

# BLUEPRINT



CHIRLA 35  
YEAR  
ANNIVERSARY



COALITION FOR HUMANE IMMIGRANT RIGHTS  
VISION FOR IMMIGRATION REFORM

# CHIRLA IMMIGRATION REFORM BLUEPRINT

## OUR MISSION

The Coalition for Humane Immigrant Rights (CHIRLA) was founded in 1986. CHIRLA is a California leader with national impact made of diverse immigrant families and individuals who act as agents of social change to achieve a world with freedom of mobility, full human rights, and true participatory democracy. CHIRLA's mission is to achieve a just society fully inclusive of immigrants.

## EDUCATE. ORGANIZE. ADVOCATE.

CHIRLA organizes and serves individuals, institutions and coalitions to build power, transform public opinion, and change policies to achieve labor laws and civil/human rights. Guided by the power of love and vision of our community, CHIRLA embraces and drives progressive social change.

CHIRLA's programs include: organizing, community education, legal immigration services, civic engagement, policy and advocacy, communications and membership.

2021 >





## **FROM OUR EXECUTIVE DIRECTOR**

**T**he United States is currently operating under an antiquated and harmful immigration system that has not adapted to the needs of economic, climate and demographic realities, at home and globally. Most importantly, the immigration system fails to recognize the full humanity and dignity of immigrants. The last time a legalization program was approved by Congress was in 1986. Thereafter, Congress has exclusively focused on enforcement-only policies leading to an immigration order characterized by the deportation of over 20 million immigrants, many accompanied by their U.S. citizen children; an untold number of separated and traumatized families; fear of local law enforcement; a legal workforce shortage in critical industries; absent enforcement of the rights of immigrants in the workplace and an utter failure to create any lasting relief.

The election of Donald J. Trump and actions by his Administration resulted in an even more inhumane and chaotic immigration landscape. Since day one, counseled by advisors: Stephen Miller, Steve Bannon and Jeff Sessions, with ties to white supremacist groups and ideologies, President Trump has weaponized his executive power to further criminalize immigrants, separate families, and dismantle the current legal immigration framework by a thousand cuts. Trump used his power to eliminate existing legal protections such as Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA), subvert the asylum process and shut other doors to refuge by adding obstacles for the lawful migration of poor and non-white immigrants.

In November 2018, the American public, New Americans, Latinos, African Americans and Asian-Americans resoundingly rejected this politics of hate fostered by this Administration. In so doing, they turned their back on the anti-immigrant ethos that is bolstered by current immigration laws.

**A**s we enter a new decade, when immigrants families and their children, including U.S. citizens, are subject to ever increasing attacks, CHIRLA will mobilize its members to reject this destructive framework rooted in punitive enforcement and advocate for justice and human rights.

We must begin with legalization and re-imagining a truly fair, inclusive, and equitable immigration system. As Congressional and Presidential hopefuls roll out their immigration plans, our hope is that this document can serve as a guide to ensuring that such plans provide protections for all immigrants, are forward thinking and inclusive, reverse criminalization, and accordingly be aligned with the following principles and values.

In solidarity,

Angelica Salas  
*Executive Director*



## CHIRLA Vision for Immigration Reform



For decades, this country has been sending a one-word message to immigrants: no. Even as it accepts our labor, this nation says no to our families. Even as it accepts our ingenuity, the United States says no to our dignity. Even as it accepts our sacrifice, this government says no to our freedom.

But immigrants are no longer taking no for an answer. They are tired of being shut out of participating in this democracy even as they keep the nation's essential gears moving. They want the reward for their hard work, their faith and their dedication. They made a down payment on freedom by choosing to come here, and they yearn to close the deal with legalization and dignity.

Immigrants are ready for yes: yes to honoring family unity; yes to a stable future; yes to fair legislation; yes to freedom from fear; yes to just relief during this COVID-19 pandemic.

