



RESOURCE GUIDE

UNITARIAN UNIVERSALISTS FOR SOCIAL JUSTICE

IMMIGRATION ACTION TEAM

MARCH 2021

WHAT IS UUSJ and WHAT ROLE DOES IT PLAY IN IMMIGRATION ADVOCACY?



Unitarian Universalists for Social Justice (UUSJ) have been advocating for immigration and refugee justice for at least six years. In response to agreed issue priorities decided on a biannual basis, an Immigration Action Team (IAT) meets regularly, monitors developments, tracks positions of partners, especially those led by immigrants, and defines priorities for education, engagement and advocacy action. Since its inception, UUSJ's IAT has encouraged Congress to enact comprehensive immigration reform. In the past four years, UUSJ's work has focused on challenging the Trump administration's anti-immigrant actions. With the new Administration's more accepting stance, the IAT is focusing its support again on comprehensive immigration reform.

In the last two years, UUSJ advocacy corps and immigration action team have met or zoomed with Congress, sharing letters from constituents and "leave-behind letters":

- To promote HR 6 – Dream and Promise Act, supporting legal pathways for DACA and TPS holders. Passed by House in 2019. The Senate considered the Dream Act (DACA) with bipartisan support and SECURE Act (TPS). Neither passed by the Senate. (April 2019)
- To oppose separating families, expanding private detention centers, holding detainees in horrible conditions, building more walls at the southern border and harassing immigrant families and to propose using alternatives to detention like family case management (July 2019).
- To reiterate, in collaboration with UUSC, the importance of TPS legal pathways to citizenship, SECURE Act S879 (Sen. Van Hollen and many Democratic co-sponsors). Never brought up for floor vote by the Senate in 116th Congress. (March 2020)
- To demand reduced funding for ICE and CBP, better Congressional oversight of DHS and limited reprogramming of funds to enforcement, e.g., border wall, detention centers. (September 2020). Action alerts were also provided for UUs to send. The appropriations omnibus bill approved by Congress did reduce ICE/CBP funding for FY21.
- To advocate for inclusion of all tax-paying immigrants in COVID relief funding. These families had been left out of earlier COVID relief bills, even though these persons were taxpayers. The late 2020 bill included relief for US Citizens in mixed-status families, but not other immigrants.

In addition, UUSJ Immigration Action Team developed alerts to UU congregations seeking public comments on proposed rule changes on (i) detention of immigrant children beyond 20-day period allowed by Flores settlement, (ii) enhanced biometric data collection from immigrants, (iii) public charge basis for denying eligibility to immigrate (expanding public benefits counted against approval to include health, food and housing support) and (iv) major fee increases for USCIS services.

The team also sent letters to Virginia Senators on pandemic risk for immigrants at Farmville detention center and more generally to Senators to urge release of vulnerable detainees everywhere during the pandemic. UUSJ endorsed the Refugee Protection Act of 2019, objected to ICE funding increases and mismanagement and signed onto many faith-leader letters and a few amicus briefs to push for better treatment of immigrants, refugees and asylum-seekers and keep DACA and TPS alive.

UUSJ's Immigration Action Team either actively partners with or regularly monitors via emails and webinars over 40 immigrant/refugee advocacy organizations, including those led by immigrants, faith-based groups and research/service organizations. (See Annex A). We aim to center and support the voices of those most impacted, while applying UU values and our individual experience in the legal, federal agency, non-profit advocacy/services and international development fields.

A Brief History of United States Immigration Laws

1790: Naturalization Act - established basis for citizenship: any free white person of good character living in the US for at least two years could apply.

Early to mid-1800s: waves of Irish and German immigrants arrive, with occasional backlash (anti-immigrant Know Nothing Party); states pass their own laws regarding immigration

1864: established Commissioner of Immigration in State Dept, labor contracted outside US enforceable in US courts

1875: Supreme Court decides that only federal government is in charge of immigration policy

1882: Chinese Exclusion Act barred further entry of Chinese immigrants

1891: first comprehensive immigration law: created a federal superintendent in the Treasury Dept to regulate immigration through staffed offices in ports of entry; excluded sick persons and criminals, provided for deportation of those in the US illegally. Later laws: excluded anarchists, beggars, persons with epilepsy, human traffickers (1903), established naturalization process (1906) and in 1917, barred Asians including India, SE Asia, Middle East unless students or professionals and added a literacy requirement for entry.

