

IMMIGRATION

In recent years, immigration from Latin America has generally been on a decreasing trend, with the exception of Central Americans who have been seeking a safe haven from violence. Although immigration rates have declined, anti-Latino and anti-immigrant fervor has increased in the media, and from elected and appointed officials in the Executive Branch and Congress. In addition, the disproportionate effects of the COVID-19 pandemic and economic recession on communities of color, low-income communities, and immigrant communities highlight the persistent vulnerabilities that immigrants face in the United States. NHLA calls on the current Administration, and any future administration, to reverse the cruel treatment of Central Americans seeking safe haven, to end family detention practices, and to treat those seeking refuge in a manner consistent with human rights principles. NHLA also calls on Congress to pass substantive immigration reform.

PRINCIPAL POLICY RECOMMENDATIONS

SUBSTANTIVE IMMIGRATION REFORM

- Pass substantive immigration reform legislation that includes: an earned path to citizenship, family reunification, the Dream Act, a path to Lawful Permanent Resident status for long-time recipients of Temporary Protected Status (TPS) and similar programs, greater discretion to immigration authorities to prevent deportation in certain types of cases, and stronger protections against exploitation for immigrant workers, including undocumented farmworkers.
- Eliminate the regulatory red tape created by the Trump Administration that is crippling our legal immigration system, including but not limited to: the public charge wealth test, exorbitantly higher naturalization fees, and other immigration fees.
- Reform temporary foreign worker programs to reduce labor exploitation and provide paths to immigration status and citizenship.
- Terminate the Migrant Protection Protocols and ensure immigrants are provided full access to asylum and refugee protections consistent with federal law and international obligations.

ADMINISTRATIVE RELIEF

- Reverse efforts to end Deferred Action for Childhood Arrivals (DACA). Enact policies to extend deferred action to parents of DACA holders and LGBTQ immigrants without children, in the absence of federal legislation.
- Reverse orders by the Attorney General and new proposed regulations that make establishing gender-based violence or gang violence-related asylum claims more difficult.



STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS

- Stop states and localities from enforcing federal immigration laws.
- Eliminate 287(g) programs that deputize local law enforcement to enforce federal immigration laws and oppose any measures that mandate local authorities to comply with immigrant detainers or requests for notification.

NATURALIZATION AND INTEGRATION

- Lower naturalization fees and reduce processing times for applications.
- Expand adult English language and civics education.
- Provide funding for the U.S. Citizenship and Immigration Services' Office of Citizenship's integration programs, as well as allow it to accept private funds.
- Grant the right of naturalization, including retroactively, to all farmworkers and other essential workers working in the United States during the COVID-19 crisis and provide employers immunity from adverse action for employing those essential workers, if they were undocumented.

DEMILITARIZATION OF THE SOUTHWEST BORDER

- Reverse exorbitant spending on border enforcement.
- Replace National Guard troops with properly trained civilians.
- End racial profiling.
- Limit the geographic range of U.S. Customs and Border Protection activity.
- Halt the construction of walls along the border.

IMMIGRATION DETENTION REFORMS

NHLA calls for sweeping reforms related to detention facilities, including the prevention of detainee abuse, greater access to counsel, ending the mandated bed quota and contracts with for-profit detention service providers, and replacing detention facilities for women, children, and other vulnerable populations with alternatives to detention.

The COVID-19 pandemic makes these reforms all the more urgent.

- Release detainees from facilities where they are highly likely to contract deadly illnesses, such as COVID-19
- Ensure that children in detention centers are released in compliance with the *Flores* agreement and provided an opportunity to remain with their parents or other relatives through alternative to detention programs.

- Ensure better health and sanitation measures within all detention facilities in compliance with Centers for Disease Control and Prevention (CDC) guidelines.



