

A VISION FOR BLACK LIVES

POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE

END WAR ON BLACK MIGRANTS

THE



POLICY PLATFORM 1 OF 6

POLICY BRIEF 6 of 13

M4BL

THE MOVEMENT
FOR BLACK LIVES

END THE WAR ON BLACK MIGRANTS

SUMMARY

ACTION: REPEAL OF THE 1996 CRIME AND IMMIGRATION BILLS, AN END TO ALL DEPORTATIONS, IMMIGRANT DETENTION, IMMIGRATION AND CUSTOM ENFORCEMENT (ICE) RAIDS, AND ROVING BORDER PATROLS, AND MANDATED LEGAL REPRESENTATION IN IMMIGRATION COURT.



THE ISSUE:

Black migrants now account for 10% of the Black population and 7.2% of all non-citizens, and are disproportionately demonized and targeted for violence and exclusion at the border, criminalization, detention, and deportation. Among all migrants, Black migrants are nearly 3 times more likely to be detained and deported as a result of an alleged criminal offense. Migrants seeking to enter and living in the U.S. are subject to intensifying and violent militarized border enforcement, interior enforcement and raids, bans and bars to entry into the U.S.; the elimination of opportunities to claim asylum, as well as surveillance, policing, profiling, and criminalization; detention under inhuman conditions; family separation; and exclusions from access to programs to meet basic needs. At each of these points, migrants are experiencing physical and sexual violence, violation, degradation, torture and abuse, family separation, gross medical neglect, demonization, and are being forced return to dangerous or desperate conditions.

THE DEMAND:

- ❖ Elimination of restrictions on entry to the United States that disproportionately target and exclude Black migrants.
- ❖ An immediate end to all detention, deportations, Immigration and Custom Enforcement (ICE) raids, roving Border Patrols, and private and public immigration detentions centers.
- ❖ Repeal of the 1996 crime and immigration bills.
- ❖ Divestment from immigration enforcement institutions, corporations and border militarization apparatus, including Customs and Border Patrol (CBP) and the Department of Homeland Security (DHS).
- ❖ Mandatory, free, and accessible legal representation for migrants in immigration court, including language interpretation and disability accommodations.
- ❖ End the criminalization, surveillance, structural exclusion, demonization and deportation of Black migrants, particularly migrants who are undocumented, Muslim, trans, nonbinary, LGBTQ+, disabled, people in the sex trade, people living with HIV, people who have criminal convictions, asylum seekers, refugees, low and no-income people, youth, DACA-mented and under-documented people.

KEY FEDERAL LEGISLATION:

- ❖ Illegal Immigration Reform and Immigrant Responsibility Act
- ❖ Antiterrorism and Effective Death Penalty Act (AEDPA)
- ❖ NO BAN Act
- ❖ Dignity for Detained Migrants Act
- ❖ New Way Forward Act
- ❖ Stop Shackling and Detaining Pregnant Women Act
- ❖ DREAM Act

INTRODUCTION:

The number of Black migrants in the United States is currently estimated at 4 million, of whom 619,000 (15%) are undocumented (compared to 24% of the overall migrant population in the U.S.) This figure has increased by 71% since 2000 and four-fold since 1980. Black migrants now account for 10% of the Black population and 7.2% of all non-citizens.

Half (49%) of all Black migrants living in the U.S. are from the Caribbean, primarily from Jamaica and Haïti. In 2009, women and girls made up the majority (55%) of Black migrants from the Caribbean. Between 2000 and 2016, the Black African migrant population more than doubled, from 574,000 to 1.6 million. Africans now make up 39% of the overall migrant Black population in the U.S., up from 24% in 2000.

A growing number of Black migrants, including asylum seekers, are entering the U.S. through the border with Mexico, experiencing high levels of anti-Black racism and violence on the journey.

Black migrants exist at the intersections of multiple marginalized identities and remain invisibilized in public discourse, and in both migrant and Black-led movements.





WHAT IS THE PROBLEM?

GLOBAL CLIMATE CHANGE, U.S. IMPERIALISM, AND BLACK DISPLACEMENT AND MIGRATION


It is currently estimated that large areas of the Earth's equator will become uninhabitable and a significant percentage of global coral reefs will be dead within decades, prompting massive migrations from the region.

Additionally, the U.S. government has engaged in military actions and implemented foreign policies around the globe designed to destabilize democracies and promote U.S. political and economic interests.

