



US IMMIGRATION POLICY: PAST, PRESENT, & FUTURE

Unitarian Universalists
for Social Justice

UUSJ

Advocating for UU Values
in the Nation's Capital

What Role does UUSJ Play in Immigration Advocacy?

- UUSJ’s mission is to “advance equitable national policies and actions aligned with UU values through engagement, education and advocacy”
- UUSJ’s Immigration Action Team (IAT) has been advocating for immigration and refugee issues for six years, using visits to Congress, letter-writing, action alerts and briefings for UUs and congregations
- Recent efforts have focused on pathways to legal status for DACA and TPS recipients, opposition to separating families, to detention of asylum-seekers and to diverting funds to building the border wall, as well as seeking reductions in ICE and CBP budgets and inclusion of immigrant tax-payers in COVID relief.
- IAT also joins faith-based coalitions in petitions, letters and amicus briefs to advocate for better treatment of immigrants and refugees.

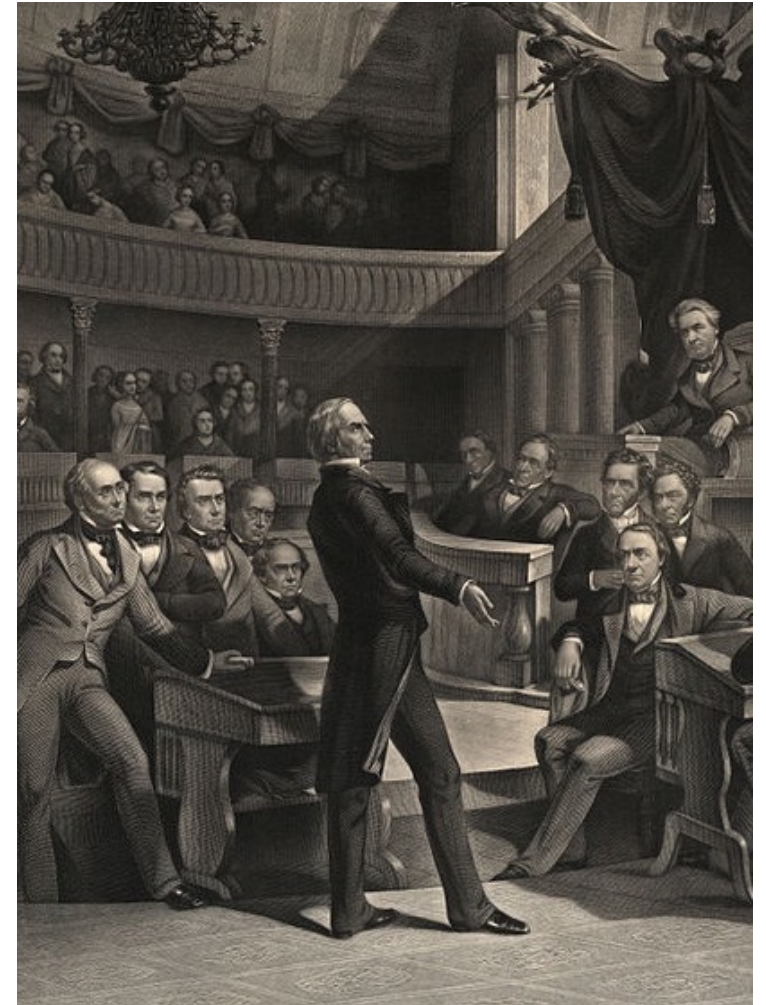


UUSJ Works in Partnership with Other Advocates

- IAT has been trying to center the most impacted people – immigrants and refugees – and understand their needs and goals, while deciding our priorities in the context of UU values, so we pay attention to advocacy organizations led by impacted people
- Two UU principles that apply: the inherent worth and dignity of every person and justice, equity and compassion in human relations
- We monitor or partner with over 40 organizations who provide services to immigrants, undertake research, advocate and organize witness events.