IMMIGRATION

Of nearly 60 million Hispanics living in the United States, 43 percent are foreign-born.⁴⁹ Federal immigration law and policy continue to be a top priority for Latino communities. Our immigration, asylum, and naturalization policies must respect the dignity of the individual, end the criminalization of Hispanic immigrants, reflect our nation's commitment to human and civil rights, deny encroachment of state and local enforcement into this federal arena, and prioritize providing permanent relief to the millions of individuals who call this country home. The disproportionate effects of the COVID-19 pandemic and economic recession on communities of color, low-income communities, and immigrant communities highlight the persistent vulnerabilities that immigrants face in the United States.

In recent years, immigration from Latin America has generally been declining. One notable exception is the case of Central American adults and children who have been fleeing Honduras, El Salvador, and Guatemala, seeking safe haven and opportunities for a dignified way of life. However, anti-Latino and anti-immigrant fervor has increased in the media and from elected and appointed officials in the Executive Branch and Congress. Our country is long overdue for sweeping immigration reforms. While we seek to modernize our system in meaningful ways, the core American principles of justice,

fairness, shared prosperity, and a commitment to family unity must be at the heart of a reimagined system. The costs of not doing so are unacceptably high.

Our current immigration policies and political trajectory threaten to sabotage the futures of an entire generation of American children — nearly 6 million by some estimates — by undermining their long-term economic, health, and education outlooks. Rather than demonizing and attacking immigrants and immigration, Congress must work toward passing broad immigration relief for immigrants already in the U.S. and fair and humane immigration reform legislation that ensures that all people are treated with dignity and afforded the necessary protections under the law against discrimination and abuse. NHLA denounces the Trump Administration's immigration policies and calls on the Administration to reverse its harsh positions concerning Central Americans seeking safe haven and to end family detention practices. We urge any subsequent administration to treat those seeking refuge in a manner consistent with human rights principles.

SUBSTANTIVE IMMIGRATION REFORM

Latinos support an immigration system that simultaneously honors our values as a nation and furthers our national interests. These goals are not in conflict with one another. As we have

seen over many decades, enforcement-only immigration strategies failed, and resulted in significant harm to immigrant families and communities, escalated the militarization

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of our southern border, and have made us all less safe. Enforcement-only immigration approaches must be rejected. The nation must stop terrorizing Latino and immigrant communities not just as a matter of basic human decency, but also in recognition that among those bearing the heaviest brunt of a broken immigration system are millions of American children living with an undocumented family member or loved one. An entire generation of young Americans — our future workers, caregivers, taxpayers — are counting on our leaders to get this right.

NHLA also recognizes that a modern immigration system must be flexible enough to meet the needs of the nation. Such a system would provide more — not less —

efficient avenues for legal immigration while valuing family unity, work protections, and a commitment to domestic investments in the ladders of opportunity for young people from traditionally underserved communities. Legislative action should help restore America's leadership in the world by, among other things, recognizing the need to address the push factors that lead many individuals to flee their countries as a result of violence, poverty, acute food insecurity due to climate change and government corruption.



POLICY RECOMMENDATIONS

- Enable the estimated 11.5 million undocumented people in our country to come forward and attain legal status with an earned pathway to full citizenship.
- Enact legislation to provide a pathway to lawful permanent resident status to individuals who have resided in the U.S. for long periods of time as recipients of different forms of temporary status, such as Temporary Protected Status (TPS).
- Enact legislation to provide an expedited pathway to citizenship for veterans and service members, which should include return to the U.S. and relief for veterans who have been deported, and measures to prevent the deportation of veterans and service members that have served honorably in the U.S. military.
- Expand legal channels that reunite families, such as changes to the family preference system.
- Use legislative prerogatives to eliminate the regulatory red tape created by the Trump Administration that is crippling our LEGAL immigration system, including but not limited to the public charge wealth test and exorbitant new citizenship and other immigration fees.
- Eliminate per-country caps that unfairly discriminate and delay the entry of Latino immigrants.
- Expand the number of visas available in appropriate immigrant and non-immigrant categories.
- Eliminate the U visa and T visa caps for victims of sexual assault, domestic violence,

trafficking, and other crimes.

