

# **Immigration Framework Document**

## **Immigration Resistance Table**

*February 2021*

The Immigration Resistance Table is a collaborative of 22 Colorado organizations that was formed in 2016 to bring together non-profit advocates in the fight for immigrant rights in Colorado in order to increase collaboration.

### **Executive Summary**

We believe that the work for immigrant rights at both the national level and the state level must center the leadership and voices of those impacted by immigration and that we must take quick action to provide permanent relief to our undocumented community and address the devastating impacts from the last administration at the national level through Executive Action. We must also take action at the state level through policies that make Colorado a welcoming state for all regardless of status or race.

### **Federal Action in support of Colorado Immigrants**

#### Executive Orders

The Colorado immigrant community recognizes that regardless of who is in office they must be held accountable for their actions or the lack thereof. We demand action in the first hundred days of the Biden Administration to reverse the harmful executive orders and actions from the previous administration. We understand that for many families and individuals, there is nothing that can reverse the harm done. With our community in mind we demand a stop to violent attacks on our families.

- Reunite families that were separated at the border.
- Reverse all actions that impact the number of TPS Visas available and granted to asylum seekers.
- Stop the mass deportation of all asylum seekers and expedite their visas.
- Moratorium on detentions and deportations.
- Rescind *Remain in Mexico* policy.
- Reinstate Deferred Action for Childhood Arrivals program (DACA) and Temporary Protected Status (TPS) immediately.
- Rescind the recent changes to the naturalization process including the increase of price and shift on naturalization test.
- Create a nation-wide system of appointed counsel for people in removal proceedings; do not stop at counsel for children and vulnerable populations.

#### Long Term Immigration Overhaul

We are committed to a grassroots movement that designs a community centered, and transformative policy proposal that reflects values of fairness and justice. We must center immigrant leadership and the voices of the most directly impacted communities. A progressive vision will create ample and accessible pathways to citizenship for everyone without any carve-outs.

Develop a clear path to citizenship:

- Everyone who contributes to this country should have the opportunity to be citizens, without having to speak the language.
- Those who have been deported who have family in the US should be reunited.
- People who commit a crime who have already paid their dues to society should not be punished with deportation.
- National immigration policy needs to be as timely as possible.
  - A multi-year pathway to citizenship is deportation by attrition and is not a pathway to citizenship for all undocumented people. Elongated legal processes have shown us that folks inevitably drop-out due to the barriers included in the policy.
  - National immigration policy needs to be as timely as possible, with as little barriers as possible, and must consider the implications of an elongated process and how such a process assumes stability when this country has spent decades destabilizing migrant communities, and the people who need relief most immediately are those who have been destabilized.
- Between 2012 and March 2020, 825,998 people were approved to participate in the DACA program for at least two years. Approximately 643,560 immigrants are currently benefiting from the program due to barriers associated with temporary relief. The reduction of folks benefiting from a program such as DACA speaks to the barriers that inevitably contribute to them falling out (becoming ineligible) and make people deportable, such as:
  - Eligibility carve-outs:
    - Carve-outs should not be tied to prior/future criminal history, education, or career path.
  - Application fees:
    - While we know fees will be part of the solution, an elongated process will just serve to steal more money from families who would better benefit from using it to thrive and not survive.
  - Time and attrition:
    - From what we know of our current legal processes to change status, we know they are long, expensive, and don't offer protections while it is ongoing (employment authorization only half addresses this because again, people may fall out).
  - Lack of guidelines for discretion:
    - There needs to be clear guidance for discretion that doesn't speak to the "threat" that someone is (which is often tied to past criminal history) and rather speaks to the conditions (socio-political, economic, etc.) that led them to migrate.
- Remove from the law the criminalization of entering without inspection and reentering after a deportation order ( criminalization of and prosecutions for "illegal entry" and "illegal reentry", as well as the various bars to reentry).
- Those with temporary status (TPS, DACA, H2A) and their family members put immediately on path to citizenship.
- Release and reunify separated children at the border with their families.
- Provide compensation to families for their trauma and the damage they experienced.
- Eliminate cap on visas to end the years-long delay for those currently awaiting visas.

