



# **Criminalizing Blackness**

*An analysis of the impacts of the 1994 Crime Bill and 1996 Immigration Bill on Black people and Policy Recommendations to Address the Harms Caused*

# Acknowledgements

Contributors of this report include authors Timantha Goff (UndocuBlack Network), Ronald Claude (Black Alliance for Just Immigration), Dr. Amara Enyia (Movement for Black Lives, Policy Table), and Chijindu Obiofuma (Law for Black Lives); editing support: Timantha Goff (UndocuBlack Network) and Rukia Lumumba (Movement for Black Lives, Electoral Justice Project); design team members: Naeem Holman (Movement for Black Lives), Tonee Cudi (Movement for Black Lives), and Afia Polk (Digitally Detailed).

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# Introduction

The myth of Black criminality is a familiar narrative in the United States that pervades every aspect of policymaking. In two areas of policy, the criminal legal system and the immigration system, this myth has led to the creation of laws and policies that have had a devastating impact on the Black community. Specifically, an analysis of the 1994 Violent Crime Control and Law Enforcement Act (more popularly known as the '94 Crime Bill) and the 1996 Immigration Reform and Immigrant Responsibility Act (IRA-IRA) and Anti-Terrorism and Effective Death Penalty Act (AEDPA) illustrate the ways in which Black people are criminalized. Moreover, the impact of the criminalization of Black immigrants is less widely known. Though the 1994 Crime Bill has been extensively analyzed and critiqued, less prominent have been the critiques of anti-blackness built into the US immigration system and analysis of the ways in which immigration policy specifically criminalizes Black people.

This report analyzes the impact of the Violent Crime Control and Law Enforcement Act as a precursor to the 1996 Immigration Reform and Immigrant Responsibility Act and Anti-Terrorism and Effective Death Penalty Act and the mechanisms to remedy the harm from these pieces of legislation. It also recommends specific policy changes that can address the harms caused by these pieces of legislation.

## The Violent Crime Control and Law Enforcement Act of 1994

28 years after the passage of the Violent Crime Control and Law Enforcement Act of 1994, communities are still experiencing the devastation wrought by this federal legislation, namely the impact of mass incarceration and . Indeed, the Safer America Plan touted by the Biden Administration reflects some of the same tropes around safety and policing that led to the passage of the '94 Crime Bill and, subsequently, the increased criminalization of Black people more generally.

### Provisions of the 1994 Crime Bill

The '94 Crime Bill was a massive spending bill that authorized \$30.2 billion over six years that had significant implications on prisons, policing, and sentencing. The Crime Bill perpetuated a narrow focus on safety as defined through the lens of policing and the false notion that policing and enhancing police infrastructure as the most important components to creating safe communities. For example, the bill encouraged the construction of state prisons, led to the expansion in size and scope of police and corrections departments, and led to the militarization of police and corrections departments across the country. It also incentivized states to increase prison rolls by awarding grant money for prisons if they passed “truth-in-sentencing” laws, which require individuals to serve at least 85 percent of their sentences.

The '94 Crime Bill also fueled the school-to-prison pipeline by using grant programs as incentives to expand school policing programs, invasive surveillance, and security technology. For example, the bill created the COPS (Community-Oriented Policing Services) Office, which contributed heavily to the expansion of local law enforcement agencies. The COPS Office is responsible for the former Cops in Schools program, COPS Hiring Program, School-Based partnerships, and Secure Our Schools Program grant programs. It provided seed money for local school districts to fund school policing and surveillance infrastructure programs. These programs have only helped to strengthen the school-to-prison pipeline at the local level.

The Bill was also devastating from a sentencing perspective. It implemented a “three strikes” rule (mandatory life imprisonment without parole for committing a serious violent felony when the person has two prior felony convictions, one of which must be a serious violent felony but the other could be a “serious drug offense”). It also permitted 13 year-olds to be tried as adults, which created 60 new death penalty offenses, established new, and increased criminal penalties for immigration violations while simultaneously adding dozens of new federal offenses (federal offenses typically carry harsher sentences).