1892-1954 – 12 million immigrants entered the US through Ellis Island, one of the main entry ports, many of whom were Jewish or Southern/Eastern European persons.

1924: after a surge of nativism and many prominent people espousing eugenics, the Johnson-Reed Act created national-origin quotas aimed at favoring northern and western European immigrants (by using 1890 census as a basis for the 2%-per-nationality annual quotas).

1942-1964: Bracero agreement provided for Mexican nationals to serve in the US as temporary workers, prompted by WWII labor shortages. 1942 Magnuson act repeals Chinese exclusion.

1948: First refugee resettlement legislation allows over 200,000 displaced persons from Europe to immigrate and another 15,000 already in the US to adjust their status (Truman signs reluctantly because law would likely exclude many Jewish refugees).

1952: McCarran-Walter Act (Immigration and Nationality Act – INA) consolidates various laws into one but preserves principle of national origins quotas. Asian nations assigned quotas. Screening to be provided by US consular officers overseas.

1962: Kennedy signs Migration and Refugee Assistance Act funding immigration from Western Hemisphere fleeing because of fear of persecution (race, religion, political opinion), aimed at helping Cubans fleeing Castro. In **1975**, similar law expanded the definition to handle persons fleeing Viet Nam and Cambodia.

1980: "Refugee" defined as persecution or well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or particular opinion.



1965: Johnson signs new INA abolishing national-origin quota system, replacing it with family-reunification and skilled labor entries. However, it placed a 120,000 person cap on the total number of Western Hemisphere admissions.

1986: Immigration Reform and Control Act (IRCA) increases border patrol, imposes sanctions on employers knowingly hiring unauthorized immigrants, creates H2 visas for agricultural workers and allows regularization of status for 2.7 million undocumented people living in the US.

Various Acts in 1988, 1990, 1994, 1996 add “aggravated felony” as a ground for deportation, initially for murder, drug or weapons trafficking, later other violent crimes, terminating discretion of judges to grant relief from deportation; laws also enhance penalties for alien smuggling and re-entry after deportation. “Expedited removal” procedure established.

1990: H1-B visas (temporary for specialty skills) were capped at 65,000. Temporary Protected Status (TPS) created by Congress as a time-bound response to nationals of specific countries facing armed conflict, environmental disaster or extraordinary conditions.

1996: Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) signed by Clinton expands list of crimes and reduces scope of judicial review. IIRIRA expands mandatory detention for those convicted of offenses, reduces public benefits available to immigrants, strengthens border control, toughens asylum-seeker procedures, mandates monitoring of entry and exit of immigrants and creates phone and e-verify programs to verify immigrant eligibility to work and receive benefits. Creates 287g programs where states and localities take on immigration law enforcement roles.

1997-98: various laws provide deportation relief for Nicaraguans, Cubans, Salvadorans, Guatemalans, former Soviet-bloc nationals and later Haitians.

2001: (Bush) USA Patriot Act broadens terrorism grounds for exclusion (post-9/11)

2002: Homeland Security Department created to consolidate in one department various agencies performing immigration and naturalization functions – ICE, CBP, USCIS – along with other agencies involved with emergencies and cyber-security.

2005: Real ID Act: establishes guidelines for removal, expanding terrorism grounds for inadmissibility, improves border infrastructure, requires states to verify legal status before drivers’ licenses issued (implementation delayed by states for many years).

2006: mandates construction of 700 miles of border fence with Mexico, along with technology to control illegal immigration.

Attempted comprehensive immigration reform laws introduced but not passed or no compromise reached: McCain and Kennedy - 2005, Specter in 2006, 2007 Act discussed in Senate, DREAM Act (2001 and many years after) – usually including pathways to citizenship, increased legal immigration, and strengthened enforcement. In 2013, S744 introduced by “Gang of Eight” passed the Senate on a bipartisan vote but not taken up by the House.

