

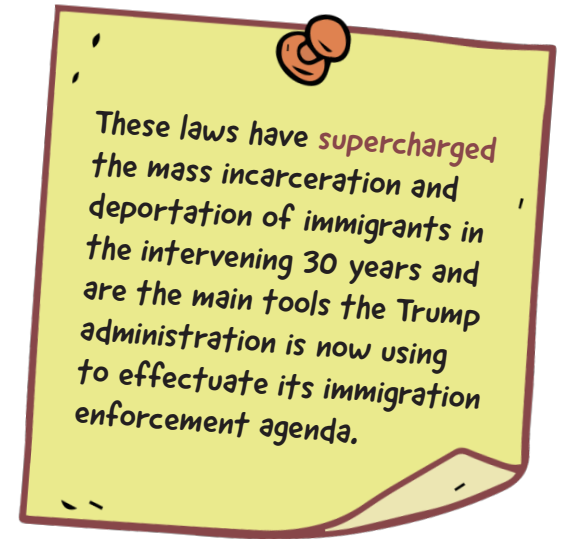


**TEACHING, INTERPRETING,
& CHANGING LAW SINCE 1979**

A PLATFORM FOR IMMIGRANT JUSTICE AND BUILDING A NEW WAY FORWARD



THIRTY YEARS AGO, IN 1996, President Bill Clinton signed the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) into law. Combined these two laws have become known as the harmful 1996 immigration laws and have left a devastating and indelible mark on the US immigration system. These laws have supercharged the mass incarceration and deportation of immigrants in the intervening 30 years and are the main tools the Trump administration is now using to effectuate its immigration enforcement agenda. Our communities lament the passage of these laws thirty years ago and the pain and destruction they continue to cause. **We demand a new way forward for the next thirty years.**



When the 1996 immigration laws were passed, a mere two years had ensued since the passage of the 1994 crime bill (the Violent Crime Control and Law Enforcement Act). The 1994 crime bill embraced the “tough on crime” approach and upended the criminal legal system by infusing billions of dollars towards the overpolicing of communities of color, most particularly of Black communities. The crime bill resulted in a massive spike in the incarceration of mainly Black communities and stood for the false idea that our country’s problems could only be solved by taking punitive measures against Black and Brown people.

Further enhancing this embrace of punishment and cruelty, the 1996 laws ensured that the criminal legal and immigration systems became more and more entwined. The laws further entrench the denial of due process, and massively enhance detention and deportation as the solution for public safety without considering if this is moral or if it works. In the thirty years since, our policymakers’ knee-jerk reaction to public safety continues to be to call for more criminalization and deportation. These policies are built in the 1996 laws and steeped in racial stereotypes, anti-Blackness and xenophobia.

Policy makers have failed to understand that it is immoral to deport people and destabilize families and communities. They have shown us no evidence that deportation makes us safer. They fail to acknowledge how Black communities and other communities of color are made less safe by overpolicing, racial profiling and immigration enforcement.

SWEEPING LEGAL CHANGES TO FURTHER CRIMINALIZE PEOPLE OF COLOR

The 1996 laws were enormous and sweeping. Some of the key provisions of the 1996 laws that have decimated immigrant families and criminalized communities include:

- 1** Systematically intertwining the criminal and immigration systems including vastly expanding the way interactions with the criminal legal system result in deportation.
- 2** Expanding expedited removal or fast-track deportations without due process. Expanding mandatory detention, the ability of the government to detain certain individuals without an opportunity for a bond hearing while their cases are pending.
- 3** Limiting the discretion of judges to consider an individual's circumstances and positive equities in deportation cases.
- 4** Allowing decades old criminal convictions to become the basis for deportation. Creating unlawful presence bars for 3 and 10 years, making it impossible for many people to return to their home countries or travel freely.
- 5** Creating the 287g program, which allows local and state law enforcement agents to engage in federal immigration enforcement and exacerbates racial profiling in local communities.

- 6 Entrenching the false dichotomy that certain immigrants are good and deserving while others are bad and undeserving and should be treated with cruelty.
- 7 Limiting opportunities for immigration relief and waivers and increasing penalties for past deportation, a life-time bar with very few exceptions.

After 30 years, many of these cruel family separation policies stemming from the 1996 laws have become normalized. The notion that immigrants who have had contact with the criminal legal system are disposable is often unquestioned. We reject this.

We call for something different - a new path forward for the next 30 years. We call for policies that are data and evidence-based, that reject racist stereotypes and criminalization and make us safe by allowing our communities to thrive and be free.

WHAT WE WANT FOR THE NEXT 30 YEARS: A NEW WAY FORWARD

Our communities want and deserve something different. **Join us in building for the next 30 years and beyond. Specifically we ask you to join us in demanding:**

- 1 Ending immigration detention.
- 2 Disentangling the criminal and immigration systems.
- 3 Eliminating the role of local and state law enforcement in immigration enforcement.
- 4 Prioritizing humanity and the ability of families to stay together.

