



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

MAKING IMMIGRATION **WORK** FOR AMERICA

AMERICA NEEDS:

- ✓ A LEGAL IMMIGRATION SYSTEM THAT WORKS
- ✓ INDEPENDENT AND FAIR IMMIGRATION COURTS
- ✓ HUMANE TREATMENT OF MIGRANTS



AMERICA NEEDS A BETTER IMMIGRATION SYSTEM

Americans deserve an immigration system that will help our nation prosper and thrive. The current system, however, makes it harder for businesses to stay competitive and for American families to reunite with loved ones. More than ever those fleeing danger are being unfairly denied humanitarian protection at the southern border.

AILA calls upon Congress and the executive branch to put aside partisan divisions and advance solutions that best serve American families and businesses.

Comprised of over 15,000 immigration lawyers representing people in every area of immigration law, AILA offers unparalleled expertise to lawmakers searching for commonsense strategies. Our nation's leaders must fix the system to ensure America's prosperity in the 21st century.



**15,000 MEMBERS
NATIONWIDE**

Calling on Congress to **#ProtectDueProcess**
and **#HoldUSCISAccountable**



UPDATE OUR LEGAL IMMIGRATION SYSTEM

Serving immigrants, American families, and businesses across the nation, AILA members know that immigration is vital to our economy and to our nation's future. AILA supports the RELIEF Act, S. 2603 and H.R. 5327, and other reforms to ensure the immigration system meets the needs of U.S. employers and the rapidly changing economy.

REUNITE FAMILIES

America has reaped the benefits of family-based immigration policies. Family immigration drives business creation, promotes integration, and strengthens communities. America values family unity, and those values should be reflected in the immigration system.

LEGALIZE UNAUTHORIZED IMMIGRANTS, DREAMERS AND TPS RECIPIENTS

Overwhelmingly Americans support legalizing the status of unauthorized immigrants. Congress and the President should provide permanent legal status for Dreamers, TPS recipients, and other unauthorized immigrants.

See www.aila.org/Dreamers
TPS Fact Sheet: tps.immcouncil.org

SMART, ACCOUNTABLE ENFORCEMENT

AILA supports the rule of law and an enforcement system driven by smart goals and priorities, such as ensuring public safety and national security. Congress and oversight agencies must hold accountable ICE and CBP to ensure fair and humane enforcement practices.

See www.aila.org/enforcementmap
Costs of Immigration Enforcement:
enforcementcosts.immcouncil.org

RESOURCES: HOW THE UNITED STATES IMMIGRATION SYSTEM WORKS, 101.IMMCOUNCIL.ORG

AMERICA'S IMMIGRATION SYSTEM MUST WORK FOR FAMILIES AND BUSINESSES

For generations, immigration has been a mighty engine of growth in the United States. Immigrants coming to join family, to work, and to find protection from danger have enriched our nation by launching businesses and sustaining the U.S. labor force.

But in recent years, USCIS has erected an invisible wall that has all but halted legal immigration. USCIS is also transforming itself into an enforcement agency rather than one dedicated to customer-service. AILA urges Congress to conduct vigorous oversight and pass legislation that holds USCIS accountable.



**USCIS PROCESSING
TIMES ARE ON THE RISE
UP 25%**
from FY 2017 to FY 2019



**WHILE CASE RECEIPTS
ARE DECLINING
DOWN 10%**
from FY 2017 to FY 2019

CRISIS-LEVEL DELAYS IN PROCESSING APPLICATIONS

From fiscal year 2017 through 2019, USCIS case processing times increased by 25 percent – a dramatic rise especially when contrasted with the 10 percent decline in the overall number of cases it received during the same time. These delays hurt families, U.S. businesses, and asylum applicants forced wait even longer for a decision.

THE INVISIBLE WALL

USCIS has adopted policies that slow or stop immigration processing. One policy calls for the duplicative review of past decisions. The proposed “public charge” rule will prevent vast numbers of hardworking people from obtaining green cards. USCIS is rejecting valid asylum applications based on trivial errors such as leaving an item blank on the form.

USCIS SHIFTING TO ENFORCEMENT

In 2019 USCIS transferred its personnel to ICE even as USCIS claimed it needed more personnel to manage the skyrocketing case backlogs. USCIS proposed transferring \$112 million of its own budget to ICE at the same time it asked for across-the-board fee increases.



What Congress Can Do

Support AILA's USCIS Accountability Bill: Congress should pass the bipartisan Case Backlog and Transparency Act of 2020 recently introduced by Representatives Cardenas (D-CA) and Stivers (R-OH).

Conduct Oversight into USCIS Practices: Congress and oversight agencies should investigate the crisis-level case processing delays and ensure USCIS is adjudicating cases efficiently and fairly. Congress should also investigate USCIS's shift toward enforcement activities.

Stop Unfair Fee Hikes: Congress must ensure that USCIS customers pay only reasonable fees for adjudication services that are timely and efficient.

AILA URGES PASSAGE OF THE CASE BACKLOG AND TRANSPARENCY ACT OF 2020



On July 16, 2019, AILA President Marketa Lindt testified before the House Immigration Subcommittee about USCIS policies.

