

January 18, 2021

**Re: Executive Action to Transform Interior Immigration Enforcement**

Dear President-Elect Biden:

The United States is poised to emerge from one of the darkest chapters in its history. Over the past four years, immigrants have borne the brunt of cruel and dehumanizing federal policies enacted under Trump. However, the dysfunction and gratuitous suffering at the center of the nation's immigration system long pre-date 2016. The system weaponized by Trump was constructed by prior administrations from both political parties, and funded and enabled by laws passed by Congress under both Republican and Democratic leadership. The unprecedented and ever-increasing scale of detentions and deportations have squandered unprecedented billions of taxpayer dollars and devastated millions of families. These detentions and deportations also disproportionately harm Black and Brown immigrants, reinforcing the racial hierarchies and racial injustice that pervade our society.

Reversing the dysfunction and brutality of the immigration enforcement system must be a central priority for the new Administration. It is time to challenge the misconception that detention and deportation must anchor the enforcement of our nation's immigration laws, and instead build a fair, humane, and functional system that facilitates compliance and respects all people regardless of race, religion, or birthplace. In the long term, enforcement reform will require Congressional action. However, significant progress can be made through executive action. By leveraging the power of the presidency to its fullest, the Biden-Harris Administration could implement key executive reforms that would blunt the harm that immigrant communities experience every day, while also laying the groundwork for eventual legislative reform.

To that end, we, the undersigned 90 national, state, and local civil and human rights, labor, and immigrant and racial justice organizations, urge you to take the following actions:<sup>1</sup>

1. Impose an immediate moratorium on all deportations and interior enforcement. This moratorium should include interior arrests and detention, including transfers from state or local custody, as well as prosecutorial and adjudicatory work on pending removal cases.<sup>2</sup> Unless the pipeline is paused, detention levels will inevitably increase, and U.S. Immigration and Customs Enforcement (ICE) will continue to expend resources on individuals who should not face enforcement at all. Immediate priorities during the moratorium should include the comprehensive custody reviews and Executive Office for Immigration Review (EOIR) docket reviews described below.
2. Take ambitious action to overhaul and shrink the interior enforcement system, including the following reforms:
  - a. Significantly reduce detention levels starting by releasing everyone at heightened risk of COVID and simultaneously initiating a file review of every person in ICE custody, applying a presumption of release; ending family detention; ending contracts with private prisons and county jails for ICE detention; ending cash bond; reducing funding for ICE custody operations by at least 75%; and developing community-based case-management

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<sup>1</sup> This letter offers recommendations related to enforcement against individuals already present in the United States; we do not address here the equally urgent policy imperatives to restore access to asylum and other humanitarian protection at the border and to demilitarize the border region.

<sup>2</sup> The only exception should be the continued adjudication of removal proceedings for individuals who remain detained after the completion of the custody review described below, because it would be inhumane and unconstitutional to allow people to languish in detention.

centered alternatives that do not rely on ankle monitors or other intrusive devices. The Administration should establish a goal of ending immigration detention within two years.

- b. Adopt new prosecutorial discretion guidelines to significantly reduce the universe of people targeted for deportation with the goals of keeping families together, counteracting racial injustice in the immigration system,<sup>3</sup> declining to pursue charges that are stale via a policy akin to a five-year statute of limitation, and allowing people who are eligible for affirmative pathways to legal status a fair chance to comply with the law; and undertaking a complete EOIR docket review consistent with these new guidelines.
- c. End state and local entanglement with federal immigration enforcement, including but not limited to 287(g), Secure Communities, ICE detainers, the Criminal Alien Program, Operation Stonegarden, the State Criminal Alien Assistance Program, and joint operations including database sharing.
- d. Restrain the surveillance technology infrastructure deployed against immigrant, Black, and Brown communities, both in the interior and at the border, including ending the use of U.S. Customs and Border Protection (CBP) drones.
- e. Ensure appointed counsel for all indigent people facing deportation, starting with vulnerable populations including detained individuals, children ages 21 and younger, individuals with mental and/or physical disabilities (not limited to those who are detained and found to have serious mental disorders), and asylum seekers, whether or not they are detained.
- f. Create a “chance to come home” program honoring the principles of family unity and second chances by allowing people enduring family separation and other hardship due to unfair deportations to apply to return to their home and loved ones in the United States.
- g. End aggressive enforcement near the border, including checkpoints in the 100-mile zone and criminal prosecutions for unlawful entry and unlawful reentry, and bar the targeting of individuals engaged in humanitarian relief work, labor organizing activity, or political or legal advocacy.