A Brief History of US Immigration Legislation

- **1790: Naturalization Act** – basis for citizenship was any free white person of good character residing in the US for at least two years
- **1864:** established Commissioner of Immigration in State Dept
- **1875:** Supreme Court: only federal level decides immigration policy
- **1882:** Chinese Exclusion Act
- **1891: 1st comprehensive immigration law;** Treasury Dept to regulate immigration through staff in ports of entry; excluded the sick and criminals; provided for deportation for those in US illegally
- **1917:** most Asians barred; literacy requirement added for entry



Brief History of US Immigration Law *(continued)*

- **1924: Johnson-Reed Act** created **national-origin quotas**, using an old census in order to favor northern/western Europeans (Coolidge)
- **1942:** WWII labor shortages lead to **bracero agreement** to bring Mexican labor in for temporary work. Separately, Magnuson Act ended Chinese exclusion. (F D Roosevelt)
- **1948:** (Truman) first **refugee resettlement act** allowed over 200,000 displaced Europeans to immigrate to US after WWII and 15,000 others already here to adjust their status to permanent residents.

Brief History of US Immigration Law *(continued)*

- **1952:** Immigration and Nationality Act (**INA**) consolidated various laws while continuing national-origin quotas. Asian nations given quotas (Truman)
- **1962:** (Kennedy) **Migration and Refugee Assistance Act** funded immigration for Western Hemisphere nationals fleeing because of fear of persecution for political opinion, aimed at helping Cubans.
- **1965:** (Johnson) **new INA** replaces national-origin quotas with visas based on **family reunification and skilled labor needs**
- **1975:** (Ford) laws to aid persons fleeing Vietnam and Cambodia



Brief History of US Immigration Law *(continued)*

- **1980:** (Carter) “refugee” defined as person with well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or particular opinion
- **1985:** (Reagan) Immigration Reform and Control Act (**IRCA**) increased **border control**, sanctioned **employers** hiring unauthorized immigrants, created H2 visas for **agricultural workers** and allowed **regularization of status for 2.7 million** residing in US without authorization.
- **1988, 1990, 1994, 1996:** (Reagan, Bush I, Clinton) various acts add “aggravated felony” as grounds for deportation, end judicial discretion to give relief from deportation; establish expedited removal

Brief History of US Immigration Law *(continued)*

- **1990: Temporary Protected Status (TPS)** created as time-bound permit to stay in US for nationals of countries facing armed conflict, environmental disaster, extraordinary conditions (Bush I)
- **1996: (Clinton) Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)** expanded list of criminal bars to entry and reduced scope of judicial review; mandatory detention for those in US convicted of such offenses; reduced public benefits available to immigrants, strengthened border controls, toughened asylum procedures, mandated control of immigrant entry and exit, created e-verify program for employers to use & 287g program to give local law enforcement certain responsibilities for immigration enforcement



Brief History of US Immigration Law (con.)

- **1997-98:** various laws provided deportation relief for Nicaraguans, Cubans, Salvadorans, Guatemalans, former Soviet bloc, Haitians
- **2001:** (Bush II, post 9/11) **USA Patriot Act** broadened terrorism as grounds for exclusion
- **2002:** Law created **Department of Homeland Security** consolidating immigration, customs, border control, emergency, cyber-security
- **2005:** (Bush II) **Real ID Act** established removal guidelines, more border security, states need to verify status to issue driver's license
- **2006:** (Bush II) mandates 700 miles of border fence, technology to control unauthorized entry

Unsuccessful Comprehensive Immigration Reform

- Various comprehensive immigration reform bills were introduced but not passed; no compromise was reached: McCain-Kennedy in 2005, Specter in 2006, a 2007 Act was discussed in Senate, an initial DREAM Act appeared (2001 and many years after) but was not passed. These bills usually included pathways to citizenship, increased legal immigration, and strengthened enforcement. In 2013, the most recent attempt at comprehensive reform (S744) was introduced by the “Gang of Eight” and passed the Senate but was not taken up by the House.