For example, for 60 years following a successful uprising by enslaved Africans, the U.S. refused to acknowledge Haïti's independence because the government feared a slave rebellion in the U.S. Since then, the U.S. has seized control of Haïti's banks, occupied and embargoed the country, installed dictators, and implemented foreign aid schemes that increased dependency on U.S. corporations and products. The U.S. invaded the independent nation of Grenada in 1981, and has funded death squads and military forces and exercised economic and military control over the nations of Central and South America and the Caribbean for decades. These actions have created conditions of extreme violence and deprivation, forcing migrants, including Black migrants, to flee their homelands.

In Africa, the U.S. military initiative Africa Command, or AFRICOM, has nearly 50 military bases throughout the continent, with 1700 Special Forces and other military personnel undertaking close to 100 missions in 21 countries. These military interventions are devastating land, depleting resources, and making occupied land uninhabitable, forcing people to migrate in order to survive. Unregulated American corporations act with impunity in African nations, extracting resources and killing or promoting violence against any who resist without restraint or accountability.

These policies have contributed to widespread poverty and instability in majority Black countries across Africa, Latin America, and the Caribbean, *driving migration from these regions by people fleeing climate injustice, violence and following resources extracted from their economies.*



Even as actions by the U.S. government, state, and private actors around the globe are driving migration to the U.S. by people fleeing the extreme violence and economic and environmental devastation they produce, only to be met by closed doors - as seen in 2019 when people fleeing the devastation of the Bahamas by Hurricane Dorian were turned away.

INCREASING GLOBAL CRIMINALIZATION OF LGBTQ+ PEOPLE

In Africa and parts of the Caribbean, U.S. institutions like evangelical churches spread false narratives around race, gender, and sexuality that criminalize and create volatile unlivable conditions for women and LGBTQ+ folks. Currently, 38 out of 54 African countries criminalize homosexuality, giving state and private actors *carte blanche* to brutalize Black LGBTQ+ people. In Nigeria, the penalty for being queer is a 14-year prison sentence, while in Uganda, the penalty was initially death.

As organizing for LGBTQ+ rights intensifies in Africa, Latin America, and the Caribbean, so too do the numbers of Black queer, trans and gender nonconforming people forced to flee their homes due to anti-LGBTQ+ violence.

RESTRICTIONS ON ENTERING THE U.S.

Deploying narratives rooted in anti-Black racism and ableism, the U.S. government's anti-migrant rhetoric and actions have intensified, framing migrants as a disease that must be "cured" or "prevented" through militarized border and immigration enforcement tactics and gross violations of the rights of migrants. These attacks are rooted in eugenic framings of migrants as inherently inferior, dependent, and "criminal."

The Trump administration has imposed multiple restrictions on migration by African, Middle Eastern, Latin American, and Asian migrants, including the visa ban targeting citizens of five majority-Muslim nations — Iran, Libya, Syria, Yemen, and Somalia — along with Venezuela and North Korea, which was recently expanded to include 7 additional countries, 4 of which are in Africa (Tanzania, Eritrea, Sudan, and Nigeria, which is the most populous country in Africa, and has given rise to some of the most fierce resistance to environmental destruction by multinational corporations through oil extraction), and two of which are majority Muslim (Kyrgyzstan and Myanmar).



The administration has also restricted migration through **Family Reunification**, participation in guest worker programs, and **Visa Lotteries**. Recent changes to the “*public charge*” rule, rooted in policies denying formerly enslaved people their freedom if they were deemed likely to become a “public charge,” prohibit entry into the U.S. or adjustment of status for migrants who have relied on any sort of public benefit/welfare, or who are perceived by the state to be “at risk of collecting benefits from the state.” The rule greatly expands the definition of what constitutes a “public charge”—from use of cash benefits or long-term care to a far more expansive set of criteria examining whether a migrant is receiving, or is likely to receive, any one of a range of public benefits. **These changes will likely exclude a significant number of Black migrants from being admitted to the U.S. or adjusting their status**, with disproportionate impacts on low- and no-income people, survivors of violence, single parents, disabled people, people living with HIV, trans migrants, elders, and youth, among others. The rule has already had a significant chilling effect on access to a range of services, including basic preventive health care, for migrants with no or low incomes, disabled people, pregnant or postpartum people, and people living with HIV. Increasing focus on employment-based immigration further limits immigration possibilities for disabled people and low-income people.

Additionally, the U.S. currently bars entry to people diagnosed with certain medical conditions, including gonorrhea, tuberculosis, or syphilis, people labeled with a “physical or mental disorder associated with harmful behavior,” and “drug abuse or addiction.” Individuals deemed to have committed acts deemed “crimes of moral turpitude,” or who are simply found to have engaged in prostitution (regardless of whether or not they have ever been convicted of a crime) in the past 10 years are also barred from entry into the U.S.