The new Administration can change our nation’s political and policy course on immigration by affirming that our immigration system should not be used to punish those who came here fleeing violence or economic or political instability, or because they were eager to work and make a better life for their families. We must reject family separation not only at the border but also for families living in the United States, and build a just and inclusive system that treats immigrants with dignity. You can make meaningful progress toward that goal through the actions listed above.

We look forward to working with you to make your commitments on immigration real - the need could not be more urgent.

Sincerely,

African Communities Together  
African Public Affairs Committee

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<sup>3</sup> While there are many policy changes needed to counteract the racial injustice embedded in the immigration enforcement system, the new Administration should start by declining to deport people for drug-use offenses.

Alabama Coalition for Immigrant Justice  
Alianza Americas  
American Civil Liberties Union (ACLU)  
American Friends Service Committee (AFSC)  
American Immigration Council  
American Immigration Lawyers Association  
America's Voice  
Arkansas United  
Asian American Legal Defense and Education Fund (AALDEF)  
Asian Americans Advancing Justice  
Asian Americans Advancing Justice - Atlanta  
Asylum Seeker Advocacy Project (ASAP)  
Causa Oregon  
Center for Gender and Refugee Studies  
Center for Law and Social Policy (CLASP)  
Center for Popular Democracy  
Church World Service  
Coalition for Humane Immigrant Rights (CHIRLA)  
Community Change  
Community Justice Exchange  
Cooperative Baptist Fellowship  
Detention Watch Network  
Disciples Refugee & Immigration Ministries  
Fair Immigration Reform Movement (FIRM)  
Faith in New Jersey  
Faith in New York  
Faith in Public Life  
First Focus on Children  
First Friends of NJ & NY  
Florida Council of Churches  
Haitian Bridge Alliance  
Hispanic Federation  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant Alliance for Justice and Equity  
Immigrant Legal Advocacy Project  
Immigrant and Non-Citizen Rights Clinic, CUNY School of Law  
The Immigration Hub  
Indivisible  
Interfaith Council for Peace & Justice  
Just Futures Law  
Justice Strategies  
Kathryn O. Greenberg Immigration Justice Clinic at Cardozo School of Law  
Latin America Working Group (LAWG)  
Latin American Coalition  
Leadership Conference of Women Religious  
Louisiana Advocates for Immigrants in Detention  
Make the Road Connecticut  
Make the Road Nevada  
Make the Road New Jersey  
Make the Road New York  
Make the Road Pennsylvania

Massachusetts Immigrant and Refugee Advocacy Coalition  
Michigan United  
Mijente  
National Advocacy Center of the Sisters of the Good Shepherd  
National Association of Social Workers  
National Domestic Workers Alliance  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project of the National Lawyers Guild (NIPNLG)  
National Partnership for New Americans  
Neighbors Link  
NETWORK Lobby  
New Jersey Alliance for Immigrant Justice  
New Mexico Immigrant Law Center  
New York Immigration Coalition  
NYU Immigrant Rights Clinic  
OneAmerica  
Pennsylvania Immigration and Citizenship Coalition  
Poder Latinx  
Public Counsel  
RAISE (Revolutionizing Asian American Immigrant Stories on the East Coast)  
Tennessee Immigrant and Refugee Rights Coalition  
Services, Immigrant Rights & Education Network (SIREN)  
Sisters of Mercy of the Americas Justice Team  
Sonoma Immigrant Services  
South Asian Americans Leading Together (SAALT)  
Southern Border Communities Coalition  
Still Waters Anti-trafficking Program  
UndocuBlack Network  
Unidad Latina en Accion Connecticut  
United Farm Workers  
United We Dream  
Vecindarios901  
Voces de la Frontera Action  
Wind of the Spirit Immigrant Resource Center  
Women's Refugee Commission  
Young Center for Immigrant Children's Rights