- Limit the expansion of guest-worker programs that do not lead to permanent residence.
- Oppose all efforts, whether through constitutional amendment, federal or state legislation, state-to-state compacts, or litigation, that would attempt to reopen the Citizenship Clause of the Fourteenth Amendment or call into question the citizenship of persons born in the United States.
- Include stronger protections for immigrant workers against exploitation by employers who underpay, cheat and use abusive and retaliatory tactics, including but not limited to:
 - bolstering the U visa and T visa to ensure protections for immigrant workers suffering from labor or civil rights violations;
 - opposing discriminatory and unfair employment eligibility verification systems, such as E-Verify; and
 - ensuring workplace discrimination is eliminated and all immigrant labor and civil rights are protected.
- Terminate the Migrant Protection Protocols and ensure immigrants are provided full access to asylum and refugee protections consistent with federal law and international obligations.
- Restore historic levels of asylum caps, and provide for the free movement of people granted asylum and awaiting the adjudication of their claims.
- Oppose any legislation or policies that establish a preference for certain types of immigrants over other types of immigrants.
- Ensure U.S. Citizenship and Immigration Services is allocated adequate resources and staffing levels, and require systems reform to address current backlogs and prevent future backlogs of immigration benefit applications, including eliminating the significant backlogs in the U visa and asylum adjudication process.
- Require oversight of immigration judges to ensure they do not issue arbitrary adjudications and are free from undue outside influence.
- Ensure that any temporary worker program protects temporary workers and protects against adverse effects on the wages and working conditions of domestic workers. Temporary worker protections should include, at a minimum:
 - a roadmap to citizenship for guest workers;
 - strong and equal labor protections for foreign and domestic workers;
 - true economic freedom and mobility;
 - ability to live with immediate family if desired, including work visas for spouses;
 - sensible limits ensuring temporary workers are only brought in when there is a true market need; and
 - protection against modern-day slavery, debt peonage, gender discrimination, sexual violence, and other abuse during the international labor recruitment process.
- Implement robust enforcement mechanisms for foreign and domestic workers, placing the responsibility on employers, recruiters, and labor contractors.
- Provide undocumented farmworkers and their immediate family members with a path to adjust their immigration status and attain eventual citizenship.
- Ensure all workers' ability to enforce legal protections, improve wages and working

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conditions, and participate in civic life.

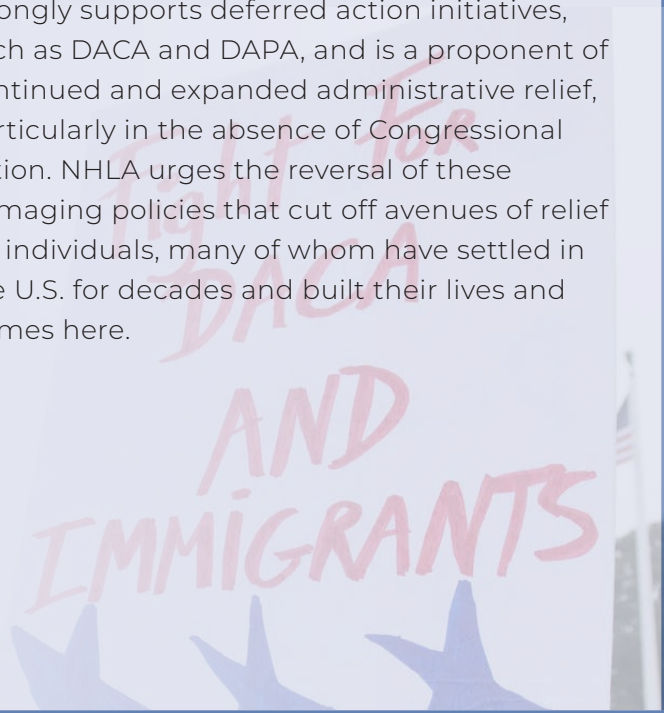
- Ensure passage of a Dream Act to ensure undocumented immigrants who entered the U.S. as minors have paths to earned legal status and ultimately citizenship.
- Pass legislation that allows individuals with qualifying family or employment ties to adjust their immigration status upon payment of a penalty.⁵⁰
- Provide a pathway to temporary immigration status or lawful permanent resident status which includes immigration benefits and work authorization for spouses, including a confidential self-petitioning process, like the VAWA self-petition, to enable victims of domestic violence to be eligible for immigration status independent of their spouses.
- Promote immigrant entrepreneurship by awarding green cards and a path to citizenship to immigrants whose businesses thrive and create jobs.
- Allow immigration judges and DHS officers to waive inadmissibility factors or terminate removal proceedings for non-citizens where it would not be contrary to the public interest, where there would be a hardship to a U.S. citizen or lawful permanent resident spouse, child, or parent, or where the non-citizen would be otherwise eligible for naturalization.
- Enact legislation to provide adequate foreign aid to “sending” countries to creatively and thoughtfully address the factors that lead so many people, including unaccompanied children, to flee their homes as a matter of survival.



