



America has the opportunity to create an immigration system that reflects our most deeply held values and respect for fundamental human rights. Join the **Reform Enforcement Caucus** in supporting principles that ensure that immigration policy is fair and humane.

10 PRINCIPLES for Ensuring Fair and Humane Immigration Policy

- 1** The inherent dignity and equal and inalienable rights of all people should be at the foundation of all immigration law and policy.
- 2** Immigration law and policy should recognize, respect, and protect the right of every individual to security of the person.
- 3** The immigration system should protect the most fundamental rights to liberty and freedom from arbitrary detention.
- 4** Immigration law and policy should promote the protection of refugees and other vulnerable migrants.
- 5** Immigration law and policy should ensure respect for the fundamental right to privacy.
- 6** Immigration laws should be free from discrimination and uphold the American value of equality.
- 7** Protection of the unity of the family should be at the heart of immigration law and policy.
- 8** Every immigration policy, strategy, and institution should be accountable to affected individuals and communities.
- 9** Judicial discretion, judicial review, and a fair day in court are essential to ensure that immigration law upholds the American value of due process.
- 10** Local communities should be directly involved in decision-making about immigration and border policies and in any review of enforcement systems.

10 PRINCIPLES

for Ensuring Fair and Humane
Immigration Policy

The United States is a nation of values, founded on the idea that all men and women are created equal and that all people have rights, no matter what they look like or where they came from. These values are echoed in our obligation to respect the fundamental rights of all persons without discrimination, regardless of national origin, citizenship, or immigration status.

These values must be reflected in our immigration laws. Today's patchwork of laws, policies, and practices that comprise America's broken immigration system has evolved largely without consideration of the impact they may have on the fundamental rights belonging to every person. This failure has resulted in border and interior enforcement that has compromised due process, infringed on civil liberties, and violated our most basic principles.

It is time to align our immigration policies with our values: inherent dignity and equal and inalienable rights of all members of the human family. Our immigration laws must be based on the principles that all people enjoy, without discrimination, the fundamental rights to security of the person, to be subject to transparent and accountable law enforcement, to due process and a fair day in court, to liberty of the person and freedom from arbitrary detention, and to the protection of refugees, the unity of the family, and privacy. Immigration law and policy must be developed with the participation of and accountable to those who will be affected by their enforcement.

The United States has the opportunity to create an immigration system that reflects our most deeply held values and respect for fundamental human rights. **The Reform Enforcement Caucus** will approach the renewed efforts to achieve immigration reform with a set of principles and values that will keep our communities united and that will make enforcement accountable.

10 PRINCIPLES for Ensuring Fair and Humane Immigration Policy

1 The inherent dignity and equal and inalienable rights of all people should be at the foundation of all immigration law and policy.

We call for reform that respects the inherent dignity and equality of all people. Human rights apply to all persons, whether on a path to citizenship or not. To be legitimate, our system must ensure the basic human rights of all people within and on our borders, regardless of their race, religion, gender, age, sexual orientation, socio-economic status, contact with the criminal justice system, country of origin, or current immigration status. Reform must not further erode these values. We oppose expansion of excessive penalties for immigration violations, the separation of families, and the criminalization of communities – all of which have compromised due process and other fundamental rights.

Principles prepared by the Reform Enforcement Caucus. For more information please contact:

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10 PRINCIPLES for Ensuring Fair and Humane Immigration Policy**2** Immigration law and policy should recognize, respect, and protect the right of every individual to security of the person.

We call for reform that ensures that the safety and security of the person is the foundation of our immigration laws. Today's immigration laws, policies, and programs are a patchwork of responses, including new programs which blur the lines between local police and immigration enforcement. Exacerbated by anti-immigrant state laws claiming authority to enforce federal immigration laws, this approach has resulted in racial profiling of immigrant communities, reluctance to report crime out of fear of the police and other government agencies, and growing safety threats to entire communities. Victims who face deportation if they report a crime may remain in abusive situations. Communities should be seen as partners in ensuring the safety and security of all persons. Our immigration law and policy – and the enforcement of that law and policy – should be designed to ensure the safety and security of all individuals, including those against whom it is enforced.

3 The immigration system should protect the most fundamental rights to liberty and freedom from arbitrary detention.

We call for reform that ends the reliance on detention as a cornerstone of immigration policy. Over the last 15 years, immigration detention and deportation have significantly expanded, and today a minimum of 34,000 people are held in immigration custody each day. Mandatory detention laws have stripped authorities of the discretion to consider individual circumstances and mean that broad categories of people who have committed certain crimes or are deemed security risks must remain in custody pending removal proceedings or deportation, even when the individual poses no flight or public safety risk. People in immigration custody lack access to constitutionally adequate bond hearings. Detention and deportation programs have grown alongside a sprawling criminal justice infrastructure and the exponential growth in federally-funded, privately-run facilities used to detain immigrants. Immigration law should ensure that people are not detained without access to individual custody determinations and constitutionally adequate bond hearings.

