



IFTJ 2017 BACKGROUNDER:

The Impact of Immigration Policy on Young People, Their Families, and Our Communities

Immigration Policy in Recent Years

For more than a decade, efforts to reform the United States immigration system have been attempted but have fallen short. The most recent attempt at comprehensive immigration reform came close. The bipartisan Senate Bill S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013, passed the Senate with a vote of 68-32. A similar version in the House of Representatives (H.R. 15) had 200 cosponsors. While that bill was far from perfect, e.g., the Senate bill incorporated harsh border security provisions at the 11th hour, it would have provided a pathway to citizenship for millions of aspiring Americans.

Due to Congressional inaction, then-President Obama twice announced Administrative relief for unauthorized immigrants. In 2012, Deferred Action for Childhood Arrivals (DACA) was implemented to provide a renewable two-year relief from deportation and work permit for immigrants who had entered the U.S. before their 16th birthday and before June 2007. Nearly 800,000 people currently benefit from the program.

In January 25, 2017, the Trump administration issued two executive orders which collectively included the following actions by the administration:

- Significantly broadened immigration enforcement priorities to include convicted criminals, those accused but not yet found guilty of a crime, those subject to a final deportation removal order, and those immigration agents deem to pose a risk to public safety or national security;
- A plan to hire additional enforcement agents (10,000 for interior enforcement and 5,000 for Border Patrol);
- Steps toward building a contiguous, physical wall on the U.S.-Mexico border;
- Increase in the construction and use of detention facilities along the southern border;
- Increase in immigration prosecutions and the use of "expedited removal," a process that allows officers to quickly deport noncitizens without appearing before an immigration judge
- Pushes for an increase in the deputization of state and local law enforcement officers to perform the functions of federal immigration agents;

On September 5, 2017, the Department of Homeland Security (DHS) issued a memo formally rescinding the June 15, 2012 memorandum that created the DACA program and announcing its wind down. DHS also published a set of Frequently Asked Questions. Under the new policy individuals who currently benefit from DACA will lose existing benefits as they expire over the course of the next couple of years. This termination leaves them in a vulnerable state because they will no longer have protection from deportation nor work permits, (and DHS has their personal information).

Anticipating action related to DACA by the Trump Administration, Members of Congress from both major political parties and in both chambers have introduced bills that would provide a legislative solution for this population. Senators Dick Durbin (D-IL) and Lindsay Graham (R-SC) introduced the Dream Act of 2017 in July. The Dream Act is a bipartisan bill that would provide an approximately 1.3 million people a direct path to U.S. citizenship including people who have been DACA or Temporary Protected Status (TPS), as well as other undocumented individuals. In all cases, the individuals must graduate from U.S. high schools and

attend college, enter the workforce, or enlist in a military program. While there are other, similar bills, such as the Recognizing America's Children Act, the Dream Act would provide a path to citizenship for more individuals.

What We See

Families and Communities Torn Apart: Our faith recognizes family as the cornerstone of community, but we see hundreds of thousands of families being separated by our broken immigration system.

- 16.6 million people are in "mixed-status" families, with at least one member who is undocumented. Nine million mixed-status families have at least one U.S.-born child. [*Pew Research Hispanic Center*]
- Shortages of family-based visas, which are financially out of reach for many, and backlogs at U.S. Customs and Immigration Service (USCIS) of up to 22 years force family members to choose between being separated for extended periods of time or entering the country without documentation. [*Bread for the World*]
- Parents who are fleeing violence and intend to seek asylum in the United States also are often separated from their children by our detention system. Even husbands and wives and brothers and sisters are systematically deported separately, which puts them at great danger in unknown border cities. [*Lutheran Immigrant and Refugee Service and Kino Border Initiative*]
- Increased enforcement actions, combined with significantly broadened priorities for enforcement, have been detrimental to families and communities.

