

# A NEW WAY **FORWARD** FOR IMMIGRANT JUSTICE

## DISMANTLE THE 1996 IMMIGRATION CRIMINALIZATION LAWS

### WHAT WE NEED:

It is time that we pass laws to build communities that are healthy and thriving, instead of ones torn apart by criminalization, biased policing, incarceration, and deportation. To secure the full human rights of all members of our communities, **we need a new way forward for immigrant justice**—one that ends senseless divisions of “good versus bad” immigrants and recognizes that all communities deserve dignity, restoration and repair, not further criminalization.

### WHAT LAWS HAVE LED TO TODAY’S SYSTEM OF MASS INCARCERATION AND DEPORTATION?

In 1996, two laws dramatically changed the U.S. immigration system: the **Antiterrorism and Effective Death Penalty Act (AEDPA)** and the **Illegal Immigration Reform & Immigrant Responsibility Act (IIRIRA)**. These laws created the backbone of today’s immigration enforcement apparatus. Over decades, these laws have turned immigration law into a mass incarceration and mass deportation machine. Under current immigration law:

- Extremely broad categories of offenses or involvement in the criminal legal system leave people vulnerable to deportation or excluded from legalization.
- Many people face automatic and mandatory detention and deportation.
- Immigration courts have very little power—or in some cases no power—to provide oversight over detention and deportation.
- Local police forces can be corralled to enforce federal immigration laws, leaving immigrant communities more fearful of police and emboldening racial profiling and other illegal policing practices.

## WHAT CAN WE DO NOW?

One step toward achieving this change is to directly tackle the laws that set in motion criminal legal and immigration systems that propagate mass incarceration and mass deportation. We can start by repealing some of the harshest provisions of the 1996 laws.

We propose the following **key principles towards dismantling the immigration enforcement legal system** that is hurting our communities:

- End mandatory immigration detention, a necessary step to ending mass incarceration of communities of color, including immigrants.
- End automatic deportation for people who have had contact with the criminal legal system and end summary deportation proceedings.
- End the practices of local police engaging in immigration enforcement and the increased over-policing of communities of color.
- End laws and policies that create automatic pipelines to deportation through the criminal legal system by removing distorted legal labels in our immigration laws.
- Decriminalize migration by repealing illegal entry and reentry laws.