As we say Yes to Immigrants Forward, we recommit, in this campaign, to work with a new administration to realize the justice and legalization immigrants have sought for years. This past election showed immigration justice is a political mandate, and it takes the shape of big and bold immigration reform that must pass in the first two years. Such reform includes an end to immigrant detention and deportation, taking immigrants into account in rebuilding our democracy, and advancing the welfare of immigrant workers. In this moment, it also means including immigrants in COVID-19 relief legislation.

So today, we throw off the history of no that we've heard so often and we say yes to united families, yes to workers, yes to students, yes to refugees, yes to real reform, YES TO IMMIGRANTS FORWARD.

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Deportation of more than 20 million immigrants, many accompanied by their U.S. citizen children; an untold number of separated and traumatized families; fear of local law enforcement; a legal workforce shortage in critical industries; absent enforcement of the rights of immigrants in the workplace and an utter failure to create any lasting relief.”





## 1) Providing Immediate Protection for Immigrants and their Families

The process to overhaul our immigration system will not be immediate yet immigrant communities need instant relief. As Congress debates legislation in the first 100 days, we call on the President to immediately:

- » A moratorium on deportations, enforcement and detention.
- » Modernized Deferred Action for Childhood Arrivals (DACA)
- » Consider other forms of relief such as parole-in-place, Deferred Enforced Departure (DED), and Temporary Protected Status (TPS).



## 2) Recognizing Citizenship with Humanity and Dignity for All Immigrants

CHIRLA demands that immigration reform be enacted, and that it includes a legalization program that is inclusive and provides undocumented immigrants with the opportunity to be put onto a direct pathway to citizenship with the following provisions:

## Humanity and Dignity Provisions

- » Any legalization program must be affordable, avoid arbitrary deadlines or exclusions to apply, and provide continuous enrollment for those that meet eligibility requirements.
- » DACA recipients and similarly situated young immigrants will be afforded an accelerated path to citizenship.
- » The path for direct and full citizenship should not be mined with burdensome requirements, instead, qualifications should be common sense, fair, flexible and relevant to the realities faced by immigrant communities.
- » Recognize the sanctity of family unity, and as such, the return of the unjustly deported must occur. Reunited families must qualify together for a legalization program.
- » Orders of removal and other enforcement actions should be halted in order to afford potentially eligible immigrants the opportunity to apply for legal status.
- » The presumption of redemption for those saddled with prior offenses that are products of a racially biased criminal justice system.
- » Immigrants with deep U.S. roots, including TPS holders, agricultural workers and others, will also be eligible.
- » A roadmap to citizenship must not be charted on policies designed to reduce or prevent the immigration of tomorrow's New Americans.
- » The registry date, currently set at 1 January 1972, at which an immigrant, even if undocumented, automatically becomes eligible for a green card must be moved to a date close to the present.



My name is Ana Hernandez. I'm very proud of my Salvadoran roots and proud of having grown up in Los Angeles, California. Being undocumented doesn't just limit myself to aspire to a career in nursing, it attacks every area of my life. My undocumented status rips my identity as a person because I am seen as a criminal and a thief, although I have contributed the economy of this country since the age of 16."



Ana Hernandez, proud CHIRLA Member



### 3) Safeguarding Family Unity as a Cornerstone of Immigration

Family immigration is in the best interest of the American economy and community, has guaranteed our prosperity and cohesion, and it must be fortified by:

- » Overhauling the current family visa system to reduce waiting periods and resulting backlogs to facilitate a speedy reunification for all families.
- » Eliminating the 3-year, 10-year as well as all permanent bars to immigrate for the undocumented and the unjustly deported.
- » Ending any discrimination by race, country of origin, gender, sexual orientation, religious affiliation, age, health or economic status, incorporating a broad, generous definition of what constitutes a family.
- » Expanding the categories, under the new more generous definition of family, of those eligible to immigrate to include e.g. grandparents and parents of minor children.
- » Reinstating and expanding the pre-1977 INA provisions that allowed the parents of minor US citizen children to legally immigrate as immediate relatives.
- » Safeguarding the interests of minors by immediately reuniting them with their parents, and allowing the repatriation of deported individuals, especially if they have U.S. citizen children.
- » Opposing any attempts intended to limit legal migration whether by cutting family visas, eliminating the Diversity Visa Program or restricting asylees and refugees.
- » Appropriating additional funding for staff and resources at U.S. Citizenship and Immigration Services (USCIS) to create and administer a modern efficient and humane immigration process for applicants.
- » Ensuring and enforcing a clear separation between USCIS vis-à-vis Customs and Border Protection (CBP) and Immigration & Customs Enforcement (ICE).



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Trump is using his power to eliminate existing legal protections such as Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA), subvert the asylum process and shut other doors to refuge by adding obstacles for the lawful migration of poor and non-white immigrants."

## 4) Upholding Constitutional, Human and Civil Rights of all Immigrants

A pillar of any immigration reform must preserve, protect and strengthen the hallmarks of the American legal system, ensuring that immigrants receive equal protection under the law by:

- » Reversing the incessant criminalization of immigrants by repealing the crimigration provisions of the 1996 Anti-terrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).
- » Ensuring that unauthorized presence in the United States is a civil, not a criminal, offense regardless of the type of entry.
- » Fortifying the U.S. commitment to be a just and fair actor in the international asylum and refugee system, restoring our country's role as the beacon of light for the oppressed, persecuted or tortured including victims of domestic violence and criminal gangs.
- » Promising that the federal government abide by the Flores Settlement, and expeditiously transfer children in CBP custody to the Office of Refugee Resettlement (ORR) within 72 hours and reuniting them with their parents forthwith.
- » Prohibiting the use of "tent courts" or other forms of assembly line injustice.
- » Instituting a right to legal counsel, akin to 5th and 6th Amendment guarantees, for all immigrants at every stage of a deportation, from an interrogation after arrest to a hearing.
- » Guaranteeing due process rights for immigrants who are denied legal status, including those facing imminent deportation, enabling the pursuit of a timely appeal before an independent immigration judge with broad discretionary powers.
- » Reconstituting the Executive Office of Immigration Review (EOIR) and its immigration courts as independent as Article I tribunals akin to the tax courts, including the allocation of significant resources for this transition, as well as the hiring of an adequate number of immigration judges to address immigration cases fairly and expeditiously.
- » Sustaining confidentiality in any legalization program, safeguarding personal information of immigrants, as for the U.S. Census, from disclosure to ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings.

## 5) Strengthening Labor Rights of all Immigrant Workers

Immigrant workers, especially women, in both the informal and formal job market endure labor abuses by unscrupulous employers. Their need for safe working conditions and a living wage can be met by:

- » Bolstering labor agencies' investigative powers and authorizing stays of removal and work authorizations for workers who file a workplace violation claim or are witnesses to such a violation.
- » Expanding eligibility for U-visas to certain workers involved in a workplace violation claim, including witnesses to such a violation.
- » Focusing on the specific needs of women, ensuring that their rights as workers, caregivers and mothers are respected.
- » Protecting workers against retaliation for exercising their right to organize, report labor violations and other work related rights. This includes access to collective bargaining for all workers.
- » Reforming, instead of expanding, current farm- and guest worker programs, guaranteeing that these immigrants are afforded all labor rights, and provided with visa portability.
- » Offering all guest workers an eventual opportunity to pursue a path to permanent legal status and full citizenship.



# ORGANIZE.



As we enter a new decade, when immigrants families and their children, including U.S. citizens, are subject to ever increasing attacks, CHIRLA will mobilize its members to reject this destructive framework rooted in punitive enforcement and advocate for justice and human rights."