4 Immigration law and policy cannot undermine the protection of refugees and other vulnerable migrants.

We call for reform that respects our commitment to the protection of refugees and to other vulnerable immigrants. The mandatory detention of arriving asylum seekers, arbitrary deadline for filing asylum claims, denial of protection for those who have been convicted of minor crimes, militarized border enforcement, and a sweeping definition of the terrorist-related inadmissibility grounds all have eroded our protection of refugees. Reform should ensure that barriers to refugee protection are eliminated and should avoid creating new or unintended barriers. Victims of crime and domestic violence should be protected.

10 PRINCIPLES for Ensuring Fair and Humane Immigration Policy**5** Immigration law and policy should ensure respect for the fundamental right to privacy.

We call for reform that does not harm fundamental privacy rights. Proposals to expand employment verification regimes would rely on massive, often inaccurate, databases. Inclusion of a biometric identification system would also threaten the right to privacy. Federal information sharing systems, including databases at several different agencies, lack protections and oversight needed. Reform should be mindful of the need to protect privacy.

6 Immigration laws should be free from discrimination and uphold the American value of equality.

We call for reform that creates an immigration system free from discrimination. Current immigration policies infringe on basic rights and freedoms or legal protections for individuals. The operation of federal immigration enforcement programs has resulted in complaints of racial profiling. While all communities feel the impact of harsh enforcement laws and policies, the current system imposes particular burdens on women, people of color, certain religious communities, members of the LGBT community, the disabled, the elderly, and those who have had contact with the criminal justice system. E-Verify and similar employment verification programs should avoid discrimination based on race, religion, national origin, or other grounds. Immigration reform should ensure equal protection of the laws for all people, including members of marginalized communities, and cannot exclude people based on gender, race, age, religion, sexual orientation, or other status. The roadmap to citizenship must be just and fair, accessible to every person without discrimination.

7 Protection of the unity of the family should be at the heart of immigration law and policy.

We call for reform that respects the value and fundamental right to protection and unity of the family. In the last four years 1.5 million people have been deported, leaving hundreds of thousands of U.S. citizen children without parents and thousands in foster care. Thousands of family members languish in line for visas or with little hope of reunification following deportation. Enforcement actions too often fail to protect children or uphold parents' rights. Protecting the unity of the family must be at the heart of immigration policy. Reform should restore judicial discretion to immigration judges; provide a meaningful opportunity for parents to make care-giving decisions and participate in child custody proceedings; provide waivers to allow for family reunification for people following deportation; and a sensibly revise the family-based immigration system to reduce long backlogs. A roadmap to citizenship, like all parts of our immigration law, should aim to keep families together, including those family members who have had past contact with law enforcement.

10 PRINCIPLES for Ensuring Fair and Humane Immigration Policy**8** Every immigration policy, strategy, and institution should be accountable to affected individuals and communities.

We call for reform that holds all enforcement policies, strategies, and institutions accountable. First, laws themselves should protect the fundamental rights of all persons. Second, the agencies enforcing those laws should be supported by a robust accountability infrastructure and mandate. Third, the government and its agents should be transparent and directly accountable to the individuals and the communities that are impacted by their programs. Last, enforcement agencies must be accountable to elected policymakers who have the responsibility of ensuring the security and the human rights of the communities they serve.

9 Judicial discretion, judicial review, and a fair day in court are essential to ensure that immigration law upholds the American value of due process.

We call for reform that creates an immigration system that ensures the constitutional guarantees of due process of law. Mandatory detention and deportation laws have stripped judges of the discretion to consider the equities of individual cases. Lack of access to counsel, arbitrary limitations on independent judicial review in removal proceedings, and failure to provide constitutionally adequate bond hearings for people in immigration custody each limit access to a fair day in court. Immigration reform must ensure equal protection of the laws for all people. The roadmap to citizenship must be just and fair with guarantees of effective oversight through judicial review. The due process problems in the detention and removal systems must be eliminated and additional enforcement measures that risk compromising due process and civil liberties avoided.

10 Local communities should be directly involved in decision-making about immigration and border policies and in any review of enforcement systems.

We call for reform that is meaningfully informed by all who are affected by enforcement, including those whose voices may be most difficult to hear. Affected communities must be engaged in the decision-making process around enforcement and must be a constant part of evaluating and holding the enforcement system accountable.