Immigration Actions under President Obama: 2008-2016



2012: An executive order, Deferred Action for Childhood Arrivals (DACA) delayed deportation for children brought in by parents without authorization when the child was younger than 16.

Attempted: An executive order, Deferred Action for Parents of Americans (DAPA) would have delayed deportation of parents of US citizens and lawful permanent resident children, but this was blocked by courts and canceled by Trump in 2017.

2014: Enforcement Priorities: The Obama administration detailed its enforcement priorities with a strict hierarchy. Top priority: terrorists and national security threats, convicted gang members, convicted felons (not related to immigration status) and persons apprehended at the border attempting to enter unlawfully. Lower enforcement priority was assigned to those convicted of misdemeanors (non-traffic, non-immigration), abusers of visa programs, those entering unlawfully after 1/1/14 or having final removal order after that date. Unauthorized immigrants who did not fall within the narrow priorities were essentially protected from enforcement. This hierarchy built on deportation priorities developed under Obama's first term, focusing on national security threats, immigrants convicted of serious crimes and recent border crossers. Judges were allowed prosecutorial discretion not to take action when someone was removable under these priorities but also had strong family and community ties with lengthy residence in the US. Migration Policy Institute estimated that this would have assigned priority for removal to around 13% of the 11+ million unauthorized immigrants (around 1,500,000). In FY16, 98% of all removals were in Priority One categories. ICE's application of this hierarchy plus prosecutorial discretion reduced interior removals (away from border) from 224,000 in FY2011 to 65,000 in FY2016. ¹

Obama also used regulatory changes (2016) to expand deferred action for military members and their families and to extend waivers for unauthorized spouses and children of LPRs with approved immigrant petitions.

¹ Bipartisan Policy Center. "Comparing Trump and Obama Deportation Priorities." February 27, 2017.

How US immigration System is Supposed to Work Currently



Lawful Permanent Entry:

Provides for 675,000 immigrant visas per year allocated to various categories (family-based, employment-based, diversity lottery, adoption, special) with limits. The number of immigrants from any one country is limited by INA to no more than seven percent of the total number of people immigrating per fiscal year. On top of this, spouses, parents and minor children of US citizens can gain admission without limit. Persons with such visas once in the US become lawful permanent residents (LPRs) – “green cards.”

Persons already in the US (for example, when granted asylum or here on non-immigrant visa) can become LPRs through “adjustment of status” if they apply and are approved.

LPRs can work and live lawfully in the US and can apply for most jobs. After five years (three years in some cases), they can apply for citizenship.

Temporary Protected Status: After the US designates a country as having conditions (armed conflict, environmental disaster, extraordinary but temporary conditions), those nationals in the US when that designation is approved must apply to USCIS for TPS. Status allows work permit and stay of deportation when application is approved. If “advance parole” is approved separately, TPS holders can travel outside the US and return. Designation can be extended by the US DHS Secretary after consultation with other agencies. Over 400,000 people had such status (from ten actively-designated TPS countries) in 2020, but many designations are set to expire in 2021. Twelve other countries had such designations in the past which expired when country situations were deemed improved. Under the Trump administration, DHS terminated designation for El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan but court rulings generated auto-extensions for these countries to fall 2021. Persons considered “inadmissible,” such as for felony or two misdemeanor convictions, are barred from TPS.

DACA: Eligible young people 15 and over apply, pay a fee and renew every two years for this status. DACA recipients are permitted to work, drive and go to college legally but cannot receive federal benefits like Social Security, food stamps or federal college aid. Some states allow DACA to pay in-state tuition, but most do not. DACA does not include a pathway to citizenship unless the DACA holder returns to their home country and applies for a green card under LPR rules. Not all Dreamers are DACA – children have to be 15 years old to apply, and originally under 31 (this limit was eased later). Currently over 700,000 people are DACA recipients. Court challenges reached the Supreme Court which allowed DACA to continue.

Humanitarian admissions: Separately, the US can accept persons for humanitarian reasons:

Refugees – applying from outside US (usually from a transition country), admission based on “well-founded fear of persecution” in their home countries due to race, political opinion, religion, national origin, member of particular social group, limited to cap decided each year (15,000 in 2021, compared to 110,000 in 2017), allocated by regions. This cap is further divided unto limits from each global region.

