



# **A VISION FOR BLACK LIVES:** **POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE**

**An end to the war on Black immigrants including the repeal of the 1996 crime and immigration bills, an end to all deportations, immigrant detention, and Immigration and Custom Enforcement (ICE) raids, and mandated legal representation in immigration court.**

## **What is the problem?**

- The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Anti-terrorism and Effective Death Penalty Act (AEDPA), known collectively as “the 1996 laws,” expanded the grounds for deportation to include more than 20 offenses, both criminal and noncriminal under state law. Those deemed deportable as a result of one of these offenses is mandatorily detained and deported by Immigration and Customs Enforcement (ICE).
- These laws also eliminated judicial discretion in immigration court and established a regime whereby local law enforcement agencies and ICE share information about those that are allegedly deportable (commonly known as 287(g)).
- In a November 2014 speech, President Obama reiterated the federal government’s commitment to enforcing these unjust laws, stating that the administration’s immigration enforcement priorities are “felons” not “families.”
- Further exacerbating this problem is the fact that most immigrants who enter deportation proceedings are not represented by an attorney. Since immigration proceedings are considered “civil” rather than “criminal” proceedings, constitutionally, there is no right to an attorney in immigration court.
- The 1996 laws apply to both undocumented immigrants and those with green cards or some other formal status in the U.S.
- Amongst all immigrants, Black immigrants are nearly three times more likely to be detained and deported as a result of an alleged criminal offense. Moreover, many Black immigrants are ineligible for any form of relief, including a green card, executive programs such as Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status, or citizenship as a result of criminal contact.
- As a result of these laws, millions of immigrants have been deported over the last twenty years.

## **What does this solution do?**

- This solution would make it such that immigrants with criminal contact would no longer be subject to mandatory detention and deportation.



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- It would also make it such that immigrants are no longer automatically ineligible for legal status in the U.S. simply because of contact with the criminal justice system.

### **Federal Action:**

- Pass the resolution introduced by Rep. Grijalva of Arizona calling for the roll back of the 1996 laws.
- Pass a Congressional bill repealing the 1996 laws.
- Place a moratorium on deportations until Congress acts on immigration reform.
- Provide full funding for legal representation in immigration court.

### **State Action:**

- Pass a bill prohibiting state and local law enforcement from collaborating with ICE.
- Pass a “Sanctuary” Bill, prohibiting ICE from making immigration arrests on state-owned property.

### **Local Action:**

- Pass a bill to prohibiting state and local law enforcement from collaborating with ICE.
- Pass a “Sanctuary” Bill, prohibiting ICE from making immigration arrests on city or county owned property

### **How does this solution address the specific needs of some of the most marginalized Black people?**

- Black immigrants, who tend to live in communities that are over policed, face immigrant detention and deportation as an additional consequence of police contact. They may face detention and deportation for even the most minor offenses, including drug possession, shoplifting, and incidents that take place at school.
- In addition, many undocumented Black immigrants are ineligible for federal executive action programs such as Deferred Action for Childhood Arrivals (DACA) and special juvenile status as a result of criminal convictions.
- Overturning the 1996 laws would render hundreds of thousands of Black immigrants eligible for immigration relief, providing them the ability to remain in the U.S. with their families.

### **Model Legislation**

- [Fix '96 Resolution Introduced April 2016.](https://grijalva.house.gov/uploads/GRIJAL_098_xml.pdf)  
[https://grijalva.house.gov/uploads/GRIJAL\\_098\\_xml.pdf](https://grijalva.house.gov/uploads/GRIJAL_098_xml.pdf)

### **Resources:**



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- [Immigrant Justice Network, Fix '96 Campaign](#)
- [Black Lives Matter Co-Founder: The Immigration Challenge No One Is Talking About](#)
- [The Real Crime \(Video\)](#)

## **Organizations Currently Working on Policy:**

- Black Alliance for Just Immigration
- Immigrant Defense Project
- National Immigration Law Center
- Families for Freedom
- 1LoveMovement
- National Immigration Project
- Immigrant Legal Resource Center
- Southeast Asian Resource Action Center

## **Authors & Contributors of this Policy Overview**

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