ADMINISTRATIVE RELIEF AND OVERSIGHT

The Obama Administration announced Deferred Action for Childhood Arrivals (DACA), a policy to protect immigrants who were brought to the United States as children and meet other specific requirements against deportation.⁵¹ In 2014, President Obama announced that his Administration would offer deferred action to undocumented parents in a policy known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), and would extend DACA to allow relief for more individuals who came to the United States as children.⁵² DAPA and the DACA expansion were never implemented, and on June 16, 2017, President Trump rescinded the DAPA policy. On September 5, 2017, the Trump Administration attempted to terminate the DACA policy, upending the lives of hundreds of thousands of DACA holders who face the possible loss of their work authorization and protection against deportation, but was stopped by the U.S. Supreme Court for now.

Furthermore, the Trump Administration has taken a hostile approach to Temporary Protected Status (TPS) relief, by terminating almost every single TPS designation under the Administration's watch, despite ample evidence of their warranted continuance. NHLA strongly supports deferred action initiatives, such as DACA and DAPA, and is a proponent of continued and expanded administrative relief, particularly in the absence of Congressional action. NHLA urges the reversal of these damaging policies that cut off avenues of relief for individuals, many of whom have settled in the U.S. for decades and built their lives and homes here.



POLICY RECOMMENDATIONS

- Reverse efforts to end the use of deferred action to provide relief to immigrants, including DACA holders, undocumented immigrants with family ties in the United States, and other immigrants without children.
- Provide deferred action to workers and others with deep ties to the United States.
- Provide a more robust system to expand access to prosecutorial discretion and take necessary steps to ensure uniform availability nationwide.
- Expand the use of Deferred Enforced Departure and Temporary Protected Status for Latinos from countries that are experiencing a crisis — such as a natural disaster, armed conflict, or extreme criminal violence, including sexual, domestic or anti-LGBTQ violence.
- Ensure the timely adjudication of naturalization, visa, and other immigrant applications by USCIS, and minimize current backlogs.

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- Ensure the timely adjudication of all deferred action applications and renewals, and provide interim Employment Authorization Documents and other protections for DACA renewal applicants facing lapses in status in employment authorization.
- Ensure the timely adjudication of immigration relief for victims of domestic violence, sexual assault, and trafficking pursuant to U visa, T visa, and VAWA self-petitions.
- Ensure that U visa eligible applicants are placed on a waitlist within six months and can access work authorization and deferred action even after the annual U visa cap has been reached.
- Protect immigrants from removal while applications for immigration relief are pending and eliminate referrals to ICE for removal if their application is denied unless there are exigent circumstances.
- Restore the use of Administrative Closures to stop removal proceedings and halt efforts to reopen administratively closed cases and orders of supervision for persons in cases in which people with final removal orders cannot be deported to their home countries.
- Allow certain cases, such as non-lawful permanent resident cancellation cases, to receive adjudication by USCIS to ensure the fair and proper administration of immigration judge dockets.
- Provide protections for victims of notario fraud.
- Reverse the decision made by former Attorney General Jeff Sessions in Matter of A-B-, which overturned Matter of A-R-C-G-, and USCIS's implementing guidance, thus making it more difficult to establish domestic violence-related or gang violence-related asylum claims.
- Establish regulations providing access to asylum for qualifying victims of gender-based violence and gang-related violence.

STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS

Federal immigration enforcement properly rests with federal authorities. Accordingly, NHLA strongly objects to state and local law enforcement of immigration laws, either on their own or delegated by the federal government to state and local law enforcement officials.



POLICY RECOMMENDATIONS

- Stop states and localities from enforcing immigration laws, which by their nature should be enforced at the federal level.
- Eliminate 287(g) programs that deputize local law enforcement to enforce federal immigration laws, which harm public safety by spreading fear and diverting resources, making people less likely to report crimes or trust law enforcement.
- Oppose any measures that seek to mandate local authorities to comply with immigrant detainers or requests for notification.
- Eliminate all U.S. Immigration and Customs Enforcement (ICE) presence in or access to local jails and databases, a practice that has led to racial profiling, illegal detention, and deportation.
- Enact policies that treat courthouses as sensitive locations and only conduct immigration enforcement actions in courthouses upon a showing of exigent circumstances and with prior approval of a designated supervisory official.
- Ensure protections from immigration enforcement for sensitive locations including: schools, hospitals, community health clinics, institutions of worship, religious ceremonies, public demonstrations such as a march, rally, or parade, as well as transportation to and from these events, school buses, and school bus stops.
- Prohibit any information sharing (e.g. release date from custody, home address, place of employment, court hearings) between all local law enforcement and ICE, including but not limited to, police, sheriffs, probation officers, parole officers, and prosecutors.
- Enforce federal laws, such as the ruling in *Plyler v. Doe*,⁵³ that protect a student's equal access to education without discrimination based on immigration status.
- Work with the U.S. Department of Homeland Security in its efforts to exercise prosecutorial discretion in the enforcement of immigration laws and the U.S. Department of Justice in its efforts to curtail states and localities impermissibly enacting immigration laws, a federal responsibility.
- Support state and local programs to enable immigrants to integrate into the economy and communities.
- Prohibit immigration enforcement during and immediately following natural disasters.
- Support measures that allow undocumented individuals to access emergency services, food, and shelter following natural disasters.



DREAM ACT

Each year, approximately 98,000 students who came to this country as young children,⁵⁴ unaware of their immigration status, see their dreams to attain higher education, serve in the

military, or pursue other aspirations come to an abrupt halt as their immigration status denies them access to the opportunities they were raised to believe they could enjoy.

POLICY RECOMMENDATIONS

- Consider both Republican and Democratic immigration proposals that offer minors and young adults meaningful immigration relief. Encourage bipartisan efforts to develop workable legislation to help immigrants.
- Enact the Dream Act to give undocumented students a path to earned legalization and citizenship.
- Enact legislation that ensures that eligible students have the right to healthcare, federal higher education assistance, student loans, and college admissions and in-state tuition where they would otherwise be eligible but for their immigration status.
- Oppose policies that would deport individuals who grew up in the United States to a country they barely know.

NATURALIZATION AND INTEGRATION

Since January 2017, U.S. Citizenship and Immigration Services (USCIS) has adopted or proposed several policies that threaten to restrict access to citizenship and the opportunities and benefits it provides, to the detriment of all Americans and American communities. The agency has proposed to add duplicative, burdensome questions to numerous forms associated with the naturalization process, and ceased accepting the most straightforward method of proving eligibility for a naturalization fee waiver in December 2019. At the same time, diversion of USCIS's resources to initiatives like the widespread investigation of previously naturalized individuals have contributed to the buildup of historically large backlogs of naturalization and other applications awaiting adjudication, and extraordinary waits of as long as two and a half years for initial adjudication of naturalization applications.

