

# Welcome and Compassion: NIJC's Principles toward a Just Approach to Migration Policy

The National Immigrant Justice Center (NIJC) looks forward to the day when the United States' immigration laws live up to the words inscribed on the Statue of Liberty. Toward this end we envision a welcoming and compassionate approach to migration, grounded in the foundational principles of family unity and community wholeness, racial justice and religious freedom, and equal access to justice and protection for all immigrants. This document provides 10 legislative principles toward such an approach.



## Toward Family Unity and Community Wholeness

- 1) Millions of undocumented immigrants live in our U.S. communities—families searching for permanency but living under the dark cloud of fear of deportation. NIJC supports a **bold and far-reaching legalization program** for the undocumented population (including but not limited to those with temporary protections such as Deferred Action for Childhood Arrivals and Temporary Protected Status), with an attainable path to citizenship. Moving forward, we urge the development of a migration processing system that prioritizes **family unity**, recognizing that family is defined in many different ways and must be inclusive of the LGBTQ community.
- 2) Tens of thousands of asylum seekers and long-term American residents suffer each day in a massive system of immigration prisons and jails. Detention separates them from their spouses, children and loved ones for months and years on end. NIJC supports an **end to immigration detention** and the adoption of truly **community-based alternatives to detention** that support immigrants during the pendency of their immigration proceedings with case management, legal services, and social services.



## Toward Religious Freedom and Racial Justice

- 3) The American criminal justice and deportation systems have become intertwined over recent decades, exacerbating the pathologies that already plague the U.S. justice system such as over-policing and mass incarceration of communities of color. It is time to **disentangle the criminal justice and deportation systems** by: decriminalizing the acts of migration and seeking asylum; prohibiting local law enforcement agents from undertaking federal immigration enforcement actions;

and mitigating the disproportionate immigration penalties that flow from involvement in the criminal justice system.

- 4) Immigration and Customs Enforcement (ICE) routinely undertakes enforcement actions marked by brutal tactics and racial profiling. ICE's authority must be reined in by, at a minimum, **requiring ICE to obtain a judicial warrant** based on a showing of probable cause in order to initiate an immigration court process.
- 5) The United States must stand as a welcoming nation to immigrants and refugees regardless of race, religion or nationality. We support a **repeal of the Muslim ban** and **reject all exclusion policies based on race, religion, or nationality**.



## Toward Equal Access to Justice and Protection

- 6) Today, indigent immigrants, and often their U.S. citizen family members, must defend themselves against deportation in immigration court without appointed counsel, requiring a mastery of one of the most complex areas of American law, opposite a federally funded prosecutor. It's no wonder that immigrants with representation are vastly more likely to succeed on their claims to asylum or other protection. NIJC calls for **appointed counsel for all indigent immigrants in immigration court proceedings**.
- 7) The immigration court system is housed within the Department of Justice, subject to the political winds of the day. NIJC calls for the **creation of an independent immigration court system**.
- 8) Despite the United States' obligations under international law, individuals who meet the definition of a refugee are frequently denied protection. To restore meaningful access to asylum, we must **strike arbitrary bars to protection** such as the one year filing deadline, **affirm asylum protections** for those fleeing domestic violence and gang-related harms, and **abandon the policy of deterrence** on the southern border.
- 9) Of the hundreds of thousands of people deported from the United States each year, more than three quarters are expelled without the opportunity to see an immigration judge. We must restore due process in the immigration system by **ensuring a fair day in court for all individuals facing removal**, and strike expedited removal proceedings from the books.
- 10) By law, certain survivors of crime, domestic violence and trafficking are able to seek permanent protection from deportation in the United States. However, in reality these survivors are frequently deported mid-process because of arbitrary visa caps and adjudication backlogs. We must do right by these survivors by **removing arbitrary visa caps** and **ensuring protection from deportation for survivors**.

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