INTENSIFIED BORDER AND IMMIGRATION ENFORCEMENT

The Department of Homeland Security (DHS) houses the largest number of federal law enforcement agents, and Customs and Border Patrol is the largest law enforcement

agency in the U.S. DHS, ICE and CBP's budgets and personnel have ballooned over the past two decades, including by **several billion dollars annually to fund border militarization and extension of the wall along the southern U.S. border**. Since the creation of the Department of Homeland Security in 2003, the federal government has spent an estimated \$324 billion on the agencies that carry out immigration enforcement. The number of U.S. Border Patrol agents nearly doubled, and the number of ICE agents devoted to enforcement tripled. The annual budget of the U.S. Border Patrol has increased more than ten-fold since 1993, from \$363 million to more than \$4.7 billion. Border Patrol and ICE budgets have more than doubled since 2003. Much of ICE's current \$7.6 billion budget is spent on incarcerating immigrants in detention.

The current administration has removed many restrictions on the operations of ICE and Border Patrol agents, allowing them to violate the rights of migrants, including and up to sexual assault, death by medical neglect, and murder, with impunity. Additionally, migrants charged with unlawful entry or presence are subject to mass criminal proceedings through Operation Streamline in border states like California, Texas, and Arizona, where judges will hold hearings for dozens of people at a time.

RESTRICTIONS ON ASYLUM

Through regulations and dangerous third party agreements signed with Honduras, Guatemala, and El Salvador, the U.S. government is now effectively denying migrants at the southern border the right to seek asylum in the U.S. by requiring them to first seek asylum in another country instead. The U.S. government has also entered into agreements with Mexico and Canada to further restrict entry into the U.S. For instance, Mexico's immigration enforcement mandate and capacity has increased as a result of an agreement with the U.S., making the southern border of the U.S. more impenetrable and inaccessible to migrants from Central and South America, as well as to migrants from other parts of the world, including migrants from Africa, Haïti, and other parts of the Caribbean who are increasingly seeking entry to the U.S. through Latin America.

Asylum seekers are now automatically detained when they enter at the southern border and sent back to the first country they entered on their way to the U.S., even if they establish that they have a credible fear of persecution if they return to their home country or to the third party country. The Attorney General has threatened to eliminate bond for detained asylum seekers, which means people could be detained for longer periods of time, leading more people to self-deport to escape indefinite detention, often far from their families and communities, and without access to legal counsel.

These agreements effectively build a wall of policies that trap Black asylum seekers in countries where they experience virulent anti-Black, anti-migrant, homophobic, transphobic, and gender-based violence. Black migrants are experiencing gross human rights violations in camps in Mexico, and dying in attempts to cross the Canadian border through isolated areas.

The Department of Justice has also attempted to block asylum claims based on domestic violence and gang-related violence.

The federal government has drastically capped the number of refugees admitted, **proposing to admit just 18,000 in 2020**, which is the lowest number since the 80s.

ENDING IMMIGRATION RELIEF

In addition to tightening barriers to entry into the U.S., the federal government has ended a number of programs intended to provide a pathway to immigration status for people already in the U.S., including the **Deferred Action for Childhood Arrivals (DACA)** program, for which **30% of eligible people are Black**. Additionally, of the 13 countries which had **Temporary Protected Status (TPS)** (which allows people fleeing countries experiencing natural disaster or war to remain in the U.S.) **at the beginning of 2017, the government withdrew TPS status from 9, 7 of which are majority Black countries**. The administration has also proposed drastic measures to deny legal status to migrants and their families, including **ending birthright citizenship rights for children of migrants**.

WAR ON MIGRANTS IN THE U.S.

The U.S. government is also aggressively waging war on migrants within U.S. borders. ICE raids and roving Border Patrol enforcement are increasing in number and intensifying: the number of federal criminal arrests for immigration offenses increased by 87% in 2018, and **the number of people criminally prosecuted for immigration offenses rose 66%, representing the highest figures in two decades**.

In addition to increasing resources to and eliminating restrictions on the operations of federal law enforcement agencies, the federal government is deputizing state and local law enforcement and private corporations to wage the war on migrants. *Police surveillance, profiling, and criminal prosecution serve as a dragnet funneling migrants into the detention and deportation proceedings.*

Among all migrants, Black migrants are nearly 3 times more likely to be detained and deported as a result of an alleged criminal offense, and one out of every five non-citizens facing deportation based on a criminal offense is Black.