Asylum – persons already in the US seeking protection on the same grounds as refugees, must apply at the port of entry or within one year of entering the US. No limit. 26,568 granted in 2017.

2017-2021: Changes Imposed by the Trump Administration



No new immigration or refugee-related legislation was passed during 2017-January 2021, yet the Trump administration drastically altered immigration and refugee processes through many executive actions, rule changes, pressure on sending countries and personnel appointments, all aimed at reducing immigration and refugee resettlement.

Executive Actions and public rule changes:

The Trump Administration took over 400 executive or other actions on immigration, including:

- Muslim ban suspended entry for nationals of seven largely Muslim countries, and another stopped all refugees from entering for 120 days, even those en route. Legal challenges were brought, but the Supreme Court permitted the ban to apply. A later proclamation took Sudan out but added North Korea and Venezuelan nationals to the ban.
- Refugee admissions were curbed (after an initial 120-day ban) by introducing “extreme vetting” and halting refugees from 11 high risk countries. Using determination of annual cap on refugee resettlement, the Administration reduced allowable refugee numbers from 125,000 (Obama) for 2017 to 15,000 for 2021, numbers which were not reached in any case owing to the tougher vetting. An executive order allowed state and local officials to block resettlement if they so choose (court injunction put this on hold).
- Asylum undermined: Repeated restrictions on asylum-seekers made it very difficult for those people to obtain the protection that asylum would provide (and which is provided for in international law to which the US agreed). Migrants were told to apply for asylum in the first country they came to – even if it was unprepared to offer such asylum (as in Guatemala for Salvadorans). Asylum-seekers at the southern border were told to “remain in Mexico” under the “Migrant Protection Protocol” until their number was called (during the pandemic, the numbers were never called). Eligibility for asylum for those suffering domestic or gang violence was discarded. Fees were threatened for those who wanted to apply for asylum, unlike nearly every other country in the world (court ruling put this on hold).
- Children separated from their families: In April 2018, the administration implemented a “zero tolerance” policy to prosecute anyone caught entering the US illegally. Children were separated from the adults prosecuted (a long-standing practice called the Flores Agreement meant that children were not to be detained for more than 20 days). Almost 3000 children were separated before June, when the White House backed down as a result of public outrage about separated children, while continuing zero tolerance. Since record-keeping was gravely inadequate, the reunification of separated children became a lengthy process, and by 2021, almost 500 children remained to be reunited. (While earlier administrations prosecuted people for entry without authorization, 2018 was the first time the US targeted large numbers of parents traveling with children for prosecution). Asylum officers were directed to consider illegal entry a factor in denying asylum.
- Diversity visas suspended: this program allowed nationals from countries with low US immigration rates to enter a lottery for visas; the Trump administration tried to end this by suspending applications from certain African countries and then freezing applications because of the pandemic, until court challenges prevailed.