In the five years following the bill's passage, 74% of defendants with death penalty recommendations from federal prosecutors were people of color (44% Black and 21% Latinx). Moreover, as of 2016, 78.5% of Americans serving life sentences were people of color.<sup>1</sup> The increased mandatory sentences for three or more felony convictions disproportionately impacts people of color.

The impacts of the '94 Crime Bill cannot be overstated. Shortly after the Crime Bill was introduced, dozens of states enacted three strike laws of their own to meet the conditions for increased federal subsidies. This increased incarceration rates of Black and Brown people substantially in certain states. For example, in Florida, the total number of incarcerated people increased over 67%, from approximately 58,000 in 1994 to over 104,000 in 2010. In Wisconsin, the total number of incarcerated people increased from just over 9,500 in 1994 to over 22,000 in 2019, an increase of over 134%.<sup>2</sup> Moreover, the broadened definition of what constitutes a "gang" made the Crime Bill an easy mechanism to criminalize social relationships, which could lead to prosecutors tacking years onto someone's sentence.

## **The 1994 Crime Bill as Foundational to the 1996 Illegal Immigration Reform and Immigrant Responsibility Act**

This significant and sustained funding directed toward police and police infrastructure that was implemented through the 1994 Crime Bill and, subsequently, through the 2022 Safer America Plan have not produced safety for anyone, most especially not in Black communities. Despite being the world leader<sup>3</sup> in criminalization and incarceration, the U.S. is no safer than other comparable nations.<sup>4</sup> The U.S. rate of gun violence is significantly higher than international counterparts, with low-income Black communities being disproportionately affected.<sup>5</sup> Research and evidence makes it clear that policing and incarceration are not effective tools for keeping people safe.

At the time of the drafting of the 1994 Crime Bill, "tough-on-crime" messaging was being heralded by Republicans and Democrats alike seeking a quick fix to deep-seated issues of violence in communities across the country. The 1994 Crime Bill also opened up the door to criminalizing Black immigrants. The Crime Bill made it much easier for the government to deport immigrants without green cards by taking away their due process rights and allowing them to be deported without a hearing if convicted of an aggravated felony. It opened the door to the 1996 immigration laws that criminalized Black people.

1 Shannon, Ranya. "3 Ways the 1994 Crime Bill Continues to Hurt Communities of Color". Center for Progress, May 10th, 2019; <https://www.americanprogress.org/article/3-ways-1994-crime-bill-continues-hurt-communities-color/>

2 Butcher, Kamau, et al. "From Cops and Cages to Resources and Repair: The Devastation of the 94 Crime Bill and the Need for a People's Process". Critical Resistance's *The Abolitionist* (Issue 35) <https://medium.com/our-safety-our-freedom/from-cops-and-cages-to-resources-and-repair-the-devastation-of-the-94-crime-bill-and-the-need-for-66f429b0a070>

3 <https://www.americanprogress.org/article/3-ways-1994-crime-bill-continues-hurt-communities-color/>

<https://medium.com/our-safety-our-freedom/from-cops-and-cages-to-resources-and-repair-the-devastation-of-the-94-crime-bill-and-the-need-for-66f429b0a070>

4 Aizenman, Nurith. "Gun Violence Deaths: How the U.S. Compares with the Rest of the World." NPR, NPR, 25 May 2022, <https://www.npr.org/sections/goatsandso-da/2021/03/24/980838151/gun-violence-deaths-how-the-u-s-compares-to-the-rest-of-the-world>.

5 "Gun Violence Archive." Gun Violence Archive, <https://www.gunviolencearchive.org/>.