Immigration Actions Under Obama

- **2012:** Using Executive action after years of unsuccessful DREAM Act bills, President Obama created **DACA** (Deferred Action for Childhood Arrivals) delaying deportation indefinitely for children brought in without authorization when younger than 16
- Similarly, Obama attempted to delay deportation of parents of US Citizens and lawful permanent resident children (DAPA) but this was blocked by the courts and later canceled by Trump
- **2014:** guidelines created a hierarchy for immigration enforcement, with highest priority for terrorists and national security threats, convicted gang members, felons and those attempting to cross border unlawfully. In 2016, 98% of removals were from this category



How US Immigration System is Supposed to Work Currently

- **Legal Permanent Entry:** 675,000 visas allowed annually allocated to (i) family-based entries, (ii) employment-based, (iii) diversity, (iv) others (special, adoptions, others) with limits placed per country.
- In addition, spouses, parents and minor children of US citizens can gain admission without limit
- These become Lawful Permanent Residents (**LPRs**) – “green cards”
- Persons already in the US can apply for LPR via “adjustment of status”
- LPRs can work and live lawfully in the US and apply for citizenship after five years (or three years in some cases)
- **Non-permanent visas** for business or tourism or study

DACA and TPS

- **DACA** status can be obtained (via application and fee), renewable every two years, for eligible young people (brought to US unlawfully as minors) age 15 and over. They are allowed to work, get educated, drive legally, but cannot receive federal benefits or have a pathway to LPR status. Some states allow DACA students to pay in-state tuition, many don't. Not all Dreamers are DACA; currently over 700,000.
- **Temporary Protected Status (TPS):** US designates a country as having serious conditions (conflict, natural disaster), then those nationals in US can apply to stay and be permitted to work until that status expires for the country (can be extended). In 2020, over 400,000 had TPS from ten actively-designated countries. TPS expired for another 12 countries. Persons deemed “inadmissible” cannot get TPS.



Humanitarian Admissions

- **Refugees:** Displaced persons applying from outside the US (usually from transition countries) showing well-founded fear of persecution based on race, religion, political opinion, national origin, member of particular group, can apply for refugee status, but annual caps are set limiting numbers accepted (110,000 in 2017, 15,000 in 2021). Total is further divided into limits from each global region.
- **Asylum:** Persons already in the US may seek protection on same grounds as above, if they apply at entry or within one year. No cap is placed on numbers of asylees. In 2017, 26,568 were approved.

Changes Taking Place Under Trump Administration

- No new immigration or refugee-related legislation was passed during 2017-2020, yet Trump administration drastically altered immigration and refugee processes through many (over 400) executive actions, rule changes, personnel appointments and pressure on sending countries, aimed at reducing immigration & refugee resettlement.
- **Muslim Ban** suspended entry from seven largely-Muslim countries
- **Refugee Admissions** faced “extreme vetting,” drastic cap reductions and refugees halted from 11 “high risk” countries
- **Asylum undermined:** much tighter restrictions, Remain in Mexico program (MPP), 3rd country agreements, fees proposed, all entries to claim asylum halted because of pandemic “emergency” (Title 42)



Trump Immigration Actions *(continued)*

- **Family separation:** In April 2018, “zero tolerance” policy meant anyone entering unlawfully would be prosecuted, intentionally separating children from parents (long-standing “Flores settlement” meant children were to be detained no more than 20 days). By June, 3000 children had been separated before public outrage caused the Administration to back down. Gravely inadequate records meant lengthy reunification – as of early 2021, still 500 children apart.
- **Diversity Visas** suspended: Administration tried to suspend applications from African countries and then to freeze these visas because of pandemic, but court challenges prevailed

Trump Immigration Actions *(continued)*

- **Regulatory changes punitive to immigrants:** Definition of “public charge” by which entry could be denied based on probability of major reliance on government support was to be greatly expanded to include Medicaid, SNAP (court injunction blocked implementation); other rule changes increased requirements for biometric information immigrants had to give USCIS. Housing subsidy rule was to prohibit subsidy if one person in household was unlawful (pro-rated before)
- **General denial of visas,** which are always at discretion of consular officers, meant pregnant women deemed to be intending to have babies in US were denied, more documentation demanded of skilled workers and international students.