## 6) **Overseeing and Rolling Back Immigration Enforcement Programs**

In 2018, Congress allocated \$24 billion towards enforcement-only policies. A better use of these resources, such as expanding access to healthcare and education, will be helped by:

### A. Reducing current monies that aim to carry out enforcement by:

- » Dismantling the deportation apparatus;
- » Recalibrating appropriations to integration and inclusion services, while reducing the reliance of USCIS on exorbitant fees and reconsidering its status as a fee-based agency;
- » Increasing oversight to account for how current resources are being spent.

B. Issuing an immediate review, via a new inter agency office of Inspector General providing independent and universal oversight, of all federal agencies dealing with immigration, in order to root out and dismantle current abuse and repression. Its remit should include:

- » Conducting a broad overview of the immigration functions and analyzing which department, DOJ/ DHS/HHS etc., they are best housed.
- » Demanding accountability for human rights violations of immigrants in detention centers, including the death of children, and ensure that people who suffer any injustice by CBP and/or ICE have access to justice.
- » Establishing firewalls to protect the personal data of migrants to effectively seek help and report crime and participate in judicial proceedings.

# "SHUT DOWN DETENTION CENTERS AND DEMILITARIZE THE BORDER"

Examining all immigration detention practices, particularly by private companies.

- » Analyzing CBP practices and turn this rogue actor into a community policing entity, reflective of the values practiced by the border communities in which they reside.
  - » Creating an ombudsman for enforcement components as already exists for USCIS.
- A. Prohibiting all private detention centers.
  - B. Closing all public detention centers that are not equipped to adequately care for immigrants, especially children, pregnant women, elders, and disabled, and are therefore operating in violation of human rights.
  - C. Ending indefinite detention.
  - D. Transitioning to the use of cost efficient and humane Alternatives To Detention (ATD) program, and defining a key role for community based organizations to help with implementation.
  - E. Eliminating and prohibiting all forms of deportation quotas.
  - F. Removing CBP's interior checkpoints, radically shrinking the 100-mile border zone.
  - G. Eliminating programs like Secure Communities, the Criminal Alien Program (CAP), E-Verify and 287(g) that involve local police, government officials and private sector employers in the enforcement of immigration law while promoting racial profiling in the workplace and on our streets.
  - H. Refraining from the use of enforcement raids in the communities, the workplace and sensitive locations such as courthouses and schools, which spread terror and act as dragnets.
  - I. Adopting best practices, particularly with regards to children, for the training of all DHS personnel trained, focusing on limiting the use of force and protecting lives.
  - J. Training personnel how to effectively communicate with women, indigenous, ethnic and religious minorities, LGBTQIA, or otherwise vulnerable populations.
  - K. Providing access to universally understood interpretation services for all immigrants regardless of level of li
  - L. Targeting enforcement resources to prevent human trafficking and prosecuting violent, dangerous networks that prey on migrants and undermine the safety of border communities.
  - M. Demilitarizing border communities, including:
    - » Ceasing any new construction of the wall and tearing down sections built;
    - » Limiting the use of surveillance technology and other invasive strategies;
    - » Terminating Operation Streamline;
    - » Ending unreasonable searches and seizures, including the use of immigration detainers, without judicial warrants based on probable cause.





## 7) Advancing Immigrant Integration

Creating a direct pathway to full citizenship will create millions of New Americans. To ensure their success in the United States, the following actions can help in integrating them into their communities and workplaces:

- » Rescinding the provisions of the 1996 Personal Responsibility and Work Opportunity Act (PRWORA) that limit immigrant access to federal public benefits, and make all immigrants eligible to access the safety net, including housing, higher education and income support services.
- » Creating an agency of “Immigrant Affairs”, without enforcement powers, to provide policy and investment recommendations to achieve equity and inclusion for immigrant communities.
- » Protect immigrants from fraud by clarifying that attorneys and DOJ accredited representatives, and organizations are the only one who can advise and provide legal representation to immigrants.
- » Ensuring that, regardless of immigration status, healthcare is treated as a basic human right, and is accessible by removing barriers for legal and undocumented immigrants to access federally funded programs.
- » Expanding mental health services to immigrants, refugees and asylum seekers, particularly those children suffering from post-traumatic stress disorder (PTSD) caused by the deportation machine.
- » Investing in outreach to bring attention to and to educate immigrants about any new legalization program and other relevant policies.
- » Increasing access to quality pre-K to 12 and higher education, including the availability of, and eligibility for, financial aid.
- » Expanding programs & support, including to local and state governments as well as community-based organizations, for immigrants in their quest to become English proficient and workforce ready.