Additionally, many Black migrants are ineligible for any form of relief, including a green card, DACA, TPS, or citizenship, as a result of contact with the criminal punishment system, whether through racial profiling, discriminatory

enforcement and selective prosecution, or pressure to plead guilty to avoid prolonged pretrial detention. As a result, millions of Black migrants have been deported over the last twenty years. **There was a 140% increase in removals of Africans in 2017.**

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,” allow ICE to enter into agreements with local law enforcement agencies to share information about migrants (often referred to as “287(g) contracts,” in reference to the federal legislation that enables them). These laws also expanded grounds for deportation to include more than 20 state offenses, both criminal and noncriminal. The 1996 laws apply to both undocumented migrants and people with green cards or some other formal status in the U.S. People deemed deportable following conviction of one of these offenses are mandatorily detained and deported by ICE.



The number of ICE/local law enforcement contracts and Intergovernmental Service Agreements (ISA) fostering collaboration between local and state police departments and agencies has more than doubled since 2017, making any interaction with law enforcement—including requests for assistance, domestic violence calls, traffic stops or low-level encounters—a risk for deportation. Additionally, the state is increasingly relying on technology and data to drive the deportation machine.

Corporations like Amazon and Palantir create and promote technology that enables the U.S. government to track, detain, and deport migrants.

According to Mijente, Amazon hosts “the database for the immigration case management systems and stores biometric data for 230 million unique identities – including fingerprints.” Holding these corporations accountable is essential to ending the ICE-detention complex, as the system cannot function without the technological services these companies offer it.

Under these conditions, everyday surveillance, data collection, the “war on drugs,” “war on terror,” “broken windows” policing and other policing practices targeting gangs, street vendors, prostitution enforcement, and survival, as well as regulatory and traffic law enforcement, have all become instrumental tools in waging the war on migrants.

Black migrants are particularly affected by the criminalization of poverty and survival: nearly 1 in 5 Black migrants live below the poverty line, and Black migrants have the highest unemployment rates amongst all migrant groups.

Additionally, the current administration has taken a number of steps to end government administered programs that support survival of migrants and our communities, including access to medical care. For instance, in 2017, non-citizen migrant women were three times more likely to be uninsured than U.S.-born women, and nearly half of noncitizen migrant women aged 15–44 living at or below the poverty level remained uninsured in 2017. As a result, migrants are likely to be forced into criminalized economies to cover the costs of medical care. Migrants convicted of poverty-related offenses such as fare evasion, shoplifting, trading sex, or drug possession, for example, are not only punished by the criminal punishment system, but also face immigration detention and/or deportation.

Most migrants in deportation proceedings are not represented by an attorney. Since immigration proceedings are generally “civil” rather than “criminal” proceedings, there is no constitutional right to an attorney in civil immigration court. Many migrants cannot afford to retain private representation, adversely affecting their cases, as studies show that representation significantly increases the likelihood of successfully fighting detention and deportation.

Once in detention, migrants are frequently deported without notice and taken away, bound and shackled, to waiting vans and eventually planes where they are bound and left for hours and days. Often, they are deported back to places they haven't seen in years or decades, without any money, housing, community, employment opportunities, or life-saving resources awaiting them. They are also unable to take with them any of the wealth or assets they have built and accumulated in the U.S. Often, their attorney and community are not even notified they have been deported until it's too late.

IMMIGRATION DETENTION

Once in detention, there are fewer and fewer pathways to release. Even if they are not subject to mandatory detention, many migrants are unable to afford high bonds (averaging \$8,000-\$10,000) set in immigration cases, particularly given that, in the vast majority of cases, bond must be paid by a U.S. citizen or green card holder, in cash up front, instead of through a bail bonds agency as in criminal proceedings. **Migrants often face significant obstacles to retrieving the funds at the conclusion of their cases: ICE is currently holding over \$200 million in bonds posted by migrants, reflecting a \$57.3 million increase between September 2014 and July 2018.**

Both public and private migrant detention centers—and the jails many migrants are housed in under contracts between local authorities and the federal government—are sites of brutal physical and sexual violence and violation, severe deprivation, family separation, abuse, and medical neglect, all too often fatal.

- ❖ Black migrants—including children—are often targeted within these centers and often placed in segregation.
- ❖ **Trans women are housed with men and experience multiple forms of violence as a result. For instance, incarcerated trans women are significantly more likely to be sexually assaulted than the general population: one in four substantiated incidents of sexual abuse in immigration detention involves a transgender victim.**

In addition to the vulnerability to abuse LGBTQ immigrants face in detention, detention also decreases peoples' chances of winning their immigration cases. For LGBTQ immigrants in particular, deportation could mean being sent to a country where their safety or even their lives are in jeopardy. LGBTQ+ people are also subject to constant violence and harassment in immigration detention.