Trump Immigration Actions *(continued)*

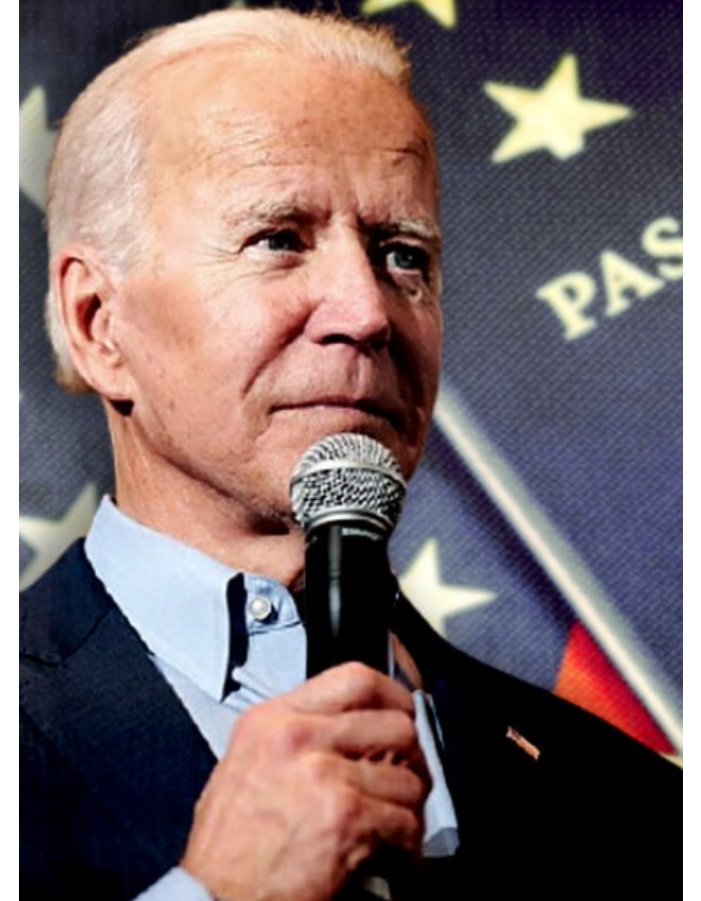
- **Slowdown in Processing LPRs and Citizenship:** in addition to extreme vetting overseas, USCIS could deny applications for minor reasons (a blank space in a form instead of “N/A”). Overseas USCIS offices were closed down. In-person interviews were mandated then not allowed because of pandemic. Fee increases were proposed for every category.
- **Draconian enforcement:** ICE was given free rein to detain and deport immigrants without any hierarchy of priorities. USCIS could order deportation of those it denied adjustment of status. “Notice to appear” issued unnecessarily; closed cases and approved LPR cases were re-opened; judges given quotas; ICE raided factories and public places, creating fear and separating families. Conditions at detention centers notoriously bad. Detainees moved around at will.

Trump Immigration Actions *(continued)*

- **Ending legal status for Dreamers:** Administration terminated DACA, prohibiting renewals and new applicants, but court challenges (including Supreme Court) said administrative process incorrect, so DACA stayed active (but USCIS refused new applications)
- **TPS termination** was attempted by not extending expiration dates as they came up, but challenges kept renewals authorized until 2021.
- **Border wall:** Administration used “emergency” declaration to take money from other agencies to build border wall, though very few new barriers were constructed, mostly replacement/secondary.
- **Negative narratives promoted:** “bad hombres,” “rapists” “animals”

Reversing the Damage: Biden Actions

- **Inauguration Day (1/20/21):** President Biden signed **orders** to: end the Muslim and African travel bans, end Trump ban on counting undocumented persons in 2020 census, end "emergency" that allowed diversion of funds to border wall, protect and fortify DACA, protect Liberians in US (under Deferred Enforced Departure – DED)
- Sent his **proposal for comprehensive immigration reform** legislation to Congress (US Citizenship Act of 2021), to be introduced by Sen. Menendez and Rep. Sanchez.