- Using regulations to exclude immigrants from public benefits if they wanted to be eligible for permanent residence: the long-standing “public charge” regulation prohibiting permanent residence for those who would always be significantly reliant on public sector support was broadened to include any immigrants who used programs like Medicaid or SNAP (food stamps). Separately, housing subsidies were completely prohibited if anyone in the housed family was undocumented (before, the subsidy was simply pro-rated for mixed-status families). Another rule change significantly increased biometric information immigrants were forced to give USCIS. In another move, USCIS drastically increased its fees to process immigrant applications.
- Denial of visas for many groups: Pregnant women “believed to intend to travel to the US to give birth” could be denied temporary visas (note: Europeans were not required to get visas to enter). The foreign skilled worker visa denial rate quintupled, as more documentation was demanded. Numbers of international students dropped 20,000 in 2019-20 after a decade of growth, as visas were delayed or denied (further aggravated by the pandemic). Students who did enter were given a four-year limit, and in some cases only two years.
- General slowdown in processing green cards and citizenship: In addition to the “extreme vetting” initiated at overseas US consulates for visa/green card applicants, other methods were used to slow down processing, such as rejecting applications if any cell had an “error” (such as leaving blank instead of inserting “N/A”). In-person interviews were mandated and then not allowed during the pandemic. Overseas USCIS field offices were closed, impacting refugee and asylum applications, adoptions and other objectives.
- Draconian enforcement: ICE was given free rein to capture and deport people anywhere in the US. USCIS (supposedly not an enforcement agency) was allowed to order deportation for those it denied status adjustments. “Notice to appear” at immigration court was issued unnecessarily, creating huge backlogs, and a new practice of reopening closed deportation cases and reconsidering naturalized citizens added to that backlog and to deportations. Immigration judges were given quotas to meet, eroding due process rights. ICE raids at factories and public places created a climate of fear and tore families apart. Detention centers (many run by private corporations) became known for wretched conditions (cold temperatures, inadequate food and health services, and failure to provide COVID-prevention procedures). Detainees were moved around at the will of ICE.
- Ending legal status for Dreamers Unsuccessful, DACA was upheld by the Supreme Court until the Trump administration followed proper steps to terminate. However, USCIS raised its renewal fees and refused to issue new approvals. Similarly, the administration tried to end Temporary Protected Status by refusing to extend TPS status as expiration dates came up country by country (unsuccessful, so far).
- Negative Stereotypes promoted: Although a recent study² shows that 83% of immigrants show up for their hearings (96% if represented by a lawyer) despite sloppy notice procedures (to old addresses, for instance), the administration promoted a “catch and release” narrative suggesting immigrants did not show up for court once released in the US. Terms such as “rapists,” “bad hombres,” and “animals” dehumanized immigrants and enhanced fear among US nationals. Government immigration agency websites were cleansed of language celebrating our “nation of immigrants” and guidance on language access for non-English speakers was rescinded.
- The Border Wall: Though Trump, as a 2016 candidate for President, promised Mexico would pay for a “big, beautiful wall,” he was unable either to achieve that or to get adequate US budget funds for his desired extension of the wall on the southern border until he employed an “emergency decree” to take funds away from other agencies for CBP’s wall projects. Contracted construction was underway as of January 20, 2021, inauguration day, but according to BBC reports, as of October, only 15 miles of new border had been built, along with 350 miles of replacement or secondary barriers, while 221 miles of new or replacement barriers were under construction. The actual extension of past barriers is thus limited, but billions of taxpayer dollars have still been obligated and contracts will take time and money to end.

² American Immigration Council. “Measuring *In Absentia* Removal in Immigration Court.” January 2021.

Reversing the Damage: The Biden Administration's Actions and Plans



Four years of intensely punitive treatment of immigrants and would-be refugees and asylum-seekers raised immigration as an issue in the 2020 election even more than it was in the 2016 campaigns. The eventual Democratic candidate, Joe Biden, developed a campaign platform which aimed not only to reverse many of the draconian measures “in the first 100 days” but also to send a comprehensive immigration reform bill to Congress on Day One.

The Biden platform recognized that some measures (undoing the backlogs at the borders, in the courts, for refugees after resettlement agencies reduced programs) would require time to put in place. Candidate Biden committed to a “fair and humane” system with “smart” and “strategic” security measures. Recognizing that most contraband comes via legal ports of entry and close to half of the undocumented persons in the US today have overstayed a visa, rather than crossing the border illegally, candidate Biden stated that keeping America safe was possible without billions being spent on a wall, but rather appropriate budgets for “smart technology.”

One main difference in the Biden platform, compared to Trump policies, is the recognition of the “push factors” of both poverty and violence forcing migrants out of Central America’s Northern Triangle towards the US. His platform included, therefore, the idea of addressing “root causes” of migration that created the desperate caravans of migrants fleeing their home countries. This had been a part of the Obama-Biden administration’s efforts earlier (Congress approved a \$750 million aid package), but most of these aid programs were frozen in 2017.

President Biden’s Initial Actions on Immigration and Refugees

January 20, 2021:

The afternoon of his inauguration, President Biden issued executive orders to:

- End the ban on travel from majority Muslim countries,
- End the Trump directive to exclude counting non-citizens in the 2020 census
- Protect Dreamers and fortify DACA, allowing work permits and new applicants
- End the “emergency” used by Trump to circumvent Congress on border wall funding
- Protect Liberians living and working in the US under Deferred Enforced Departure

The president also sent his comprehensive immigration modernization proposal to Congress, the US Citizenship Act of 2021.

