

November 2023

## Legislative Newsletter

Neighbors Link strongly supports policies that respect the dignity of each human and recognize the contributions made by immigrants. Although we need a systematic overhaul of our country's immigration laws, that is not politically feasible in the immediate future. However, there are many policies that can be implemented that would not only improve the current situation for immigrants but would also provide economic benefits to the country as a whole and specially to communities that welcome immigrants. The following pages outline some of these policies at the national level. We will publish a newsletter dedicated to New York State issues in early 2024.

### Temporary Protected Status (TPS)

TPS is a program that provides protection from deportation and a work permit to nationals from designated countries experiencing problems that make it difficult or unsafe for people to return due to reasons such as natural disaster, armed conflict, humanitarian crises or other extraordinary circumstances.

In September, President Biden extended and redesignated TPS status to Venezuelans who arrived in the U.S. before July 31, 2023. This was an important step in protecting people who were forced to flee their home due to violence and instability. In addition, it is providing economic relief to receiving communities, as migrants are now able to access work permits and join the labor force.

The Biden Administration should now redesignate and designate additional countries for TPS that meet the statutory requirements. Expanding the benefits of TPS to more countries would protect people from being returned to dangerous situations and would bring economic benefits to receiving communities. Countries that should be considered for new TPS designations include the Democratic Republic of the Congo, Guatemala, Mali, Mauritania and Nigeria. Countries such as Cameroon, Sudan, South Sudan, El Salvador, Honduras, Nicaragua and Nepal should have TPS redesignated and extended.



## Change in Registry Law

Immigration registry is a process that allows certain non-citizens who are long-term residents of the United States to apply for Lawful Permanent Resident (LPR) status. Currently, in order to qualify, individuals must show good moral character, have resided continuously in the U.S. since their entry and have entered on or before the current registry date, which is currently still set at January 1, 1972.

Congress has not updated the registry date or eligibility requirements for decades, which means that millions of undocumented immigrants are unable to access this legal pathway to permanent status. The *Renewing Immigration Provisions of the Immigration Act of 1929* (H.R. 1511) is a bill that would address this issue by establishing a rolling eligibility date for registry, allowing individuals who have lived in and contributed to their communities for many years to access this pathway to permanent status.

## Cancellation of Removal

Immigration law allows people who have been in the United States for more than ten years to apply for a “cancellation of removal” if they can show that their removal would cause “exceptional and extremely unusual hardship” to their family members who are U.S. citizens. However, this process is only available for people who have already been placed in removal proceedings, which means that people who have a form of temporary protection from deportation (such as DACA or TPS recipients) cannot use this process. The Biden Administration should establish an affirmative process for undocumented immigrants to apply for cancellation of removal.



## Expand Access to Inadmissibility Waivers

There are many immigrants, including Dreamers, in the United States today who qualify for an existing immigration legal pathway, such as being married to a U.S. citizen or being eligible to be sponsored for a green card by an employer or an immediate relative. However, there are barriers that prevent people from using these legal pathways. People who entered the United States without inspection have to leave and apply for a green card in their country of origin before they can return to the U.S. However, once they leave the United States, they are often subject to three or ten-year unlawful presence bars, which means they are not allowed to re-enter the United States for many years.

The Biden Administration should increase access to waivers and exemptions so that people can access existing legal pathways instead of being punished by immigration bars. Specifically, the administration can increase resources to reduce the backlog for people who have applied for a “provisional unlawful presence waiver.” This waiver allows people to return to the U.S. without having to wait for many years, but due to the backlog, the current wait time for these waivers is 3.5 years.

# ASPIRE Act

Since last spring, more than 126,000 migrants have arrived in New York City. While the influx of many new arrivals over a relatively short period of time causes short-term challenges, it also offers many long-term opportunities. In particular, New York is experiencing labor shortages in many key industries and immigration could be an important key in recovering the labor force and tax base.

Unfortunately, there are barriers to ensuring that new arrivals have the opportunity to quickly build self-sufficient lives. One of the largest barriers is that asylum seekers are currently required to wait at least 150 days after filing an asylum claim before they can apply for work authorization.

One bill that would address some of these issues is the *ASPIRE Act* (S.2175/H.R.4309), sponsored by Senator Kirsten Gillibrand. This bill would expedite work permit authorizations for asylum seekers, provide \$2 billion in funding to USCIS to increase resources to reduce the asylum application backlog and provide \$10 billion in funding for local governments and non-profit organizations that are providing food, shelter and other services to new arrivals.



## Right to Counsel

Unlike in criminal proceedings, where defendants are given a lawyer if they cannot afford one, immigrants do not have the right to a government paid attorney in immigration court. Those unable to afford a private attorney must find a nonprofit to help or represent themselves. Over 1 million people, including both adults and children, are currently facing deportation in immigration court without legal representation. Having a lawyer represent someone in deportation proceedings makes an enormous difference. Immigrants with representation are up to 10 times more likely to obtain relief from deportation than those without.

The *Fairness to Freedom Act* (H.R.2697/S.1197) would create a right to universal representation for people facing deportation and ensure justice for those immigrants who are confronted with legal proceedings.