- ❖ People who need prescribed medication are frequently given improper doses by detention facilities. Alternatively, people who refuse forced medication are frequently placed in segregation.
- ❖ The Office of Refugee Resettlement's extreme efforts to keep undocumented minors detained by HHS from obtaining wanted abortions represent unconstitutional and coercive denials of these young people's rights.
- ❖ Revisions to ICE policies are forcing pregnant people into unsafe detention facilities where they are at risk of miscarriage and other medical complications. Although ICE does not publicly report this information, media statements suggest that over 1500 pregnant people were booked into ICE custody over a 10-month period between 2017–2018, and that 28 women may have miscarried in ICE custody over the past two years.



THE DEMAND

We affirm that migration is a human right, a natural aspect of human existence, and a consequence of colonialism, imperialism, and human-induced climate impacts. We reject the label “immigrant,” which is an imposed and discriminatory legal status used to dehumanize, demonize, exclude, and discriminate against Black and Brown migrants. We use the term “migrant” in order to reclaim our humanity. We hold a deep critique of terms and concepts like “borders” or “citizen” rooted in the ways the U.S. deploys these concepts to exclude, displace, and criminalize Black people both in the U.S. and globally.

WE DEMAND:

- ❖ Immigration and foreign policies that respect the human rights of migrants, and that eliminate and repair the harms caused by U.S. imperialism in the Global South, which have created the conditions driving the necessity of migration.
- ❖ Elimination of restrictions on entry to the United States, which disproportionately target and exclude Black migrants.
- ❖ An immediate end to all detention, deportations, Immigration and Custom Enforcement (ICE) raids, and private and public immigration detention centers.
- ❖ Divestment from immigration enforcement institutions, corporations, and border militarization apparatus, including Customs and Border Patrol (CBP) and the Department of Homeland Security (DHS). We support demands to defund and abolish ICE and institutions serving similar functions.
- ❖ An immediate end to detention of asylum seekers, children, pregnant people, parents, disabled, LGBTQ+ people, and people living with HIV.
- ❖ Repeal of the 1996 crime and immigration bills.
- ❖ Mandatory, free, and accessible legal representation for migrants in immigration court, including language interpretation and disability accommodations.



THE DEMAND

- ❖ An end to the criminalization, surveillance, structural exclusion, demonization, and deportation of Black migrants, particularly migrants who are undocumented, Muslim, trans, nonbinary, LGBTQ+, disabled, people in the sex trade, people living with HIV, people who have criminal convictions, asylum seekers, refugees, low- and no-income people, youth, DACA-mented, and under-documented people.
- ❖ Access to all public services, particularly primary, secondary, and post-secondary education, medical services, and public benefits for all migrants, regardless of status.
- ❖ An end to incitement of violence against migrants at the border and in the interior.
- ❖ That the U.S. adhere to its obligations under the **UN Convention Against Torture**, which mandates that the U.S. cannot send any person to a potentially unsafe and life-threatening situation, and cannot detain migrants under conditions amounting to torture and cruel, inhuman, and degrading treatment, by upholding the right to seek asylum and refuge and ending immigration detention.
- ❖ Creation of infrastructure, networks, policies, and cultures that ensure thriving Black migrant communities, especially for vulnerable migrants, including undocumented or under-documented migrants, people living with HIV, LGBTQ+ migrants, disabled people, and people in the sex trade..
- ❖ Ensure that migrants who have come into contact with the criminal legal system would no longer be subject to mandatory detention and deportation.
- ❖ Ensure that migrants are no longer automatically ineligible for legal status in the U.S. simply because of contact with the criminal legal system.
- ❖ Immediate and comprehensive implementation of the **COP21 Paris Agreement for the U.S.**, payment of the U.S. fair share for loss and damages to Global South frontline communities, and cancellation of all “debt” assigned to nations of the Global South.
- ❖ An end to U.S. military and corporate intervention around the globe.



THE DEMAND

HOW DOES THIS SOLUTION ADDRESS THE SPECIFIC NEEDS OF SOME OF THE MOST MARGINALIZED BLACK PEOPLE?

- ❖ Black migrants, who tend to live in highly criminalized communities, face migrant detention and deportation for even the most minor offenses, including drug possession, shoplifting, and incidents that take place at school. This is even more so for Black migrants living with HIV, and who are LGBTQ+, gender nonconforming, disabled, or who use drugs or engage in survival economies.
- ❖ In addition, many undocumented Black people are ineligible for federal executive action programs such as *Deferred Action for Childhood Arrivals (DACA)* and *Special Immigrant Juvenile Status (SIJS)* as a result of criminal convictions.
- ❖ Eliminating detention for HIV+, LGBTQ+, and disabled people, pregnant people, parents, and minors reduces harm for people vulnerable to violence in detention.
- ❖ Addressing U.S. and corporate economic and foreign policy and environmental practices contributing to poverty, violence, and human-induced climate impacts addresses the specific needs of Black people living in the Global South who are affected by U.S. policies and practices.