#### New Path:

- Pass legislation that allows people who reside in the U.S. to apply immediately for permanent residence and a path to citizenship if they choose.
- Create opportunities for migration to the U.S. for people who plan to migrate but who have no relatives here to petition for them.
- Ensure that positive factors (e.g., family ties, community service) are always balanced against any negative factors (e.g., criminal record, immigration violations) when determining eligibility for status.

#### Make family reunification a top priority:

- Meet the global demand of immigrants to be reunited with their families by eliminating the cap on the total number of family-based visas available and funding the U.S. Citizenship and Immigration Service to expedite the immigration adjustment process.
- Provide the same benefits to same-sex partners that are available to heterosexual partners.
- Eliminate harsh obstacles to immigrating, including prohibitions on returning to the United States based on prior immigration history, past criminal records, and high-income requirements for immigrant sponsors.
- Eliminate restrictions on eligibility for spouses of deceased U.S. citizens or lawful permanent residents and ensure that children can immigrate with parents. Allow applications to be filed from within the U.S. so that families are not separated due to consular processing requirements.

#### Respect of civil and human rights of migrants and refugees:

- End arrests, detention, and deportation of immigrants.
- No collusion of local law enforcement with immigration enforcement agencies.
- Opportunities without respect to skin color and end of racial profiling.
- Ensure the due process rights of immigrants in detention, deportation, or removal proceedings including publicly funded access to legal representation, fair trials, meaningful and expedient judicial review, and an end to racial, ethnic, and religious profiling and other forms of illegal searches and seizures.
- Eliminate arbitrary, indefinite, or mandatory detention or other forms of abusive treatment and detention practices that separate family members; community support programs must be an alternative to detention and other forms of restriction.
- End all contracts with for-profit detention centers and any other alternative models of mass incarceration.

#### Protect the labor rights of all workers:

- End guest worker programs, as the experiences of past and present guest workers have been characterized by extreme exploitation and abuse akin to human trafficking.
- Repeal employer sanctions which have only led to increased exploitation of workers and an underground market for fabricated documentation.
- End electronic worker verification systems and other means of keeping immigrant workers out of the workforce, such as I-9 audits, that punish both immigrant workers and employers.
- Allow all workers to apply for and obtain Social Security numbers, and to receive benefits from the system to which they often contribute.

Immigrants, refugees and asylees must have full access to services:

- End the public charge rule.
- Stop discrimination for not having papers.
- Interpretation and translation which should be in all clinics - free and for everyone so that everyone understands.
- Full access to health care and insurance that cover everyone.
- Extend access to quality, affordable health care and social services to everyone, regardless of immigration status.
- Eliminate rules based on immigration status in determining eligibility for public benefits.
- Re-affirm protected access to public schools at K-12 levels, protect admission to higher education, and promote eligibility for in-state tuition to public universities along with access to financial aid for undocumented students.
- Provide adequate funding for refugee protection and resettlement.

Demilitarize the Mexico-US Border:

- Demilitarize the U.S.-Mexico border and cease all enforcement policies and practices that criminalize and punish immigrants and members of border communities. Prevent the extension of militarized border operations to the U.S.-Canada border and the interior of the nation.
- Roll back federal funding for Border Patrol personnel and reduce the excessive numbers of Border Patrol agents. Instead invest in oversight mechanisms for the Office of the Inspector General and other independent investigative bodies.
- Require border enforcement agencies and their respective agents to comply with and uphold local, national, and international laws and civil and human rights along the border region and in the interior of the country.
- Reconceptualize border security as adequately serving those who come to our border seeking protection and entry; invest in models that provide protections for asylum seekers, children, and those who seek entry, rather than long wait times and inhumane holding cells.