February 2, 2021:

Further executive actions were signed that included:

- Creation of a Task Force to Reunify Families, specifically separated children, and revocation of the prior administration's order justifying such separation
- Development of a strategy to address irregular migration across the southern border and create a humane asylum system. This includes a three-part orderly migration plan, addressing root causes of migration in the Northern Triangle of Central America, collaborating with regional partners (governments, international organizations, non-profits) to strengthen other countries' capacity to protect asylum-seekers (but ending the prior administration's "third country agreements") and assuring access by Central American refugees and asylum-seekers to legal avenues for immigrating to the US.
- Review of Trump's "Migrant Protection Protocol" (Remain in Mexico) by DHS, as a start to dealing with the backlog of waiting asylum-seekers in Mexican border towns. This included actions to restore the US asylum system by rescinding and reviewing many of the prior administration's rules and guidance that effectively closed the border.
- Elevation of the White House role in coordinating a federal strategy to promote integration and inclusion of immigrants, re-establishing the Task Force on New Americans, and aiming at fair and efficient legal immigration systems via a thorough review of regulations, policies and guidance that have created barriers to legal immigration, rescinding Trump's requirement that family sponsors of immigrants repay the government if their immigrating relatives use any public benefits (public charge rule) and streamlining the naturalization process.

February 18-22, 2021. The US Citizenship Act of 2021 (USCA) was introduced in the House by Rep. Linda Sanchez (D-CA) and Rep. Ted Lieu (D-CA) and in the Senate by Sen. Bob Menendez (D-NJ) and Sen. Elizabeth Warren (D-MA).

In recognition that this legislation faces a challenging pathway to approval, especially in the Senate, many members of Congress began re-introducing past bills that represented partial goals of the USCA: Dream Act, TPS legislation, ending family detention, ending private detention centers, farm workforce modernization. Some new bills are also being developed, such as legal pathways for essential workers during the pandemic ("Citizenship for Essential Workers Act").

Components of the USCA include:

- Pathways to citizenship for all 11 million undocumented persons in the US before January 1, 2021. DACA and TPS holders and farmworkers who met requirements would become eligible for green cards immediately after the bill is approved, and after three years, could apply for citizenship. Others could apply for a new kind of temporary legal status, then after five years of paying taxes and a background check, could apply for green cards, and three years later, for citizenship.
- NO BAN section prohibits discrimination based on religion; Limits presidential authority to ban travel by national origin.
- Increased diversity visas: 80,000/year versus 55,000.
- Promotion of immigrant and refugee integration and citizenship, funding state and local governments and NGOs to promote integration and inclusion.
- Reduction in backlog of employment-based visas, recapture unused visas, reduces wait times, eliminates per-country caps, improves access to green cards for low-wage workers, offers dependents of H-1B visa holders work authorization and prevents children from aging out of parent's visa status.
- Protection of workers from exploitation and improved employment verification process.

- Smart border controls, funding for DHS to deploy technology to expedite screening and identification of narcotics and contraband. Authorizes DHS to develop strategy to manage the southern border; discourages sharing of private information. Training for agents and officers to promote professionalism. Creation of Border Community Stakeholder Advisory Committee and DHS office to investigate allegations of misconduct. Funds DHS, HHS and NGO experts to develop standards of care for families and children in custody.
- Enhanced ability to prosecute smugglers and traffickers.
- Addressing root causes of migration through funding for aid to El Salvador, Guatemala and Honduras to reduce corruption, violence and poverty. Establishment of designated processing centers in Central America to process displaced persons for migration to US or other countries. Central American minors program reinstated to unite children with US relatives.
- Improvements in immigration courts, expansion of family case management programs, reduction of backlogs, training for judges, better technology for courts, return of discretion to judges and adjudicators to review cases and grant relief where deserved. Funding for counsel for children and vulnerable individuals.
- Elimination of one-year deadline for filing asylum claims, reduction of asylum backlogs, raises cap on U Visas and protects foreign nationals assisting US troops.