FEDERAL ACTION:

CONGRESSIONAL ACTION

- ❖ Immediately repeal 8 U.S.C. § 1325 and 8 U.S.C. § 1326, which create federal crimes of “unlawful entry” and “unlawful re-entry.”
- ❖ Pass legislation repealing the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996.
- ❖ Pass the NO BAN Act, which would rescind the discriminatory travel ban and prevent future bans which separate families, prevent individuals from receiving life-saving health care, and keep people from pursuing educational opportunities, among other things.
- ❖ Pass the New Way Forward Act, which restores fundamental due process protections for migrants by ending mandatory detention without bail during case review, ends the 287(g) program, prosecutions for unlawful entry, and automatic deportation of migrants who come into contact with the criminal punishment system.
- ❖ Mandate preservation of data connected to all reported incidents of abuse at detention centers, including deaths in custody.
- ❖ Mandate and provide full funding for accessible legal representation, including full language access, in immigration court.
- ❖ Eliminate bars to admissibility based on health conditions, disability, drug use or dependence, and involvement in prostitution.
- ❖ Defund the Department of Homeland Security, ICE, CBP, and agencies performing similar functions, including the FBI.
- ❖ Enact proactive policies to stop border closures.
- ❖ Enact a proactive policy protecting birthright citizenship for children of undocumented migrants born in the U.S.



FEDERAL ACTION:

- ❖ Eliminate 287(g) agreements and all incentives for collaboration between immigration and state and local law enforcement or other state and municipal agencies.
- ❖ Eliminate bars to obtaining asylum, including the requirement that individuals apply within one year of entry. Enshrine the right to seek asylum based on domestic, sexual, homophobic, transphobic, reproductive, ableist, and gang violence in law.
- ❖ End and cease funding bilateral agreements with nations to enforce U.S. immigration law.
- ❖ Rescind third party agreements with Honduras, Guatemala, and El Salvador, which preclude people arriving from those countries from seeking asylum in the U.S., as well as bilateral agreements with Canada and Mexico: stop forcing, funding, and training other governments to carry out immigration policing.
- ❖ Ban the use of the military for immigration control.
- ❖ Defund, dismantle, and end military operations and destabilization in Africa, Latin America, the Middle East, and the Caribbean, and divest from dictatorships that spur displacement of Black people/violence/political persecution of Black people.
- ❖ Fully implement the COP21 Paris Agreement, and follow the Intergovernmental Panel on Climate Change (IPCC) report recommendations for emission reductions across the U.S. to reduce greenhouse gas emissions in half by 2030 .
- ❖ Reverse limitations on family migration, and enact laws and policies expanding the definition of family under immigration law to include and afford equal rights to chosen family members.
- ❖ Pass the Dignity for Detained Migrants Act, which would, among other things, establish enforceable civil detention standards for all immigration detention facilities, and require robust oversight, accountability, and transparency for those facilities.



FEDERAL ACTION:

- ❖ Pass the **Stop Shackling and Detaining Pregnant Women Act**, which would end the practice of shackling pregnant women and holding them in migrant detention facilities.
- ❖ Repeal the **Hyde Amendment** and guarantee that all migrants in detention settings have full access to abortion, contraception, and all other comprehensive sexual and reproductive health care through executive action, agency guidance, and strong congressional oversight.
- ❖ Ensure that incarcerated and detained women and youth, transgender men, nonbinary and gender nonconforming individuals have access to comprehensive sexual and reproductive health care, including abortion and prenatal care; health care supplies such as menstrual hygiene products; proper nutrition; support during labor and delivery; lactation and parenting support after birth; and access to substance abuse and mental health treatment.
- ❖ Pass the **DREAM Act**.
- ❖ Pass legislation prohibiting attacks and harassment of Sanctuary Cities.



FEDERAL ACTION:

AGENCY ACTION:

- ❖ An immediate and complete moratorium on deportations, all forms of detention, ICE raids, and CBP roving patrols. Immediately release all migrants from detention, including LGBTQ+, HIV+, and disabled migrants, pregnant people, parents, and minor children.
- ❖ Repeal Presidential Proclamation 9645 of September 24, 2017, made pursuant to Executive Order 13780 of March 6, 2017 (Muslim Ban 3.0), as expanded on January 31, 2020.
- ❖ Restore Deferred Action for Childhood Arrivals (DACA) and establish **Deferred Action for Parents of Americans (DAPA)**.
- ❖ Restore **Temporary Protected Status (TPS)** and family-based migration pathways for countries for which it has been rescinded, including Haïti, Sudan, and Somalia, or give asylum or amnesty to migrants from these countries who are currently in the U.S. on TPS, or another form of permanent protection from deportation.
- ❖ Immediately remove all troops from the border, and end border militarization, militarization of immigration enforcement, and use of surveillance technology to track migrants. Establish a Border Rescue program.
- ❖ Immediately cease the separation of families, including chosen families, in the midst of the migration process. Reunite all separated families.
- ❖ Rescind the public charge rule and reverse its harms to migrant individuals and families with low incomes otherwise eligible for Medicaid coverage.