Biden Actions on Immigration

- February 2, 2021 – another round of executive actions to:
 - Create a task force to reunite separated children with their families
 - Develop a strategy for orderly migration including addressing root causes in Central America, collaborating with partners to address asylum-seekers needs and assuring eligible Central American migrants legal avenues
 - Review “Migrant Protection Protocol” (Remain in Mexico) and find ways to deal promptly with backlog of waiting asylum-seekers in border towns, including rescinding obstacles to asylum set by prior administration
 - Re-establish task force on new Americans to promote integration and inclusion, review all regulations so as to create fair and efficient legal avenues, streamline naturalization and designate White House as coordination point

US Citizenship Act of 2021

- Introduced February 18 in House and Senate, referred to committees
- Pathways to citizenship for the almost 11 million undocumented immigrants in US before January 1, 2021, expediting process for DACA, TPS and farm workers
- Banish “alien” term from government language, use “non-citizen”
- NO BAN section ceases president’s ability to ban entry based on religion
- Increase diversity visas to 80,000 from 55,000
- Promotes integration and inclusion, funding states, towns, NGOs
- Reduce backlog of employment-related visas, reduce wait times



USCA Components *(continued)*

- Improve employer verification; protect workers from exploitation
- Emphasize “smart” border control technology to identify narcotics and contraband, prosecute smugglers and traffickers
- Train border agents, create stakeholder advisory committee
- Establish standards of care for families and children detained
- Address root causes of migration (El Salvador, Honduras, Guatemala); minors can apply to reunite with family in US from home country
- Reduce court backlogs, restore judicial discretion, train more judges, provide counsel to children and vulnerable individuals

BUT – Problems Continue in USCA

- Continued **criminalization of immigrants** via expanded definition of inadmissibility (e.g. having two misdemeanors – DUI, crossing border outside of port of entry) that can result in deportation or refusal of legal pathway, even for long-time residents with US Citizen family and even if immigrant served time required by US criminal justice system
- Smart monitoring technology at border normalizes intensive and **intrusive surveillance** in US border communities and elsewhere
- USCA does not rescind the 3-and-10-year bans to applying for legal entry for those who were here unlawfully and deported



If not the USCA, then what?

- Members of Congress who support immigrants and refugees are re-introducing many bills from past years that would accomplish parts of the USCA – recognizing challenges of getting USCA through the Senate
- Dream and Promise Act in the House; Dream Act and SECURE (TPS) Act in the Senate
- Farm Workforce Modernization Act
- New Way Forward Act (decriminalizing immigration)
- Others seeking end to family detention and for-profit detention centers
- New proposal for citizenship for “essential workers”

Progress on UUSJ priorities for Immigration

- **Action taken:** rescind harmful rule changes (partial), re-instate DACA, reverse MPP, reverse Muslim ban, raise refugee cap (partial)
- Action taken but court stopped: Deportation moratorium
- **Actions underway or intent stated:** review TPS countries to extend until legal pathways available, re-open borders to asylum-seekers and reduce backlogs, end border wall construction, reunite separated children with families, broaden basis for asylum, right to counsel
- **Action not clear or depends on Congress:** legal pathways for all undocumented immigrants, cease private detention contractors, use community-based alternatives to detention, strengthen DHS oversight



What Can We Do?

- Engage and advocate with lawmakers at local, state and federal level, including via UUSJ, via town halls, letters, emails, action alerts, calls
- Join and/or support organizations that provide services to immigrants and refugees or advocate for fair and equitable treatment of them
- Sponsor adults and/or minors who need help resettling, integrating
- Speak up if you see/hear immigrants being harassed or persons criticizing them; offer a safe way to exit the situation
- Help change the narrative back to a positive one appreciating the contributions of immigrants to our economy, society and culture

Thank you!
Thoughts? Questions?

For more information or to find out
how you can help to bring the values
of Unitarian Universalism to the
Nation's Capital contact us at
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