## Illegal Immigration Reform and Immigrant Responsibility Act (IRA-IRA)

The ‘good’ vs. ‘bad’ immigrant narrative is a White Supremacist narrative that conflates morality with citizenship. It disregards the fact that the Illegal Immigration Reform and Immigrant Responsibility Act (“IRA-IRA”) and the Anti-Terrorism and Effective Death Penalty Act (“AEDPA”), commonly known as the “1996 immigration laws,” leaves Black immigrants in the country legally vulnerable to possible deportation and has significantly increased the criminalization of Black migrants. Without the “1996 immigration laws,” the ‘bad’ immigrant trope would be empty rhetoric. This section will explain what IIRIRA is and how it has become a funnel into the immigration detention and deportation system, creating a ruthless police-to-deportation pipeline for Black migrants.

The ‘good’ vs. ‘bad’ immigrant narrative came to light at the onset of the Deferred Action for Childhood Arrivals program (DACA). “DACA is a U.S. government program that allows for work authorization and puts a temporary hold on deportation for those who were brought into the country illegally as children.”<sup>6</sup> When the Obama Administration introduced the program, politicians from both sides of the aisle made a clear distinction that DACA recipients were “high-achieving, likely to contribute to the national economy, well-assimilated, patriotic, and unthreatening”.<sup>7</sup> They erased the connection these recipients had to their parents, who brought them to the states “illegally,” even though it was a decision made in search of a better life. However, DACA is a mere footnote in this country’s long history of determining immigration policy via a good/bad immigrant distinction. To better understand why our immigration policy is dead set on distinguishing between good and bad immigrants and why it fosters a system where over three-fourths of the Black immigrants are removed on criminal grounds, compared to less than half of immigrants overall, we must explore the creation and implementation of the IIRIRA Act in 1996.

# Section One

## What is IIRIRA

President Bill Clinton passed the 1994 Crime Bill, meant to reverse decades of rising crime, and is now widely seen as one of the key contributors to the creation of mass incarceration in this country. The increase in prison sentences, more prison cells, and aggressive policing was the predecessor for the passage of the 1996 immigration laws.<sup>8</sup> The 1996 immigration laws created the immigration enforcement system as we know it today. President Clinton pushed for, and eventu-

<sup>6</sup>Kaufman, Anna. “What Is Daca? Who Are the Dreamers? Qualifications, Path to Citizenship, Explained.” USA Today, Gannett Satellite Information Network, 16 Aug. 2022, <https://www.usatoday.com/story/news/2022/08/16/what-is-daca-dreamers/10307566002/#:~:text=DACA%20is%20a%20US%20government,the%20country%20illegally%20as%20children>.

<sup>7</sup> Sophia DenUyl, The Particular Harms of the “Good Immigrant” Versus “Bad Immigrant” Construction on Black Immigrants in the United States, 36 Georgetown Immigration Law Journal 755 (Winter, 2022)

<sup>8</sup> Lopez, German. “The Controversial 1994 Crime Law That Joe Biden Helped Write, Explained.” Vox, Vox, 20 June 2019, <https://www.vox.com/policy-and-politics/2019/6/20/18677998/joe-biden-1994-crime-bill-law-mass-incarceration>.

ally passed, the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act, in response to reported high crime rates:

*They expanded the grounds of deportation to include not only serious crimes but nearly any crime (including misdemeanors); stripped judges of the ability to consider life circumstances to grant pardons on a case-by-case basis; required that many of the immigrants facing exile for a crime be imprisoned indefinitely, beyond the period of their sentence, until that exile could take place (even though deportation is a civil, not criminal, proceeding); and subjected newcomers to fast-track deportations in which officers could expel immigrants without any hearing from a judge.<sup>9</sup>*

What is clear is that IIRIRA increased the penalties immigrants faced for violating United States law. It carried the racist implications of the criminal justice system — mass incarceration, discriminatory policing, and zero tolerance— that were already disproportionately impacting Black people to the civil immigration system. We will closely examine the significant changes IIRIRA brought to the civil immigration system. However, it is important to note that there are six specific ways IIRIRA increased the involvement of immigrants with the criminal justice system:

01. Expanded the criminal grounds for deportation.
02. Funding to classify and identify criminal enforcement priorities (fingerprinting).
03. Founded the “removal” process— limit discretionary relief from removal (fast-track deportation).
04. Mandate detention of immigrants who have been ordered: “removed.”
05. Removed the right to due process “denied non-citizens the right to come before an immigration judge.”
06. Authorized formal cooperative agreements that directly involved state and local law enforcement.<sup>10</sup>

<sup>9</sup>Shahani, Aarti. “Bill Clinton Owes My Father an Apology.” The Atlantic, Atlantic Media Company, 12 Nov. 2019, <https://www.theatlantic.com/ideas/archive/2019/11/time-bill-clinton-apologize-immigrants/601579/>.

<sup>10</sup>Macías-Rojas, Patrisia. “Immigration and the War on Crime: Law and Order Politics and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.” Journal on Migration and Human Security, vol. 6, no. 1, Jan. 2018, pp. 1–25, doi:10.1177/233150241800600101.

## Expanding Eligibility for Deportation

IIRIRA opened the door for permanent residents to be subjected to detention and deportation. “The 1996 law was a radical departure from long-standing norms in this democracy that gave undocumented immigrants a path to citizenship.”<sup>11</sup> Moreover, Congress made this rule retroactive, meaning immigrants who may have been here for years suddenly found themselves at risk for deportation because of convictions in their past that had already been settled in the court of law. Furthermore, IIRIRA stripped away the ability for immigrants to argue their cases before a judge and required immigrants who were apprehended at the border to be detained. The inability of immigrants to receive due process fast-tracked them from detention to deportation. “IIRIRA enacted more immigration-related crimes, such as being undocumented, which over time conflated immigration status, or lack thereof, with criminal activity.”<sup>12</sup>

A phrase constantly heard in the immigration discourse is “Why don’t they come the right way.” This is often an argument made by people who do not fully grasp the complexity of our immigration system and how IIRIRA has made it a lot harder for undocumented immigrants to acquire a pathway towards citizenship. IIRIRA went from an immigrant having to prove they would suffer “extreme hardship” if they were deported to now having to demonstrate that a US citizen would suffer “exceptional and extremely unusual hardship.” In addition to this high barrier, “the simple fact that a family could be separated if she were deported would not count.”<sup>13</sup> Finally, the harshest part of this policy, which is now referred to as the “10-year bar,” requires that immigrants who live in the U.S. without status for six months could not apply for any of the eligible legal statuses that may be available to them for ten years after they left the country. Furthermore, leaving the country does not guarantee that an appeal will be approved.<sup>14</sup>

IIRIRA also introduced the federal statute that permits the federal government to delegate immigration enforcement powers to state and local officers. “Most people know this statute as section 287(g) in the Immigration and Nationality Act (INA). 287(g) authorizes state and local officers to screen people for immigration status. The statute also issues detainers to hold migrants on immigration violations until the federal government takes custody and generates the charges that begin the process of their removal from the United States.”<sup>15</sup> IIRIRA and its connection to 287(g) is a small window into how the criminal justice system has taken over the civil immigration system. The humanity of immigrants and their right to due process were ignored in favor of detention as the solution. Let’s remember that the most punitive provisions in IIRIRA developed from the need to “free up prison beds for thousands sentenced to prison under harsh drug laws and minimum

11 Chasman, Deborah. “Life under ‘Extreme Hardship.’” *Intelligencer*, NY Magazine, 13 Oct. 2021, <https://nymag.com/intelligencer/2021/10/life-under-the-extreme-hardship-of-u-s-immigration-law.html>.

12 Prinvil, Christina. “Examining the Irreparable Legacy of the 1996 Illegal Immigration Reform and Immigrants Responsibility Act (IIRIRA).” *Policy Perspectives*, Brief Policy Perspectives, 17 Dec. 2021, <https://policy-perspectives.org/2021/12/17/examining-the-irreparable-legacy-of-the-1996-illegal-immigration-reform-and-immigrants-responsibility-act-iirira/>.