FEDERAL ACTION:

- ❖ End all contracts with private sector firms to engage in immigration surveillance, enforcement, or detention.
- ❖ Cease targeting Sanctuary Cities for immigration enforcement actions, raids, and sanctions.
- ❖ Reverse proposed changes to asylum rules, and explicitly enshrine the right to seek asylum on the basis of domestic violence, gang violence, homophobic, transphobic, and ableist violence, and reproductive coercion.
- ❖ Guarantee access to reasonable and affordable bond for detained asylum seekers and people in expedited removal proceedings. Remove the requirement that bond be posted by a U.S. citizen or “green card” holder.
- ❖ Immediately end detention of pregnant migrants. ICE should immediately reinstate, and CBP should adopt, the presumption of release for pregnant individuals and implement strong reporting requirements to aid with oversight.
- ❖ Designate sexual and reproductive health service providers, including HIV testing and treatment sites, as “sensitive locations” from which migrant individuals can obtain care without fear of penalization or deportation.
- ❖ End Operation Streamline and mass hearings in criminal immigration cases.



STATE ACTION:

- ❖ Pass legislation prohibiting state and local law enforcement and agencies from questioning people, collecting, storing, or sharing information relating to immigration status, including questions relating to country of birth or origin, and from collaborating with ICE, CBP, FBI, and other agencies involved in immigration enforcement.
- ❖ Eliminate any existing prohibitions on refusing to collaborate with immigration enforcement for state and local officials, and any associated civil and criminal penalties. End Intergovernmental Service Agreements relating to immigration enforcement.
- ❖ Pass a “Sanctuary” Bill, prohibiting any and all collaboration between local law enforcement and immigration officials, and barring ICE from being present and making immigration arrests on state-owned property and in churches, hospitals, health care and birthing facilities, shelters, courtrooms, social service agencies, day care and foster care facilities, schools and other learning institutions.
- ❖ End any agreements to hold detained migrants in state or local jails or prisons.
- ❖ Pass legislation mandating and funding free legal representation in immigration matters for all migrants, regardless of criminal history, and supporting grassroots groups organizing for community defense and migrant rights.
- ❖ Pass legislation creating access to state identification documents without requiring documents establishing citizenship.



STATE ACTION:

- ❖ Decriminalize offenses most likely to funnel Black migrants into the criminal and deportation systems, including traffic and regulatory offenses, drug offenses, “broken windows,” poverty-based, and “public order” offenses, prostitution-related offenses, and offenses imposing higher penalties on people living with HIV, and eliminate mandatory arrest laws and policies in cases of domestic violence.
- ❖ Eliminate and erase gang databases.
- ❖ Divest from tech and other companies engaged in the detention-deportation complex.
- ❖ Ensure language access for African communities.
- ❖ Enact and enforce non discrimination policies guaranteeing protections for LGBTQ+ migrants and people living with HIV in public accommodations and in the private sector.
- ❖ Enact and implement policies to ensure accessible, quality, and affordable housing, education, and healthcare access for all migrants—including LGBTQ+ people, HIV+ people, people in the sex trades, and disabled people.
- ❖ Implement the Clean Power Plan standards to reduce emissions at the state level.
- ❖ Halt all petrochemical build out and permitting.



LOCAL ACTION:

- ❖ Pass legislation prohibiting local law enforcement and other municipal or county agencies from questioning about, collecting, storing, or sharing information relating to immigration status, including country of birth or origin, and from collaborating with ICE and other agencies involved in immigration enforcement.
- ❖ End any agreements to hold detained migrants in local jails or detention facilities.
- ❖ Pass a “Sanctuary” Bill, prohibiting ICE from accessing or making immigration arrests on or near city or county owned property, including courthouses, health care facilities, and schools.
- ❖ Decriminalize offenses most likely to funnel Black migrants into the criminal and deportation systems, including traffic and regulatory offenses, drug offenses, “broken windows” and poverty-based offenses, prostitution-related offenses, and offenses imposing higher penalties on people living with HIV, eliminate mandatory arrest laws and policies in cases of domestic violence.
- ❖ Eliminate and erase gang databases.
- ❖ Remove immigration, law enforcement, and probation officers from schools; end school-based arrests.
- ❖ Divest from tech and other companies engaged in the detention-deportation complex.
- ❖ Create municipal identification that does not require documents establishing citizenship and protect underlying data from immigration authorities.
- ❖ Ensure language accessibility for Black migrants.