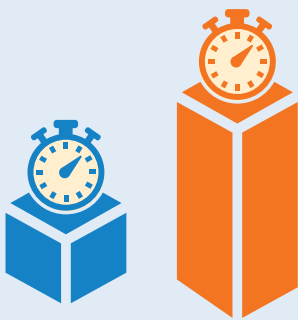
RESOURCES AT WWW.AILA.ORG/USCIS

AILA Policy Brief: Crisis Level USCIS Processing Delays and Inefficiencies Continue to Grow, www.aila.org/USCISDelaysBrief

Featured Issue: Public Charge Changes at USCIS, DOJ, and DOS, www.aila.org/publiccharge

REFORM AMERICA'S IMMIGRATION COURT SYSTEM

For years the immigration court system has been plagued by systemic problems that have severely undermined its ability to deliver justice in a timely manner. Housed within the Department of Justice (DOJ), the immigration court is vulnerable to executive branch interference — a vulnerability that has been exploited in recent years by DOJ policies that are stripping the courts of their independence and undermining the integrity of the courts. These problems are compounded by a growing case backlog that has surpassed 1 million cases and has more than doubled since President Trump took office in January 2017.



**COURT BACKLOG INCREASED
FROM 542,311 IN JANUARY 2017
TO 1,066,563 AS OF DECEMBER 31, 2019**

What Congress Can Do

Create an Independent Article I Immigration Court:

To operate in a balanced and fair manner, the immigration courts must be separate and independent from DOJ. Congress should pass legislation creating an Article I immigration court.

Ensure Immigration Courts Are Fair and Balanced:

The administration has stripped immigration judges of powers that are essential to the fair and efficient handling of cases. Congress should investigate these policies, including decisions issued by Attorneys General Sessions and Barr.

Support the Right to Counsel and Access to

Counsel: Having legal counsel is the single most important factor in ensuring migrants get a fair day in court. Congress should pass legislation guaranteeing appointed counsel and access to counsel.



“We don’t do stuff behind closed doors. That is not what America is about. [Yet] we are moving closer and closer to a model that doesn’t resemble anything in the American judicial system.”

**—The Honorable A. Ashley Tabaddor,
President of the National Association of
Immigration Judges**



ADDITIONAL RESOURCES

- Before Congress on Immigration Courts, www.AILA.org/DueProcess
- AILA Policy Brief: Restoring Integrity and Independence to America's Immigration Courts
- AILA and American Immigration Council complaint on El Paso Courts, epspccourt.immcouncil.org

TREAT MIGRANTS AT THE BORDER WITH FAIRNESS AND COMPASSION

Current policies deny people fleeing danger and poverty a fair chance to seek protection. More than 58,000 people seeking aid and protection have been stranded by the U.S. government on the Mexican side of the border. Every day, AILA lawyers and volunteers in our Immigration Justice Campaign help people win protection. Several AILA delegations to the border have investigated unfair and inhumane U.S. government treatment of migrants.

TENT COURTS

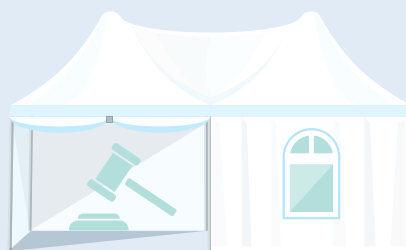
In 2019, the administration opened massive tent facilities in the Texas border towns of Laredo and Brownsville. Those facilities function as virtual courtrooms for asylum seekers who have been forced to wait in Mexico and, each day, cross the border to appear for court hearings. AILA lawyers fight tirelessly for their clients despite severe restrictions on access to counsel. Tent courts are denying asylum seekers a fair day in court.

What Congress Can Do

Bear Witness at the Border: Every member of Congress should meet with migrants and asylum seekers on both sides of the border.

Hold DHS and DOJ Accountable: Congress should investigate the violations of law and human rights committed by the U.S. government.

Ensure Transparency and Reform: Congress should call for meaningful reforms at the massive tent facilities and detention centers where people are subject to assembly-line court proceedings.



From left to right: Brownsville, Texas tent courts and processing center; AILA delegation crosses the border between Brownsville, Texas and Matamoros, Mexico; Refugee camp in Matamoros; Katy Murdza of the Immigration Justice Campaign calling for end to MPP.

ADDITIONAL RESOURCES AT:

AILA Investigates Tent Courts, www.aila.org/portcourts

Policies Affecting Asylum Seekers at the Border, MPP.immcouncil.org



What Advocates Can Do

1. Join AILA's call for USCIS accountability, www.aila.org/USCIS
2. Join AILA's call for an independent immigration court, www.aila.org/ImmigrationCourts
3. Volunteer for the Immigration Justice Campaign, immigrationjustice.us

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#AILAStandsWithImmigrants

The American Immigration Lawyers Association (AILA) is the national bar association of over 15,000 attorneys and law professors who practice and teach immigration law. Founded in 1946, AILA is a nonpartisan, not-for-profit organization that provides continuing legal education, publications and information, professional services, and expertise through its 39 chapters and over 50 national committees. AILA is an affiliated organization of the American Bar Association and is represented in the ABA House of Delegates. For more information about AILA, please visit our website at www.aila.org.

Captions for photos on front cover, clockwise from left: Laredo, TX border tent facility; AILA President Market Lindt testifies before Congress; Refugee camp, Matamoros, Mexico; AILA Second Vice President, Jeremy McKinney testifies before Congress.