13 Lind, Dara. “The Disastrous, Forgotten 1996 Law That Created Today’s Immigration Problem.” *Vox*, Vox, 28 Apr. 2016, <https://www.vox.com/2016/4/28/11515132/iirira-clinton-immigration>.

14 *Ibid.*

15 Capps, Randy, Marc R. Rosenblum, Cristina Rodriguez, and Muzaffer Chishti. 2011. *Delegation and Divergence: A Study of 287 (g) State and Local Immigration Enforcement*. Washington, DC: Migration Policy Institute.

criminal sentences.”<sup>16</sup> In total, IIRIRA created the “zero tolerance” approach we now see in immigration policy because it was much easier to deport immigrants than it was to approach their situations with any kind of nuance. These punitive measures have disproportionately impacted Black migrants. In FY 2013, 15,984 Black immigrants entered the U.S. as refugees, constituting 22.9% of all refugees who arrived in the U.S. However, more than one out of every five non-citizens facing deportation on criminal grounds is Black.<sup>17</sup>

### Conclusion:

For the last 25 years, IIRIRA, in its implementation, cultivated the mass detention and deportation pipeline that has separated millions of families. However, we will take a closer look at some specific policies and the overall political context to understand how IIRIRA was set to harm Black migrants disproportionately from its inception .

## Section Two

### **Historical Underpinnings of IIRIRA and the Criminalization of Blackness**

In order to grasp the full historical context of the unique ways in which Black undocumented individuals were, and continue to be, adversely affected by the worst impacts of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), the criminalization of Blackness as a whole in this country needs to be understood. When the 13th Amendment to the U.S. Constitution was ratified into law on December 6th, 1865, the centuries’ long institution of chattel enslavement for millions of Black people was ended in theory to a degree. The “... neither slavery nor involuntary servitude, except as a punishment for a crime...” loophole in the 13th Amendment was immediately seized upon by white supremacist-run local and state governments in the South to keep newly emancipated Black citizens in a perpetual state of enslavement. The overproliferation of Black bodies in jails and prisons across the country was ultimately due to vagrancy laws that were also known as Black codes, “restrictive and discriminatory laws [that] criminalized Black people after enslavement and set the stage for Jim Crow”,<sup>18</sup> leading to the use of convict leasing, renting out populations of primarily Black incarcerated people to companies for free labor under the most horrendous conditions.

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<sup>16</sup> Macías-Rojas, T3.

<sup>17</sup> Morgan-Trostle, M., Zheng, K. & Lipscombe, C. (2016). The State of Black Immigrants. Black Alliance for Just Immigration and NYU School of Law Immigrant Rights Clinic. Retrieved from <https://stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>

Decades of legalized and extrajudicial racial terror and disenfranchisement against Black Americans ran parallel to the shift in our nation's immigration law and policy towards an ultra-nationalistic, xenophobic, and anti-Black perspective. Beginning in 1924 with the passage of the National Origins Act and the usage of racial quotas in order to bolster citizenship for white migrants from preferential countries, the federal government send a very clear message that new residents of this country needed to fit into the white supremacist-laden ideal of acceptability. At the heels of the monumental passages of the Civil Rights Act in 1964 and the Voting Rights Act of 1965, President Lyndon B. Johnson signed the Immigration and Naturalization Act (INA) in 1965, which inadvertently “removed the overt forms of racially based discrimination that had formed the centerpiece of immigration policy for nearly four decades”<sup>19</sup>. This led to an influx of immigration from countries that had been historically shut out: primarily those from Middle Eastern, Asian, and African countries.