MODEL LEGISLATION

- ❖ *UN Convention Against Torture*
- ❖ *Fix '96 Resolution Introduced April 2016*
- ❖ *Kalamazoo, MI identification law*
- ❖ *Illinois law banning 287(g) agreements*
- ❖ *NYC Language Access law*
- ❖ *New York State Drivers' License Access and Privacy Act*

RESOURCES

- ❖ Mijente, Free Our Future: [An Immigration Policy Platform for Beyond the Trump Era](#)
- ❖ Mijente, Who's Behind ICE? [The Tech and Data Companies Fueling Deportation](#)
- ❖ Immigrant Justice Network, [A New Way Forward](#)
- ❖ Black Lives Matter CoFounder: [The Immigration Challenge No One Is Talking About](#)
- ❖ [Centering Black Women, Girls, and Fem\(me\)s in Campaigns for Expanded Sanctuary and Freedom Cities](#)
- ❖ [Black LGBTQIA+ Migrant Project: Coming Home \(Video\)](#)
- ❖ [Do You See How Much I'm Suffering Here?](#)
- ❖ [State of Black Immigrants](#)
- ❖ The Independent, [Shut It Down or Keep It Open? Immigrant Advocates Debate Fate of NJ Detention Center](#)
- ❖ The Philadelphia Inquirer, [As Trump moves against poorer immigrants, a West Philly leader fights back](#)
- ❖ Truthout, [Trump's Rule Attacking Disabled and Low-Income Migrants Has Violent History](#)
- ❖ The Guardian, [The Department of Homeland Security: the largest police force nobody monitors Shah](#)

ORGANIZATIONS CURRENTLY WORKING ON POLICY

1LOVEMOVEMENT

**AFRICAN CAREER
EDUCATION AND
RESOURCE (ACER)**

**BLACK LGBTQ+
MIGRANT PROJECT
(BLMP)**

**BLACK ALLIANCE
FOR JUST
IMMIGRATION**

**BLACK IMMIGRANT
COLLECTIVE**

**FAMILIA: TRANS
QUEER LIBERATION
MOVEMENT**

**FAMILIES FOR
FREEDOM**

**IMMIGRANT LEGAL
RESOURCE CENTER**

**IMMIGRANT DEFENSE
PROJECT**

ORGANIZATIONS CURRENTLY WORKING ON POLICY

MIJENTE

**NATIONAL
IMMIGRATION LAW
CENTER**

**NATIONAL
IMMIGRATION LEGAL
PROJECT**

**SOUTHEAST ASIAN
RESOURCE ACTION
CENTER**

**TRANSGENDER LAW
CENTER**

UNDOCUBLACK

AUTHORS & CONTRIBUTORS

- ❖ **NANA GYAMFI, BLACK ALLIANCE FOR JUST IMMIGRATION**
- ❖ **CARL LIPSCOMBE, BLACK ALLIANCE FOR JUST IMMIGRATION**
- ❖ **OLA OSAZE, BLACK LGBTQ+ MIGRANT PROJECT**
- ❖ **ANDREA J. RITCHIE, INTERRUPTING CRIMINALIZATION**
- ❖ **ELANDRIA RICHARDSON**
- ❖ **ANNA CASTRO, TRANSGENDER LAW CENTER**
- ❖ **SAYE JOSEPH, BYP100**

A large, white, hand-painted sign with the word "JUSTICE!" in bold, black, capital letters is attached to a chain-link fence. The sign is slightly weathered and has some small holes. In the background, there is a two-story house with a porch and some trees. The overall image is in grayscale.

JUSTICE!

RELATED BRIEFS

**CUT IN MILITARY
EXPENDITURES**

**END THE WAR ON
BLACK COMMUNITIES**

**END TO JAILS,
PRISONS AND
DETENTION CENTERS**

**END THE
SURVEILLANCE OF
BLACK COMMUNITIES**

**END PRETRIAL
DETENTION AND
MONEY BAIL**

**END THE WAR ON
BLACK WOMEN**

**END THE WAR ON
BLACK TRANS,
GENDER
NONCONFORMING
AND INTERSEX
PEOPLE**

A VISION FOR BLACK LIVES

POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE



M4BL.ORG

M4BL

THE MOVEMENT
FOR BLACK LIVES