues discussed in this piece.

## Background Information on the Issue

- Asylum is a protection granted to people who are fleeing violence or persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The US has legal obligations to provide protection to those who qualify. Many people coming to the US border are seeking asylum protection.
- The current situation at the border is not particularly unique. There have been spikes in arrivals at the border in many recent years, including 2014, 2016, 2018, 2019, and now 2021. The Trump administration and to a lesser extent, the Obama administration, both used punitive and harmful deterrence policies to try to stop people from coming to the border. These policies are not only dangerous, but they have also proved ineffective at limiting the number of migrants coming to the United States.
- In 2019, over 851,000 persons were apprehended on the border, including 473,682 family members and 76,020 unaccompanied minors.
- Many of the unaccompanied minors arriving at the border are actually coming to reunite with families in the United States, so this is often a story of family reunification.
- The vast majority of people apprehended at the border are still being immediately expelled, even if they might have legitimate claims for asylum.
- Individuals and families who have been detained at the border continue to face unsafe conditions at detention facilities.

# Interior Enforcement: De-Weaponize ICE

## Advocacy Item

- Advocate for The New York for All Act, which broadly prohibits state and local officers from enforcing federal immigration laws, funneling people into ICE custody, and sharing sensitive information with ICE.

## Background Information on the Issue

- Immigration and Customs Enforcement (ICE) is a federal law enforcement agency that is part of The Department of Homeland Security. It was created in 2003 as a response to 9/11.
- According to their website, their mission is to “protect America from the cross-border crime and illegal immigration that threaten national security and public safety” and its current budget is \$8 billion annually.
- Despite this, many immigrants who are neither a threat to national security or public safety are arrested, detained and deported as a result of ICE. For example, by the end of 2018, nearly 40% of those arrested by ICE had no criminal conviction. In 2020, ICE deported an estimated 185,884 people and detained an average of 20,000 people every day.
- ICE uses tactics that are specifically designed to traumatize and frighten entire communities.

# Right to Counsel and Independence of Immigration Judges

## Advocacy Item

- The immigration court system needs to be restructured into an independent Article I Court and all non-citizens receive free counsel in order to ensure that justice prevails.

## Background Information on the Issue

- The US legal system is based on the principles of justice and due process of law. However, our current Immigration Court System fails to meet this standard. Immigrants are not entitled to counsel or due process in Immigration Court. Many immigrants are deported without ever appearing before a judge and without having legal representation.
- Unlike other Courts, the Immigration Court is not independent from the Executive Branch. The Executive Office for Immigration Review, which is part of the Department of Justice, manages the immigration court system. This creates an innate conflict of interest and makes the Immigration Court vulnerable to political whims.
- Between 2004 and 2010, more than 160,000 immigrants were removed through “stipulated removal” orders. These individuals were deported without ever appearing before a judge and likely without legal representation.
- In immigration court, non-citizens are not entitled to representation. This means that people (including children as young as 3) who are fleeing trauma are required to represent themselves in order to prove that they are entitled to remain in the United States despite having no legal training, often not speaking the language and having no knowledge of the United States’ legal system.
- The lack of appointed counsel has a profound impact on immigrants’ ability to receive a fair hearing. Immigrants who have legal representation in detention were 4 times more likely to be released on bond and 11 times more likely to seek relief such as asylum than those without representation.

# Funding to Address Root Causes of Migration

## Advocacy Item

- It is critical that the United States address the root causes of migration including economic problems, violence, corruption, and challenges to democracy, many of which have been exacerbated by previous US intervention. Thoughtful funding, such as the \$4 billion investment the Biden Administration proposed in the US Citizenship Act, could reduce the control of gangs on the judiciary and on the rule of law, help reduce their extortion and violence, and lay the groundwork for subsequent economic transformation.

## Background Information on the Issue

- The United States' history of intervention in Central America has significantly contributed to the current crisis in the Northern Triangle and thus contributed to the internal and international displacement and migration of immigrants from Guatemala, Honduras and El Salvador.
- Experts on the region report that US intervention led to the destabilization of the region in the 1980s. Throughout history, the US has consistently intervened on the side of the powerful and wealthy, which created upheaval in the region.
- During the Guatemalan Civil War, the United States backed the Guatemalan military, which was responsible for a genocide against the native population. Approximately, 200,000 people were killed during this conflict.
- During the civil conflict from 1979-1992 in El Salvador, the United States trained and funded the right wing "death squads."
- In the 1970s and 1980s, gangs that proliferated in the US were deported to El Salvador. Because of the destabilization and economic hardships of the civil war, these gang members were able to easily gain control of the country.
- Current trade agreements such as CAFTA create significant economic reliance on the United States and create a major trade imbalance that further weakens domestic industries and the economies of Central Americans.

## References

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