## 8) Nurturing the Future Flow of Migration

Extreme poverty, violence, food insecurity and climate change serve as some of the main factors driving people to migrate. U.S. foreign policy, including the 1994 North American Free Trade Agreement (NAFTA), the 2020 US-Mexico-Canada Agreement (USCMA) and various military and non-military incursions, has led to mass displacement and destabilization, and can be corrected by:

- » Recognizing that migration is a natural phenomenon, and that as such immigration law must be fluid, flexible, and not restrictive.
- » Adhering to international treaties that grant rights to migrants by virtue of their humanity.
- » Supporting regions where U.S. policies have caused dire hardships, including equitable opportunities for safe future migration.
- » Recognizing climate change as a factor forcing migration and providing swift legal and safe paths to immigrate in the event of related emergencies.
- » Imbuing the Immigration & Nationality Act (INA) with the universal spirit of the 1965 immigration reform, which eliminated national origin discrimination, by revising provisions such as the Western Hemisphere numerical limits that disproportionately impact nationals from Mexico and Central America.
- » Ensuring that women are not discriminated against in any reform of immigration law as would have been the case with the introduction of a “merit”-based system such as the point system envisioned by the 2013 Senate immigration bill.
- » Protecting individuals, regardless of country of origin, race, ethnicity, religion, or sexual orientation, gender, gender identity or expression, disability or any other human trait, from return or expulsion to countries where they risk facing persecution, torture or any human rights violation.
- » Designing a professional, non-threatening, non-coercive way standard for treating everyone with dignity when processing credible fear interviews that should be conducted by asylum officers not border agents.



➔ ADVOCATE.

# CLIMATE MIGRATION, MIGRANTS, REFUGEES, ASYLEES

- » Equipping ORR with medical, and child welfare experts, referring immigrants to entities best equipped to address the needs of children, pregnant women, asylum seekers, victims of trafficking or violence, and those with medical concerns.
- » Protecting any parent/guardian of an unaccompanied child, including the use of their personal information for the sole purpose of immigration enforcement.
- » Giving new arrivals, especially if they are deemed subject to enforcement and deportation, access to information in their native language regarding their rights, including information regarding child guardianship, legal assistance and community based service providers.



## 9) Fostering a Humane Foreign Policy & Engaging as a Good Global Citizen

The causes of migration are complex and include conflict, climate change and persecution and resulting inequality and injustice. To the maximum extent possible, the United States must participate in multilateral FORA, be a signatory to international treaties and be a good partner internationally, including:

- » Ratifying and signing numerous existing international agreements - such as the International Labor Convention; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- » Participating in all international discussions regarding climate change and making the U.S. party to resulting agreements, or existing ones such as the Paris Agreement.
- » Increasing foreign aid, particularly to the Americas and investing in home countries to prevent forced migration.
- » Deploying the U.S. Department of State and its foreign service to inform the world about U.S. policies such as a re-commitment to the principles of the international asylum system.
- » Ensuring that both bilateral and multilateral trade agreements are fair to workers on both sides, address issues of poverty and minimize economic destabilization.
- » Recommitting the U.S. to the United Nations system that it helped found to foster peace and prosperity that in turn decrease the need to forcibly migrate.

**W**e must begin with legalization and re-imagining a truly fair, inclusive, and equitable immigration system. As Congressional and Presidential hopefuls roll out their immigration plans, our hope is that this document can serve as a guide to ensuring that such plans provide protections for all immigrants, are forward thinking and inclusive, reverse criminalization, and accordingly be aligned with the our principles and values.