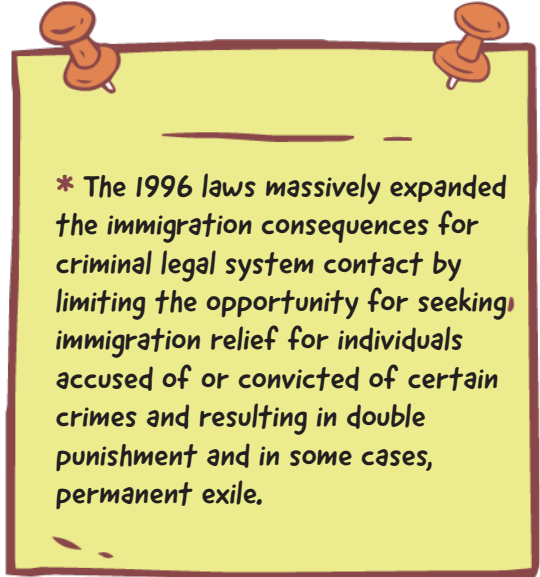
JOIN US: SUPPORT OUR PLATFORM FOR A NEW WAY FORWARD

What we want and demand in the name of our communities:

- 1 The end to carceral systems founded on racial inequality.
- 2 The end to racial profiling, overpolicing, punishment, and criminalization.
- 3 Thriving communities and families that can be together.

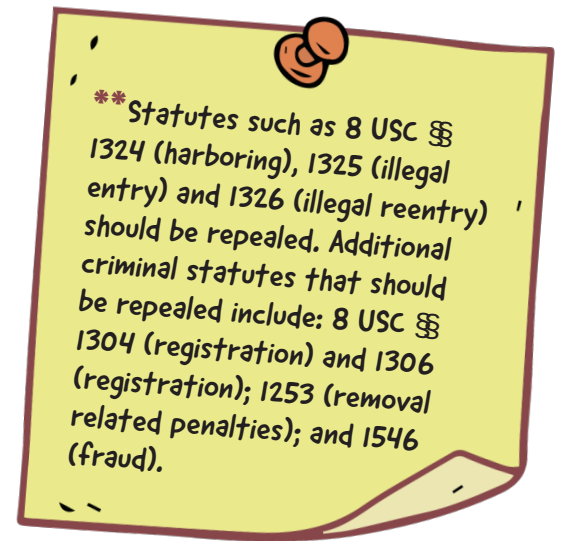
OUR POLICY DEMANDS

- 1 Begin dismantling carceral systems by ending immigration detention, including:
 - End mandatory detention, which violates basic notions of fairness by allowing the government to detain individuals without asking a judge for the opportunity to be released on bond.
 - End for-profit private prison detention centers.
 - End the use of warehouses to detain human beings.
- 2 Begin to reduce racial profiling by disentangling the criminal and immigration systems including:
 - Eliminate the arrest to deportation pipeline – the system by which contact with the criminal legal system is a funnel for individuals to deportation – and ending the issuance of detainers.
 - Eliminate some of the harshest and most punitive grounds for deportation.*
 - End the 287g program.



** The 1996 laws massively expanded the immigration consequences for criminal legal system contact by limiting the opportunity for seeking immigration relief for individuals accused of or convicted of certain crimes and resulting in double punishment and in some cases, permanent exile.*

- Repeal federal criminal statutes that, although enacted prior to 1996, are discriminatorily prosecuted to harshly punish the act of migration and contribute to the US mass incarceration crisis.**
- Respect state and local criminal remedies. Support and honor state criminal system and sentencing reforms by recognizing all state procedural devices that eliminate or modify prior convictions and sentences.
- End all data sharing between immigration authorities and other federal, state and local agencies. End the use of surveillance technology and end all private surveillance contracts.



- 3 Begin addressing overpolicing of communities of color by eliminating the role of local and state police in immigration enforcement.
 - Invalidate anti-immigrant state laws which grant immigration enforcement authority to state and/or local authorities. Invalidate anti-immigrant state laws which expand state criminal statutes in connection with immigration law. These laws violate constitutional norms that squarely prohibit state actors from enacting immigration laws.
 - End federal funding for states engaging in immigration enforcement, racial profiling or the targeting of communities of color.
 - Create mechanisms to hold state and local authorities engaging in federal immigration enforcement accountable for unconstitutional police practices, such as racial profiling and excessive use of force.
- 4 Prioritize compassion and the ability of families to stay together and communities to thrive.

- End expedited removal or fast track deportation and rescind restrictions on judicial review.
- Allow individuals who have been deported and separated from their communities and loved ones to return home to the United States.
- End cruel legal provisions created by the 1996 laws that keep families apart like the three year, ten year, and permanent bars.
- Expand eligibility for immigration waivers.
- Eliminate civil monetary penalties for violations of immigration law and eliminate fees for immigration benefits.

TELL YOUR STATE AND LOCAL POLICY MAKERS...

We reject the cruel and racist premise of the 1996 laws and want solutions that address racial profiling, overpolicing, criminalization, separation of families and the destabilization of communities. **We demand our leaders:**

- 1 Reject immigration detention facilities by ending current contracts and agreeing not to enter into new agreements.
- 2 Enact policies which reduce arrest rates such as cite and release policies.
- 3 Reject 287g agreements and limit the ability of local police to engage in immigration enforcement through policies that limit compliance with detainers or clarify that ICE administrative warrants do not grant authority to local police.
- 4 Strengthen existing sanctuary policies to ensure families and communities can thrive.
- 5 Enact universal representation programs.
- 6 Expand vehicles for obtaining post-conviction relief.

TELL YOUR FEDERAL POLICY MAKERS...

- 1** Introduce and sponsor the New Way Forward Act which addresses some of the main harms of the 1996 laws.
- 2** Reject criminalizing narratives and knee-jerk reactions rooted in racial stereotypes. Instead, stay connected with constituent communities and uplift the humanity of our families. Promote public safety solutions that are moral and that are data and evidence-based. Acknowledge that more punishment, enforcement and policing reduces the public safety of our communities.