There are issues, in the view of advocacy groups, however, with some aspects of this bill. The most significant are:

- The proposal to use smart technology for monitoring at the border normalizes intrusive surveillance technology which can lead to degrading everyone's civil liberties, especially in border communities.
- The continued "criminalization" of immigrants through expanded definitions of inadmissibility, such as bans for having two misdemeanors – simple things like crossing the border without authorization more than once, using a falsified social security number or driving under the influence can result in deportation or refusal to grant access to legal pathways even for long-time residents with US citizen family. Immigrants should be processed, say advocates, under the existing US criminal justice system like anyone else.
- Congress should rescind the 3-and-10 year bans to applying for legal entry for those deported or departed who were in the US without permission (from 180 to 364 days or one year or more, respectively), along with the permanent bar for those who re-enter unlawfully accruing more than one year of presence in the US during one or more stays.

What to do if USCA is not considered passable?

Members of Congress in both houses are re-introducing bills that had been introduced in 116th (and sometimes earlier) Congress, that address components of the "big Biden bill," USCA. This includes the Dream and Promise Act (HR6) passed (again, after being passed in 2019) by the House, the Dream Act and SECURE Act (TPS) in the Senate, the Farm Workforce Modernization Act, New Way Forward Act and others. A new idea in this pandemic period was a "Citizenship for Essential Workers" Act, recently introduced, to offer a pathway to legal status for those working on the frontlines at great personal risk to keep our economy, food and health systems going. Such a piecemeal approach raises issues for UUSJ and other advocacy groups about risking the good elements in the USCA by passing small pieces of it in other ways -- "cherry picking" the bills like Dream Act which have a chance to be passed, leaving much of the needed comprehensive reform again out in the cold.

Current UUSJ Immigration Priorities for January 2021-December 2022 (and apparent progress by Biden Administration)

Short-Term Actions by Federal Government

- Rescind rule changes: Public Charge, Biometrics, USCIS fee increases, Housing subsidies. *(partial)
- Re-instate, re-open and broaden DACA to allow new applicants. *** DONE
- Review TPS country-by-country and make generous determinations that TPS holders should not be returned to unsafe countries, especially in view of double hurricanes in Central America, offer TPS to nationals of additional countries as situations require. Offer legal pathway to citizenship. *(partial)
- Cease deporting immigrants who are under threat of deportation solely because they crossed the border other than at a port of entry or who overstayed their visas. * attempted but court=injunction
- Review need for border closures in order to, as pandemic evidence allows, re-open processing of asylum-seekers * review underway
- Return to broader criteria for credible fear determination for asylum-seekers, including fear of domestic, gender and gang violence intent ??
- Immediately cease use of ICE contracting of private sector detention centers ??
- End automatic detention, especially of families, coming across the border and begin to put in place broad alternatives to detention, such as community-based case management ??
- End further wall-building on our Southern border * underway (contract review)
- Reverse the Migrant Protection Protocol (“Remain in Mexico”) program and metering * initiated
- Confirm end to child separation and work to re-connect those still not with family * task force
- Insist that ICE/CBP/USCIS cease harassment of immigrants via delayed processes, roundups??
- End “Muslim ban” and no-fly rules *** DONE
- Revise upward to 125,000 the annual cap on refugee resettlement for 2021-22 ***INTENT

Medium-Term 2021-2022 Priorities

- Propose and build support for just and humane Comprehensive Immigration Reform, including pathways to citizenship for long-standing residents in the US not fully documented **USCA
- Review the current asylum system with a view to improving due process, fairness and efficiency; same for refugee resettlement vetting process **Intent stated
- Repeal current 3-and-10-year bar to admissibility for unlawful presence. ??
- Reform immigration court system, making it more independent, returning prosecutorial discretion & administrative closure capability to immigration judges, hiring more judges **USCA
- Establish programs that assure persons in immigration court proceedings have right to appointed legal counsel USCA -- partial
- White House, DHS and Congress should use every opportunity to change the narrative from past Administration’s deeply negative image of immigrants to positive images of their social, cultural and economic contributions to this country and their humanity. ** partial (drop “alien”)
- Work intensively to clear up the backlog in USCIS processing of green cards and citizenship as well as the backlog of asylum-seekers in Mexico and elsewhere. *slowly underway
- Strengthen Congressional oversight and transparency of immigration agencies **USCA

Should we add, subtract or revise these priorities?