## 10) Recognizing Immigration as necessary for the Revitalization of the American Economy

The American Economy thrives when it recognizes and invests in the entrepreneurship of immigrants. Our nation has benefitted from the innovation and economic contributions of immigrants since its inception. In 2018, Immigrants paid over \$459 Billion in taxes and contributed with their spending power over 1.3 trillion dollars to the economy. There are 3.2 million immigrant entrepreneurs running large and small companies and employing close to 8 million Americans. America's economy is bolstered when immigrants are included in all economic revitalization efforts and by:

- » Including all immigrant taxpayers, including Individual Taxpayer Identification Number (ITIN) payers, in economic relief and economic recovery programs.
- » Ensuring that immigrant entrepreneurs are fully supported with in-language technical assistance, loans and grants to help them keep and grow their businesses.
- » Facilitating the credentialing and transfer of degrees to take advantage of the expertise and talent of all immigrants arriving in the United States.
- » Investing in quality education, workforce training and job skills programs in communities where people of color and immigrants live.



### Say YES!

YES to immigrants Forward and sign this petition:

<https://chirla.org/yesimmigrantsfwd>

It's time to recover from the nightmare of the Trump administration, to heal this nation from the twin health and economic crises caused by the COVID-19 pandemic, and to bring to account those that have tried to tear our democracy down as we forge a new immigration system.

We aim to collect 25,000 signatures by May 1 to present to the Biden administration and congressional leadership, seizing the opportunity to bring justice for immigrants.

# Legalization Process & Paths to Citizenship

## Background

We define immigration legalization as a change in our immigration laws that allows undocumented immigrants a humane, realistic and orderly process to emerge out of the shadows and attain permanent legal status on a path to citizenship. In the United States, there are currently 11 million undocumented immigrants who form the backbone of many sectors of the economy and who are part of mixed status households. Many remain undocumented because the current immigration system has backlogged their cases in a decade's long pipeline. Others remain undocumented because they do not qualify for family unification, work permit or humanitarian relief currently available under our system. In 2019, various types of legalization programs were introduced, including some previously put forward, targeting different populations (See table 1). However, even if all of these proposals were to be enacted, up to 7 million immigrants would be excluded from participation.

Accordingly, a legalization program must include not only the provisions of HR 3799, HR 6, HR 1044, and HR 5038 while not undermining the overarching spirit of those proposals to legalize the undocumented population as a whole. To this effect, history teaches us that the last legalization program implemented, following the enactment of the 1986 Immigration and Reform Control Act (IRCA), should serve as a guiding light of inclusivity. This would allow the aforementioned 7 million undocumented immigrants, many of whom may also have been excluded from the 2013 Senate Bill S. 744, to have the opportunity to legalize through a process that is attainable, affordable, expedient, unifying and equitable.

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## ATTAINABILITY



The path for direct and full citizenship should not be mined with burdensome requirements that make achieving permanent legal status and eventual citizenship unattainable. Any legalization program must avoid arbitrary deadlines to apply, and must provide continuous enrollment for those that meet eligibility requirements.

Provisions to help determine attainability include, but are not limited to, the following:

- An individual present on the date of enactment of any legalization bill or after final regulations are promulgated meet physical presence requirements.
- Formal employment should not be the sole determinant to establish eligibility for legal status. Instead, civic participation, volunteerism, community service, self-employment, and informal employment must also be qualifying. Individuals under the age of 21 years, older than 65 years, or those with health issues must be exempt from any employment requirement.
- Income, utilization of public programs, literacy, and/or medical history should not be immediately disqualifying for applicants. To do otherwise would be to continue the discrimination established by the current Administration's public charge rule.