At the same time that there was a massive, orchestrated counterattack waged by government entities and law enforcement officials in response to the multiple gains made by Black civil rights leaders and activists in the 1960s, the demographic shifts that occurred in the decades after INA's passage that brought true multiculturalism to the US resulted in a severe backlash by conservative lawmakers and constituents. Beginning in the 1970s and '80s with the onset of The War on Drugs and the creation of mass incarceration's use as another political tool to subjugate Black populations, political polarization and xenophobic demonization of non-white immigrants began to take hold of the public policy discourse and media landscape surrounding the issue of immigration. In the 1980s, the immigration debate becomes interlinked with criminality in a way that it historically had not been before with the passage of fear-based immigration laws and policies that result in a significant rise in immigration-related apprehensions, detentions, and deportations:

***In 1986, for example, Congress enacted the Anti-Drug Abuse Act, empowering the Immigration and Naturalization Service (INS) to request that local law enforcement agencies detain anyone arrested for a drug crime. Two years later, Congress enacted the identically named Anti-Drug Abuse Act of 1988, creating a category of crime called “aggravated felony” that required the INS to take custody of any migrant convicted of such an offense. At the time, only three crimes— murder, drug trafficking, and firearms trafficking—fit the definition of an aggravated felony. Today, the label attaches to twenty-one categories of offenses.<sup>20</sup>***

The same criminalization of poverty and stereotyping of drug use that were falsely weaponized against Black Americans was ultimately tied into the immigration debate, especially as it related to migrants from non-majority white countries, such as Haiti. Several additional executive actions were taken by then-President George H. W. Bush at the beginning of the 1990s to further cement

harsher criminal prosecutions for migrants that served as precursors to the Clinton Administration's continuance of the "tough on crime" rhetoric in the form of more damaging legislation that trafficked in more negative racial stereotyping and punishment for Black people in this country.

## Section Three

### Enhanced Impact of IIRIRA on Black Immigrants

With the signing into law of IIRIRA in 1996 by former President Bill Clinton just two years after the passage of the Violent Crime Control and Law Enforcement Act (now infamously known as the '94 Crime Bill), the law expanded mandatory detention and the number of deportable crimes. As the federal inmate population doubled due to the new crime classifications, prison-like immigrant detention centers rose up in tandem. In the early 1990s, there were around 5,000 immigrants detained each day. The federal government tends to prioritize deportations for individuals that have been arrested or detained on some sort of criminal charge. With the undeniable disparities in over policing and over-sentencing on drug-related, criminal offenses when it comes to Black people generally in this country, Black immigrants are at a much higher risk of contact with law enforcement and, thus, much more vulnerable to deportation proceedings. As recent data has shown, "76 percent of Black immigrants are deported on criminal grounds, compared to 45 percent of all immigrants [and] despite making up only 7.2 percent of the noncitizen population in the US, more than 20 percent of people facing deportation on criminal grounds are Black."<sup>21</sup>

The dynamic of the prison-to-deportation pipeline was the inevitable result of the new partnership between local law enforcement entities, local and state jails and prisons, and the federal government's arm of immigration enforcement (the U.S. Immigration and Customs Enforcement, also known as ICE) formed through the 287(g) program. Black people in the United States are more likely to be stopped, arrested, and incarcerated, making Black immigrants disproportionately vulnerable to the prison-to-deportation pipeline. Most ICE apprehensions nationwide happen inside jails once an immigrant has had contact with local police. Also, "race-based federal immigration enforcement occurs, more largely, because the 287(g) program and other federal immigration enforcement practices are triggered by an individual's interactions with criminal law enforcement and, in some cases, their arrest on criminal charges, directly importing the racial biases of the criminal legal system."<sup>22</sup>

# Section Four

## Immediate Policy Solutions

Black migrants effectively have to simultaneously contend with anti-Blackness in the criminal legal system and the legal status stigma all immigrants must face while navigating a broken immigration and asylum system in the US. The following policy recommendations are vital in truly beginning to undo the immense harm caused by IIRIRA and will provide a way forward for countless Black immigrants seeking freedom, peace, and opportunity for themselves and their communities:

### AT THE FEDERAL LEVEL <sup>23</sup>

- Rebalance our spending priorities through proactive investments in public health, violence prevention, non-carceral crisis response, economic justice, safe and affordable housing, environmental justice, early childhood, youth programs, parks, equitable education, safe community spaces, and institutional transformations such as provisions set forth in The People's Response Act.
- Build on the community-based mobile crisis response funded in the American Rescue Plan
- Expand the recent investments made into community-based violence intervention
- Remove convictions as grounds for deportation and/or exclusion, including aggravated felonies and drug offenses.