In August 2020, the Administration finalized an ill-justified, potentially devastating increase in the naturalization application fee, from \$640 to \$1,170. USCIS will eliminate fee waivers that have long been available to qualified low-income LPRs considering citizenship, undermining the national interest in encouraging their commitment to the United States. A study by the Pew Hispanic Center stated that 93 percent of Latino immigrants who have not yet naturalized say they would if they could.⁵⁵ Of those Latino immigrants eligible to naturalize, nearly 20 percent cited financial costs as a main prohibitive factor to naturalizing, with another 28 percent conveying language and other personal barriers.⁵⁶ This study suggests the negative impact of high costs on the rate of naturalization, particularly for groups with generally lower incomes and English language difficulties.

POLICY RECOMMENDATIONS

- Stabilize and lower the cost of naturalization by reversing the ill-conceived immigration fee structure finalized on August 2, 2020, and expanding the availability of full and partial fee waivers to make naturalization more affordable.
- Reverse the burdensome, illogical refusal to accept the receipt of means-tested benefits as proof of qualification for a fee waiver.
- Provide discretionary funding of at least \$18 million for Citizenship and Integration Grants and administration of the Office of Citizenship, which distributes grants and promotes naturalization. This grant program is a cost-effective and efficient means of making naturalization more accessible to LPRs.
- Fund the Systematic Alien Verification for Entitlements (SAVE) program for at least \$25 million, to protect against improper use of Immigration Examinations Fee Account funds, and relieve the pressure that forces USCIS to periodically consider proposing higher application fees.
- Clarify that USCIS Immigration Examinations Fee Account (IEFA) funds shall set a level that ensures the ability to meet the expenses of adjudication generally and need not specifically take into account the cost of free services, such as no-fee adjustments of status for refugees.
- Prohibit the transfer of funds from the IEFA to any other agency within DHS other than USCIS.
- Ensure a fully operational Task Force on New Americans by allocating funding for and appointing an Executive Director, as directed by the President, who is tasked with creating the Task Force agenda, convening meetings, and supervising Task Force activities.
- Reduce extraordinary application backlogs and the current, unreasonably long average processing times for naturalization applications.
- Expand flexible exemptions from naturalization testing requirements for certain LPRs who are long-term residents of the United States and of advanced age.
- Increase funding to expand the availability of adult ESL and civics education so that those applying for naturalization can be prepared for the naturalization exam.
- Encourage state, local, and employer incentives that support and encourage, but do not coerce naturalization.
- Ensure immigrant eligibility for critical services, such as healthcare, regardless of status, and ensure immigrant access to critical services for which they are eligible, including by reducing language and other barriers.



NATURALIZATION FOR COVID-19 ESSENTIAL WORKERS

Federal law currently grants a special pathway to naturalization and citizenship to all English-speaking persons of good moral character who serve in our armed forces during wartime or hostilities, even when they are undocumented immigrants,⁵⁷ under the rationale that they put their lives at risk for us, showing commitment to our safety. Farmworkers, meatpacking plant workers and other essential workers, as defined by DHS,⁵⁸ especially those who cannot practice social distancing at work, along with their immediate family members residing in the same household, are taking a substantially similar risk of their lives and health for our safety during the COVID-19 crisis as service members do during hostilities.



POLICY RECOMMENDATIONS

- Grant the right of naturalization, including retroactively, to all farmworkers and other essential workers working in the United States during the COVID-19 crisis, and to their immediate families residing in the same household, regardless of current or past immigration status or particular ability in the English language, allowing them to take the citizenship test in Spanish or their native language.
- Grant employers and their agents immunity from adverse action for the act of employing (or otherwise acquiring the services of) those essential workers if they were undocumented.