**What can UUs and others do to support fair and compassionate immigration policies?
To assure humane and dignified treatment of immigrants and refugees?**



- Engage and advocate with your representatives at local, state and federal level – in capitals or local offices, town halls or fundraisers, letters, emails, petitions, zooms (UUSJ plans one this June).
- Join and support local and national organizations, including UUSJ, that provide services for immigrants and refugees or advocacy on immigrant issues. A partial list is in Annex A.
- Consider being a sponsor for an adult or minor immigrant or asking your congregation to sponsor; also help a refugee family to resettle, through programs such as that of LIRS.
- Help change the narrative to a positive one emphasizing the contributions of immigrants to this country, this economy, our society and culture, that depict immigrants and refugees as the human beings they are with inherent worth and dignity.
- Speak up when you hear negative language used. Step up appropriately if you see an immigrant being harassed to offer him or her (and yourself) a safe way to exit the situation (see AFSC.org’s “do’s and don’ts of bystander intervention).

Sources: UUSJ drew on following websites for above information:

History.com, Wikipedia, Migration Policy Institute, American Friends Service Committee, American Immigration Council, National Network for Immigration and Refugee Rights, USCIS.gov, dhs.gov, Bipartisanpolicy.org

ACRONYMS:

CBP – Customs and Border Protection

DACA – Deferred Action for Childhood Arrivals

DHS – Department of Homeland Security

ICE – Immigration and Customs Enforcement

INA—Immigration and Nationality Act

LPR—Lawful Permanent Resident

TPS – Temporary Protected Status (based on conditions in country of origin)

USCIS – US Citizenship and Immigration Services

Books: “Guarded Gate” by Daniel Okrent on eugenics movement and anti-immigrant 1924 law

“Separated” by Jacob Soboroff on 2018 family separation

“The Line Becomes a River” by Francisco Cantú, an ex-Border Patrol agent

“Undocumented” by Avivah Chomsky and “Harvest of Empire” by Juan Gonzalez

Annex A: Organizations Doing Immigrant and Refugee Advocacy

Representing Impacted People

United We Dream – unitedwedream.org
Mijente -- mijente.net
National TPS Alliance. – nationaltpsalliance.org
Undocublack – undocublack.org
NAKASEC – nakasec.org (Korean-American)
Movimiento Cosecha – lahuelga.com
#Not1More – Notonemoredeportation.com
CASA (MD, VA, DC, PA) – casainaction.org
RAICES – raicestexas.org (services to immigrants)
Alianza Americas. Alianzaamericas.org

Faith-based partners

American Friends Service Committee/FCNL -- Afsc.org
Faith in Action/Congregation Action Network Faithinaction.org
Interfaith Immigration Coalition – interfaithimmigration.org
Lutheran Immigrant and Refugee Services – lirs.org
UU Refugee and Immigrant Services & Education – UURISE.org
UU Service Committee – UUSC.org
UU Association – UUA.org
UU College of Social Justice/Side with Love/Love Resists
Muslim Groups muslimadvocates.org, mlfa.org
US Conf of Catholic Bishops Committee on Migration usc.cb.org
HIAS (Jewish) – hias.org
National Justice for our Neighbors (Methodist) – jfon.org
Virginia Interfaith Center for Public Policy
Church World Service – cwsglobal.org

Other Advocacy partners

National Immigration Law Center – nilc.org
Sanctuary DMV (DC/MD/VA) -- sanctuarydmv.org
American Immigration Council.AmericanImmigrationCouncil.org
AILA (Amer Immigration Lawyers Association) – aila.org
No More Deaths (Arizona border) nomoredeaths.org
Virginia Coalition of Latino Organizations – vacolao.org
International Rescue Committee – rescue.org
Detention Watch Network – detentionwatchnetwork.org
Capital Area Immigrants' Rights Coalition – caircoalition.org
Freedom for Immigrants – freedomforimmigrants.org
Farmworker Justice -- farmworkerjustice.org