- End the retroactive application of IIRIRA.
- Restore judicial discretion and due process for all individuals who come into contact with the criminal law and immigration systems.
- End permanent deportation.
- End mandatory detention.
- End police/ICE collaboration programs, such as 287(g).
- Eliminate the three and ten year bars, which prohibit return to the U.S. and create barriers to obtaining legal status.
- Provide the “right to counsel” in all immigration proceedings.
- Congress should eliminate the criminal bars that prevent individuals from seeking access to positive immigration programs specifically aimed at protecting all Black immigrants escaping war, egregious social, political, and economic conditions, public health and infrastructure crises, and domestic violence.
- The President should create and expand executive action programs that will provide relief for Black immigrants. This includes providing an additional 18-month renewal of Temporary Protected Status (TPS) for Guinea, Haiti, Liberia, Sierra Leone, Somalia, Sudan, South Sudan, and other Black-majority countries.
- The President should extend the number of visa petitions expedited under the Haitian Families Reunification Parole program.
- The President should eliminate the criminal bars to executive action programs, such as Deferred Action for Childhood Arrivals.

## AT THE STATE LEVEL<sup>24</sup>

- Where relevant, states should amend criminal laws such that the maximum sentence for certain criminal offenses is less than one year so that those offenses no longer constitute grounds for deportability.
- States should legalize acts that the broader public no longer believes should constitute a crime or violation, such as marijuana possession, and implement pre-plea diversion programs for a wide range of offenses so that individuals do not face harsh immigration consequences as a result of their involvement in the criminal legal system.
- States should cancel contracts with ICE that allow ICE officials to have access to state prisons.

## AT THE LOCAL LEVEL<sup>25</sup>

- Municipalities should move away from the Broken Windows Policing Model in favor of real community-controlled policing, which prioritizes restorative justice and rehabilitation.
- Municipalities should divest from traditional uniformed policing and invest in programs that have been shown to produce real public safety, including jobs, vocational training, access to mental health and harm reduction services, and educational resources.
- Local law enforcement agencies should cancel contracts with ICE that allow immigration detention centers to be housed within local jails.
- Municipalities should pass laws prohibiting local law enforcement agencies from collaborating and sharing information with ICE.

18Nittle, Nadra Kareem. "The Black Codes and Why They Still Matter Today." ThoughtCo, Feb. 16, 2021, [thoughtco.com/the-black-codes-4125744](https://www.thoughtco.com/the-black-codes-4125744).

19Scribner, Todd. "How the Civil Rights Movement Influenced U.S. Immigration Policy". United States Conference of Catholic Bishops, <https://www.usccb.org/committees/african-american-affairs/how-civil-rights-movement-influenced-us-immigration-policy>

20Cuauhtémoc García Hernández, César. "Criminalizing Migration". *Daedalus* (Spring 2021); <https://www.amacad.org/publication/criminalizing-migration>

21Ibrahim, Shamira. "The prison-to-deportation pipeline for black immigrants". *Vox*, Feb. 10, 2020; <https://www.vox.com/identities/2019/9/30/20875821/black-immigrants-school-prison-deportation-pipeline>

22"License to Abuse: How ICE's 287(g) Program Empowers Racist Sheriffs and Civil Rights Violations". American Civil Liberties Union, 2022; <https://www.aclu.org/report/license-abuse-how-ices-287g-program-empowers-racist-sheriffs>

23-25"The State of Black Immigrants". Black Alliance for Just Immigration/NYU School of Law Immigrant Rights Clinic, Jan. 2022; <https://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf>



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