

**A Framework for Moral Depravity:
NIJC's Analysis of the White House's "Framework on Immigration Reform"**
January 26, 2018

The National Immigrant Justice Center (NIJC) joins the chorus of calls for Congress to reject the White House's disingenuous framework for immigration legislation that harms our communities rather than protecting them. Congress must oppose this xenophobic agenda and instead pass legislation that will provide protection for Dreamers without harming their families, immigrant communities and refugees.

While we join in renouncing this proposal out of hand, we also believe that the White House's proposals -- many presented in coded language -- are so dangerous in their details as to warrant scrutiny. We call on Members of Congress to question the assumptions underlying the framework and publicly reject legislative proposals that use this framework as cover to undercut basic human rights.

If enacted, these proposals would fundamentally reshape the United States and erode its proud history of a nation of immigrants. They would:

- forcibly return refugee children to violent home countries where they would face likely harm and possible death
- dismantle America's promise as a refuge for asylum seekers
- eviscerate the constitutional protection of due process rights for all
- decimate America's family-based migration system
- create a police state for immigrants, subjecting them to racial profiling and a life of fear

Outlined below are some of the proposals set forth in the White House framework and how Congress must respond:

BORDER AND INTERIOR ENFORCEMENT

- **The White House wants to further militarize the border and create a police state for immigrants at a cost to taxpayers of at least \$25 billion**

Reality: Experts agree that expanding the border wall [makes no sense, will harm the environment](#), and is counter to the desires of actual border communities. The Department of Homeland Security (DHS) has [met and exceeded](#) all previous "benchmarks for border security" proposed in [bipartisan draft immigration legislation](#). According to DHS's [own reporting](#), it is more difficult to cross the southern border without authorization today than it has ever been before, with undocumented entries at their lowest since the early 1970s.

Congress must oppose this request.

- **The White House wants to increase funding for Department of Homeland Security (DHS) enforcement**

Reality: [Since DHS's inception in 2003](#), its Customs and Border Protection (CBP) budget has more than doubled and its Immigration and Customs Enforcement (ICE) spending has grown 85%. The number of agents has ballooned. CBP and ICE's budget is already [24% larger](#) than the Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; Secret Service; and U.S. Marshals *combined*. [CBP](#) and [ICE](#)'s ranks are riddled with corruption and abuse. [The last push to increase border patrol agents](#) led to a deterioration in hiring standards and corruption prosecutions of approximately 170 border patrol agents in just over a decade. [Dozens of ICE agents and contract guards](#) have been prosecuted over the past decade for crimes ranging from drug smuggling to assault of detainees. **Congress must reject this request.**

- **The White House wants to impose restrictions on the asylum system which would mean sending people who have left their home countries because of fear of persecution back to places where they face harm and death**

Reality: Protections exist in internationally recognized asylum law to ensure that people seeking safety in the United States will not be returned to their persecutors before they can present their claim for asylum. The White House has proposed closing up what it refers to as “loopholes,” which in reality are critical, minimal protections that exist in law to ensure that people seeking safety in the United States are not returned to harm. These protections are all [that stand between vulnerable refugees arriving at our border and death](#). The proposed restrictions would violate this country's international obligations under refugee protection treaties and isolate the United States on the international stage.

Congress must reject [legislative proposals](#) that would lead to the immediate deportation of *bona fide* refugees and mandate the prolonged detention of asylum seekers regardless of risk assessment.

- **The White House wants to make it easier to arrest, detain and deport immigrants and communities of color, without any regard for longstanding ties to the community**

Reality: As [more than 68,000](#) immigrants arrested by ICE in 2017 on the basis of traffic-related offenses can attest, the categories of conduct that give ICE the authority to detain, arrest and deport are already tragically overbroad and result in [racial profiling](#).

Congress must reject [legislative proposals](#) that foster racial profiling and sweeping attacks on entire communities in the guise of law enforcement and gang prevention. [350 civil society organizations](#) have spoken out against such provisions.

- **The White House wants to strip protection for refugee kids**

Reality: Refugee children arrive at our borders seeking protection. The White House framework refers to a proposal to “[e]nsure the prompt removal of illegal border-crossers regardless of country of origin,” which would enable immigration agents to quickly deport all unaccompanied

children arriving at our borders unless the child can effectively articulate to a uniformed officer his or her fear of persecution or human trafficking.

Congress must oppose [legislative proposals](#) that put outrageous burdens on children to assert their own complicated legal claims and fears in order to avoid immediate deportation to harm.

- **The White House wants to disregard due process protections for immigrants arrested within the United States**

Reality: “Expedited removals” are summary deportations without a hearing before an immigration judge. This lack of review means that immigration agents can deprive individuals of due process with impunity. With the White House’s proposed expansion of expedited removals, the U.S. government will [wrongfully deport people who fear returning to their home countries without a judicial hearing](#). More than [80% of deportations](#) from the United States already happen through expedited procedures that bypass an immigration judge; we need *more* due process, not less.

Congress must reject this proposal.

- **The White House wants to further undermine the judicial independence of immigration judges**

Reality: In just the first year of this administration, interference in the immigration courts already has [undermined due process protections](#) while [exacerbating inefficiencies in the system](#). There is [no evidence](#) to support the administration’s allegations of widespread asylum fraud.

Congress must reject this proposal.

DACA LEGALIZATION

- **The White House wants to force Dreamers to wait 10 to 12 years to secure citizenship and establish exceptionally broad leeway to deny status**

Reality: [The overwhelming majority of Americans](#) – regardless of party – support a path to citizenship for the Dreamers.

Congress should line up in support of the legislative vehicle that already exists to protect Dreamers: the Dream Act.

FAMILY MIGRATION

- **The White House wants to prevent families from being together**

Reality: The framework eviscerates one of the longest standing principles of America’s immigration system: the sacred importance of keeping families together. The proposal would end the ability of non-citizens in the United States to reunify with any family member other than a spouse or minor child, forcing families to make impossible choices and undermining the stability of communities. Rather than “protect[ing] the nuclear family,” as the White House cynically

claims, the framework slashes lawful immigration to the United States and [threatens the U.S. economy](#).

Congress must reject [legislative proposals](#) that have been estimated to halve lawful immigration to the United States, threatening the fabric of American families and the U.S. economy in [myriad](#) ways.

THE DIVERSITY LOTTERY

- **The White House wants to terminate the diversity visa lottery.**

Reality: The framework proposes a termination of the Diversity Visa Lottery Program, a small program that allows 50,000 individuals from countries with historically low rates of immigration to come to the United States each year. Winners of the lottery go through the same intensive screening that all aspiring immigrants to the United States face. The lottery brings a small number of immigrants to the United States, but serves a critical goal of [contributing to the rich diversity that keeps the United States vibrant](#).

Congress must reject this proposal.

TAKE ACTION: Call your elected officials in the House and Senate today and demand that they publicly denounce the White House legislative framework. [Demand a clean Dream Act now](#) that will provide protection for Dreamers without harming their families, immigrant communities and refugees.