DEMILITARIZATION OF THE SOUTHWEST BORDER AND BORDER COMMUNITIES

Militarization and spending on securing the Southwest border have increased exorbitantly over the last decade. For 2020, the budget for CBP is \$18.2 billion, an increase of 200 percent from 2004's budget of \$6 billion.⁵⁹ The U.S. Customs and Border Protection (CBP) employs more than 19,500 agents, more than double the number of agents in 2000, and five times the number of agents in 1992.⁶⁰ Approximately 85 percent of its force is deployed at the U.S.-Mexico border.⁶¹ The number of CBP agents does not include the thousands of Department

of Homeland Security and Immigration and Customs Enforcement personnel deployed along the Southwest border. Nearly two-thirds of the United States population, or about 200 million people, live within CBP's 100-mile border zone jurisdiction.⁶² The militarization along the Southwest border has destroyed environmental resources, involved the unfair and discriminatory taking of private property, encouraged racial profiling, proliferated immigration checkpoints, endangered communities and drastically affected the means of subsistence and way of

life of persons living in border communities.

There are nearly 700 miles of fencing, hundreds of video surveillance systems and the regular presence of advanced military equipment, including drones at the US-Mexico border. As of August 2019, the Trump Administration constructed 60 miles of his vowed border wall and has done so by raiding funding from

the Department of Defense in an attempt to circumvent Congress's power of the purse. As of the printing of this agenda, this action has been held by a federal court to be unlawful. Nonetheless, budgets or continuing resolutions passed by Congress must include restrictions on the ability to transfer funds within the Department of Homeland Security or from other agencies to pay for an unfunded border wall.

POLICY RECOMMENDATIONS

- Oppose the construction of any more walls along the Southwest border. Construction of a wasteful border wall not only falls disproportionately on Latino and immigrant communities, but its wide-reaching negative effect is clear to the American public-at-large — a border wall is consistently opposed by a clear majority of Americans.⁶³
- Prevent the expansion of the Pentagon's role along the US-Mexico border.
- Oppose exorbitant spending on border enforcement, spending which is taking place without thoughtful consideration of current border-community and security needs.
- Restrict CBP's authority on the border to under 25 miles and limit searches of private property.
- Prohibit racial profiling anywhere, regardless of proximity to the border.
- End discriminatory checkpoints.
- Limit CBP authority to conduct internal immigration enforcement to a designated area along the border.
- Ensure robust Congressional oversight of CBP, and hold CBP and DHS accountable for chronic mismanagement of funds, lax hiring standards, and failure to comply with agency standards and practices, such as the use of body-worn cameras.
- Require the implementation of law enforcement best practices, such as requiring the retention of video surveillance.
- Withdraw National Guard troops from the Southwest border and replace them with civilian law enforcement officers who are properly trained to deal with border issues.
- Prioritize the reduction of CBP agents that patrol between ports of entry, also known as "green-uniformed" agents, where most illicit drugs are not transported into the U.S.



IMMIGRATION DETENTION REFORMS

Over the last decade, government spending on immigration detention beds has increased at a rapid rate without any commensurate justification. A mandated bed quota is only found in the immigration detention system and is justified to detain immigrants who pose a public safety risk. However, according to DHS data, the majority of immigrants detained had no criminal record. The dramatic increase in immigration detention beds is out of step with the decline in unauthorized immigration rates and the stabilization of the undocumented population in recent years.⁶⁴

With the increase of women and children migrating to the United States from Central America, there has been a dramatic rise in family detention to slow the flow of migration. The Trump Administration has pursued an aggressive agenda to increase the use of detention for all asylum seekers, including children and families, and to circumvent the courts and the federal governments' obligations under the *Flores* Settlement Agreement.⁶⁵

Overall private prison corporations have increased their share of the immigrant detention industry. A 2018 investigative report found that nearly \$1 billion of taxpayer money went to for-profit immigrant detention facilities.⁶⁶ For-profit prison companies operate hundreds of ICE immigrant detention facilities, representing tens of thousands of immigration beds. In detention, immigrants often suffer physical, verbal, and emotional mistreatment, and are routinely denied access to medical care and attorneys. Furthermore, detention results in family separation, negatively affects children, and destroys the financial stability of the family. DHS must prioritize a system that keeps families together and respects due process rights of all immigrants. LGBTQ immigrants in detention face a high likelihood of sexual assault and other abuse; DHS must protect all detainees from such violations, or release them from detention.