Talent Wasted: Catholic Social Teaching tells us that everyone has a right and a duty to participate in society. We are called to work for the common good and to provide avenues by which all can participate. Many immigrants want to participate in their community through the workforce, higher education, or military service, but their lack of legal status often limits that participation. DACA has allowed nearly 800,000 young people to contribute their talents more fully. If a legislative solution is not reached, these individuals will be in highly vulnerable situations and will not be able to contribute as fully. This is contrary to our faith's teaching and detrimental to them and our communities.

Value of Work Denied and Workers Exploited: Migrant men and women are an integral part of the U.S. economy, yet there is a general failure to recognize their value. Because many migrants live in the shadows of society with no pathway to obtaining citizenship, they are often subject to exploitation (e.g., not paid, wage theft) that is inconsistent with Catholic Social Teaching that work provides dignity and that all have the right to work that is dignified.

An Increasingly Militarized Border: Catholic Social Teaching calls us to promote peace and disarmament, which includes respect and cooperation between nations as well as an absence of war.

- Instead of fixing our broken immigration system, since 2004, the United States has spent over \$100 billion on border and interior enforcement, and doubled the size of U. S. Customs and Border Protection (CBP). CBP's growth led to rampant levels of abuse, corruption, and human rights violations by our nation's largest law enforcement agency.
- A report published by the Jesuit Conference and Kino Border Initiative in 2015 found that more than one-third of deported migrants experienced some type of abuse or mistreatment at the hands of U.S. immigration authorities. The range of abuses included theft, physical abuse, verbal abuse and inhumane detention conditions in federal holding facilities. In response to these findings, KBI began helping migrants use the Department of Homeland Security complaints process. From late October 2015 to early March 2017, KBI filed complaints on behalf of 49 individuals in response

to a variety of abuses, from excessive use of force to lack of medical attention and denial of the right to seek asylum. According to a subsequent report, as of July 2017, KBI received a substantive response on only 25%. [*Jesuit Conference/Kino Border Initiative*]

Immigrants Unjustly Detained: Our current detention system incentivizes the unjust detention of many immigrants who are contributing members of their communities and pose no threat to society. People placed in these jail-like facilities with horrible living conditions have no access to free court-appointed attorneys. Too often, people seeking asylum, immigrants who might have a right to stay in the U.S. through family or other unknown connections, and others who are in need of legal help are forced to face our broken immigration system without the legal representation or support needed to navigate the complicated immigration system.

- Almost half a million immigrants are placed into immigration detention annually in a network of over 250 county and state jails, for-profit prisons, and federally administered facilities. This year, Congress has increased funding for detention from 34,000 beds to nearly 40,000 and the Administration seeks further increases. [*Detention Watch Network*]
- So-called “family detention,” where mothers, toddlers, babies, and children are locked up in jail-like facilities has surged since 2014. In efforts to deter Central American refugees and migrants from coming to the U.S., both the Obama and Trump Administrations have placed thousands in these prison camps even though the vast majority of the women and children are seeking asylum. Though an appeals court has ordered the release of these children, it did not require that the parents also be released from detention, which puts even more families at risk of separation. [*U.S. Conference of Catholic Bishops*]

Suffering Ignored and Legal Rights Denied: As people of faith we believe we must treat all people with dignity and respect, yet immigration policy is increasingly sacrificing the due process of immigrants and asylum seekers. Rather than offering protection and compassion for those who have been forced to flee from their countries of origin, our system treats them as potential terrorists, either subjects them to lengthy delays in having their cases decided or sacrifices due process, and blocks entrance into the U.S. through punitive enforcement measures.

- The drastic expansion of expedited removal allows low-level immigration officers to deport individuals without appearing before an immigration judge, sacrificing due process which has resulted in wrongful deportations, including of individuals eligible for consideration of international protection.
- Fasttrack prosecution programs, known as Operation Streamline, charge people caught crossing the border with either unauthorized entry (a misdemeanor) or unauthorized re-entry (a felony). This practice has swelled the ranks of our federal prisons so that in border districts, half of those incarcerated are there for immigration-related offenses alone.
- Under international law, individuals who have fear of returning to their home country are eligible to apply for asylum. However, some individuals seeking international protection have been turned away from ports of entry and if admitted have been subjected to detention and criminal prosecution.