- Authorize explicit discretion for local district directors and immigration judges to evaluate applicants past offenses, including order of removals, in light of their family circumstances and other evidence of strong ties to the United States.
- Any legalization program must be accessible to those who were deported and continue to have familial and economic connections with the U.S.
- Waivers shall be made available to applicants with previous offenses and those who do not meet all the criteria. Those waivers must be based on the principles of family unity and humanitarian obligations.
- The program must remain open until all eligible applicants have submitted their application.



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## AFFORDABILITY

In the wake of the coronavirus (COVID-19) pandemic, even a modest application fee and a need to use for-profit legal services, will put participation beyond the reach of many otherwise eligible immigrants. To ensure that a legalization program is affordable, the following, at a minimum, needs to be incorporated:

- Congress must allocate an initial investment to ensure the USCIS has the infrastructure to assist immigrants.
- Community based organizations, many of whom were instrumental in implementing the last legalization as well as Deferred Action for Childhood Arrivals (DACA), shall have an implementing role in the legalization program.
- Any penalties must be fair and contingent upon income of applicants with payments plans available for individuals who cannot pay any fines up front. Individuals under the age of 21 years, older than 65 years, or health issues must be exempt.
- Processing fees must be fair and contingent upon income of applicants. Individuals under the age of 21 years, older than 65 years, or health issues must be exempt. A fee waiver shall be made available to certain individuals.
- The Secretary may limit maximum processing fees for individuals, families, and classes of people.



We want a permanent fix now!"



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## EXPEDIENCY

The implementation of any legalization program must be swift and the path to full citizenship must be expeditious. It must confer meaningful, immediate relief to the undocumented immigrants living in the United States. Among other measures, this means:

- Establishing prima facie eligibility to all potential applicants, and minimizing any enforcement action that could lead to the deportation of otherwise eligible applicants.
- Moving up the registry date no less than 24 years, from 1976 to 2000, eliminating registry unavailability, and making automatic adjustments to the date every 10 years. This would allow the new legalization program to focus on those who arrived after 2000, with those arriving before being eligible via the registry.
- Year of entry and continued presence must be weighted heavily and commensurately reduce wait-times to obtain legal permanent status.
- A path to legal permanent residency must not be restricted to only using the new legalization program. Immigrants eligible via family ties or an employer should be free to use that process instead.
- Status of successful applicants shall be both lawfully admitted to the United States and lawfully admitted for permanent residence.
- DACA recipients, those who would have been eligible until new applications were eliminated by the current Administration and other DREAMers will apply directly for legal permanent residency.

# REGISTRY DATE:

## Key to a Successful Legalization Program:



### What is the Registry Date?

Aliens who have continuously resided in the United States since January 1, 1972, are of good moral character, and are not inadmissible, are eligible to adjust to legal permanent resident status under the registry provision.

*S 249 (8 U.S.C.A. S 1259) of the Immigration and Nationality Act provides that the Attorney General (DHS Secretary) has the discretion to grant lawful admission for permanent residence (a green card) to certain immigrants. The person must have: (a) entered the US prior to ; (b) been here continuously since then; (c) is of good moral character; and (d) not be otherwise ineligible.*

### A Fair and Just Program to Legalization

CHIRLA believes that a successful legalization program for the undocumented population must be **attainable, affordable, expedient, unifying and equitable**. Legislation currently before Congress would help provide 6-7 million immigrants with legal status, but a targeted legalization programs is necessary to do the same for the remaining 6-7 million. Given that we envision a role for community-based organizations in implementing any legalization program, it is crucial that these organizations can focus their resources on those who most need assistance. One way to achieve this in a just and expedient manner, is to update the "Registry Date", which would make green cards available to longtime residents.