POLICY RECOMMENDATIONS

- Release detainees from facilities where they are highly likely to contract deadly illnesses, such as COVID-19, and ensure that children in detention centers are released in compliance with the *Flores* Settlement Agreement and provided an opportunity to remain with their parents or other relatives through alternative to detention programs.
- Ensure better health and sanitation measures within all detention facilities in compliance with CDC guidelines.
- End the detention of families and close all facilities used for the sole purpose of detaining women and children.
- Pass legislation to prohibit the unlimited detention of children, families, and other vulnerable populations.
- Pass legislation that limits the number of days children can be detained, codify the standards from the *Flores* Settlement Agreement, and ensure that parents are not separated from their children.
- Reduce funding for immigrant detention to decrease the number of immigration beds and facilities for immigrant detention.
- Require that budgets or continuing resolutions passed by Congress include restrictions on the ability to transfer funds

within the Department of Homeland Security, ICE, or other agencies to pay for immigrant detention facilities and the increase in immigration beds.

- Reject any inclusion of a mandated bed quota in Congressional appropriations legislation.
- Ensure robust Congressional oversight of ICE, and hold ICE and DHS accountable for chronic mismanagement of funds, poor detention conditions, failure to comply with agency standards, and most importantly, the failure to prevent deaths in custody.
- Require DHS to use cost-effective alternatives to detention, with an emphasis on community supervision and case management programs and not GPS monitoring, and increase the number of persons granted release on own recognizance, and reform bond practices.
- Prohibit the federal and state governments from contracting with for-profit companies for immigration-related detention services or alternatives to detention programs.
- Immediately end contracts with facilities with reported abuse, and prosecute individuals accused of having abused immigrants.
- Ensure all detention facilities provide adequate access to primary care and mental health services.
- Ensure that personnel can transfer individuals to hospitals for specialized care if needed.
- Ensure that medical staff and mental health staff can provide services that are culturally informed, trauma-sensitive, and developmentally appropriate.
- Ensure all detention facilities provide every individual with blankets and beds, clothing, as needed, nutritious food and clean water, adequate sanitary supplies and facilities, and an appropriate climate-controlled environment.
- Increase the protections for LGBTQ immigrants in detention. Alternatives to detention are the safest options for LGBTQ immigrants. However, if a transgender individual must be detained, ICE's policy should be to place the individual in housing that is consistent with the individual's gender

identity, not the anatomy or sex assigned at birth.

- Reinstate ICE policies that were terminated by the Trump Administration that had established a presumption against detaining pregnant women, absent extraordinary circumstances.⁶⁷
- Require Legal Orientation Programs in all immigration facilities and increase access to counsel for immigrants to ensure detained immigrants have an understanding of their basic rights. Access to counsel is the biggest determining factor in the outcome of immigration cases, but 85 percent of detained immigrants do not have an attorney.
- Ensure that all personnel are trained on how to interact with survivors of trauma and how to prevent further traumatization.
- Ensure that CBP officers are properly trained and monitored to refer individuals who may have a claim for asylum for screening and ensure that only properly trained USCIS asylum officers conduct adequate, trauma-informed, credible fear interviews.
- Ensure that there are adequate staffing levels of bilingual personnel and interpretation services when needed.
- Provide basic training for agents and support staff that includes training on the identification of the risk factors and warning signs of mental health issues and crisis intervention related to trauma utilizing a developmentally informed approach.
- Provide services to help personnel better manage their on-the-job stress.
- Ensure that all individuals are thoroughly and properly screened for any immigration relief to which they are entitled, including but not limited to U visas, T visas, asylee or refugee status.
- Take measures to prevent violence against all detainees, including physical and sexual violence, by federal employees, third-party contractors, other detainees and any other individual who is in contact with detained individuals, particularly women and LGBTQ persons.