A Commonsense Approach: Immigration Policy Solutions

Policing of Immigration and Public Safety

Many Americans are frustrated with our immigration policies. But research and experience show that it’s not enough to focus only on the problems with our current policies. We also need to paint a picture of what the country would look like with workable, commonsense policies in place. This document identifies solutions across a spectrum of issues relating to immigrants and immigration, reflecting the importance of addressing the problems with our immigration policies as broadly as possible.

Topline Message:

Citizens and immigrants alike want safe communities, and police are increasingly adopting new tools and strategies to ensure public safety. But state anti-immigrant laws that require police to stop or interrogate anyone who “looks” like an undocumented immigrant endanger public safety, diverting law enforcement resources and building distrust of law enforcement across communities, ultimately making all of us less safe. These laws violate the principles of equal justice, fair treatment, and proportionality under our criminal justice system.

Solutions:

Increase use of prosecutorial discretion and other forms of discretion

What DHS should do:

✓ Liberally interpret requirements for granting deferred action—a discretionary decision by DHS/ICE not to prosecute an individual who has violated the immigration laws and gives her temporary permission to remain in the United States—to young immigrants who are eligible under the Deferred Action for Childhood Arrivals (DACA) program announced in June 2012, and to other undocumented individuals who do not pose a threat to the security of the United States.
✓ Provide department-wide guidance and training to the field on its prosecutorial discretion policy, including for cases for which final orders of removal have already been issued.
✓ Administratively close on an expedited basis “low priority” removal cases, particularly in instances where an individual would be eligible for such administrative and potential legislative relief as a broad immigration policy reform bill that provides a roadmap to citizenship, the DREAM Act, and marriage equality laws, and ensure that new cases meet DHS’s enforcement priorities.
Opportunity Agenda

Laws like #SB1070 #HB56 violate equal justice and fair treatment for all!

The Opportunity Agenda shared a link.
March 20
Most families moved here in the past for the same reason that American immigrants move here today - to raise a family in a land of opportunity. State anti-immigrant laws, like in Arizona and Alabama, endanger public safety and violate our principles of equal justice and fair treatment. America is supposed to be the land of freedom and opportunity - that’s a good thing so let’s keep it that way.

What Congress should do:
✓ Restore the exercise of discretion by immigration judges to determine an individual’s eligibility for relief from deportation.
✓ Exclude criminal misdemeanors, low-level offenses, and non-violent crimes from the broadly defined categories of crimes for which an individual is inadmissible in Section 212(a) of the Immigration and Nationality Act (INA) and criminal offenses under INA Section 237, which provide for the removal of an individual based on such offenses.

End unworkable collaborations between state criminal and federal immigration systems
✓ Follow the lead of the California legislature, which passed the TRUST (Transparency and Responsibility Using State Tools) Act, and urge the Governor of that state to sign the bill and governors in other states to sign similar legislation. The TRUST Act is a bill that addresses the harmful impact of the state’s participation in the federal “Secure Communities” program and would set statewide standards for responding to ICE requests to detain individuals, including a standard for local governments to not submit to an ICE detainer request unless the individual has a serious or violent felony conviction.
✓ Follow the lead of the Governors of Illinois, Massachusetts, and New York; and the California Department of Justice, as well as local governments in Arlington, VA, Washington, D.C., Santa Clara County, CA, and New York City, in restricting their cooperation with federal law enforcement authorities’ efforts to deport immigrants through detainer requests despite the federal government’s current position that participation in “Secure Communities” is mandatory.
✓ Continue pressing the Obama administration to terminate “Secure Communities.”

Talking Points
► We all want to live in safe communities and be able to trust in and count on our police. But too many immigration policies now force local police to play the role of immigration agents. That’s a role they didn’t ask for and aren’t funded for. And it’s a role that erodes the trust of immigrant communities and ultimately makes all of us less safe.

Examples of Social Media

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The research cited in this document is current as of February 2013.
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