### CHIRLA RECOMMENDATIONS:

- Moving the registry date prior to "January 1, 2010",
- Automatically moving the registry date forward by ten years every ten years
- Alternatively, combine (1) & (2) making the registry date 15-20 years after entry;
- Creating a presumption of "good moral character"

### WHY WAS IT CREATED AND HOW OFTEN HAS IT BEEN UPDATED?

This provision was added in 1929 to give the government discretion to grant permanent residency to immigrants, and in 1958, this option was extended to undocumented immigrants. was adjusted several times, most recently as part of the 1986 Immigration Reform and Control Act (IRCA), from June 30, 1948 to the present date of January 1, 1972. Reform is thus long overdue.

### HAS REGISTRY DATE REFORM BEEN PROPOSED AFTER 1986?

Yes, as highlighted by the Congressional Research Service, registry date has been proposed as part of several immigration bills including by current Members of Congress.



### HOW MANY MIGHT BE IMPACTED?

With a new registry date, millions could be eligible for a green card. The Migration Policy Institute estimates that at least 2.4 million have lived in the U.S. for 20 years or longer.

## // 4 UNITY



Any legalization program must protect the sanctity of the family unit, expanding the definition of family to modern norms and include those family members in deportation proceedings. To safeguard family, the legalization program must include the following criteria:

- The Secretary shall establish a process through which an applicant may submit a single application on behalf of his or her spouse, including LGBTQ couples. Family members, as with e.g. the family of an asylum seeker, should not be required to meet all the eligibility requirements.
- Family Definition:
  - » Eliminate age caps and marital status restrictions.
  - » Be inclusive, a family unit could include grandparents, aunts, uncles, nieces, nephews and cousins.
  - » Applicants granted with a legal status shall also be able to petition for classification of a spouse or child outside of such status.
- Universalizing the pre-1977 INA provisions that allowed Western Hemisphere parents of minor U.S. citizen children to legally immigrate as immediate relatives.
- Provide a 'prima facie' eligibility to a potential applicant if detained or in deportation proceedings or has family ties in the country.
- Privacy protections must be established regarding personal information that may not be used for any other reason, including enforcement against ineligible family members, then determining eligibility.



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## EQUITABILITY

In addition to being attainable, affordable, expeditious and unifying, the new legalization program must be grounded in justice and equity. The trauma of the past four years, with the rule of law being cast by the wayside, necessitates a reaffirmation of equal protection and due process principles, including:

- Providing immigrants protection for no less than 6 years while in the interim status, in order to prepare for legal permanent residency status.
- Revocation of status must be limited to rare circumstances and subject to judicial review.
- The definition of a conviction of a crime that could lead to ineligibility for the program cannot include expunged, set aside or vacated offenses.
- Any requirement that eligibility be contingent on the resolution of tax issues must be accompanied by a process that allows for a resolution concurrent with the application itself.
- Procedures for the Social Security Administration to update Social Security numbers to ensure that withheld taxes are properly applied to the applicant immigrant.
- Any fines collected from applicants must be reinvested in immigrant integration programs.
- A denial of an application, even after judicial review, shall not on its own lead to the issuance of a Notice to Appear and the commencement of deportation proceedings.

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My parents migrated here when I was 3 months old and I had no memory of my beloved Mexico but my parents taught me the morals and values that that were instilled in them. I myself was never aware about my status until high school. My hopes, dreams, and plans for college were shattered. I wanted to be the first in my family to graduate from a university and obtain a successful career. I've pushed myself to put my best foot forward in everything. I've done to make my parents proud of the sacrifices they've made. I became the first in my family to graduate high school, attend a community college, graduate from one, and transfer to a 4 year university. The current immigration system needs to be fixed. DACA is a temporary solution that we are thankful for, but it is not a permanent solution."

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***Adriana Arais Ortega***  
***CDN Student***  
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We must begin with legalization and reimagining a truly fair, inclusive, and equitable immigration system. As Congressional and Presidential hopefuls roll out their immigration plans, our hope is that this document can serve as a guide to ensuring that such plans provide protections for all immigrants, are forward thinking and inclusive, reverse criminalization, and are aligned with our principles and values accordingly.”



**sí** INMIGRANTES  
AVANZANDO →