Support policies that reduce the need to migration (fair economies, reduce violence from the state and criminal groups):

- Fully respect the right of local and indigenous communities to develop, safeguard, and nurture their economies and the livelihoods of their people without interference from developed nations or transnational corporations.
- Respect the human and labor rights of all workers by stopping the use of trade agreements and structural adjustment policies that displace people and create a vulnerable labor force.
- Support and promote global economic policies that invest in and develop a sustainable and strong social infrastructure and healthy environment.
- Explore alternative forms of economic integration that are consistent with international human rights laws, cultural rights, and environmental protections.
- End US sale of arms to other countries.

## **State Action in support of Colorado Immigrants**

We call on State Elected Officials to take action to support and protect the nearly 550,000 immigrants and their families<sup>1</sup>. Regardless of who holds federal office, Coloradans deserve to feel safe and protected in their homes without fear of being separated. Furthermore, the COVID-19 pandemic has put in evidence the many ways in which Black, Indigenous, and communities of color are disproportionately impacted in the healthcare, education, jailing systems in our country.

Unfortunately, many in the immigrant community were left out of any emergency financial support system since Governor Polis' State of Emergency Declaration in March 2020. Immigrant families have struggled throughout the pandemic depending on community mutual aid support to get by. According to the Colorado Fiscal Institute, undocumented immigrants have contributed over 13 billion dollars in unemployment insurance premiums since 2010, with 188 million dollars in Colorado alone. Colorado grassroots movements demand that folks with ITIN be included in all future stimulus packages and retroactively receive payments.

Additionally, our communities continue to be targets of over-policing, detention, and deportation throughout the pandemic. Detention centers across the country and the GEO Detention Center have refused to address the lack of medical care, and have allowed for the virus to spread inside resulting in two people being hospitalized with one ending up in intensive care unit (ICU). There are a number of reports from detained people and their families that give light to the lack of care concerning public health from the GEO Facility or Immigration Enforcement Agencies. People in detention are extremely vulnerable to the spread of the Covid-19 virus due to the flawed health care systems in ICE or CBP custody.

Colorado grassroots movements demand that the following are addressed:

- Build and fund a structure for unemployment assistance for undocumented Colorado workers who do not qualify for Colorado's current unemployment system due to their status.
- Protect personal data and privacy of all Coloradans and ensure that State agencies do not share personal information unnecessarily with federal agencies.
- Implement adequate changes and bring accountability to the Aurora GEO Detention Facility for their disregard for the health and safety of the people detained, and the mishandling of the Covid-19 outbreak.
- Gain oversight with transparency, reporting, and accountability in all detention facilities, jails, and prisons in the state.
- Divest and eliminate private prison contracts in Colorado.

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<sup>1</sup> "In 2018, 549,181 immigrants (foreign-born individuals) comprised 10 percent of the population." U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates. [The American Immigration Council](#) elected to use data from the 2018 ACS 1-Year estimates wherever possible to provide the most current information available. Since these estimates are based on a smaller sample size than the ACS 5-year, however, they are more sensitive to fluctuations and may result in greater margins of error (compared to 5-year estimates).

- Ensure a right to due process in immigration court by creating a statewide Immigrant Legal Defense Fund.
- Create a state-wide process for U Visa certification based on fairness and accountability.

Both our state elected officials and federal elected officials have a responsibility to act on immigration and comprehensively address a system that has been hurting immigrants and refugees in this country for years. The time is now for us to act promptly both to provide citizenship to all undocumented individuals and to create an immigration system that values our humanity and dignity and for our state elected officials to work to fight for full immigrant inclusion in state programs and benefits.

[Final version](#), endorsed/signed onto by 22 Colorado immigrant and advocacy organizations. Free to use, for lobbying or public education.

Paz y Luz —  
Tom Kowal  
tomkowal99@gmail.com

I have been impressed  
with the urgency of doing.  
Knowing is not enough.  
Being willing is not enough;  
we must do.  
— Leonardo Da Vinci

Faith without works is mockery.  
— James 2:26