



URGENT

Solutions for America's Immigration System

- Create a Fair and Efficient Immigration System
- Reform America's Immigration Courts
- Ensure Just and Humane Enforcement
- Protect Refugees and Asylum Seekers





AILA's Message to Congress and the President

For generations, America has welcomed immigrants, and the nation has flourished from their presence, creativity, and contributions to all aspects of American life. During the pandemic, immigrants served as essential workers across communities and provided life-saving support at a time of crisis. Their role should not be forgotten. Yet for decades the country's elected leaders have been unable to update America's immigration system to ensure it treats immigrants fairly and meets the nation's evolving social and economic needs.

The American Immigration Lawyers Association calls upon Congress and President Biden to put aside partisan divisions and advance solutions that serve American families and businesses and uphold the values upon which the country was founded. At a time when political instability, violent conflict and authoritarianism are on the rise, America needs bold leadership to protect democracy, freedom, and humanitarianism around the world and on its home soil.

Comprised of 16,000 immigration professionals representing people and businesses in every part of our country and in every area of immigration law, AILA offers unparalleled expertise to lawmakers searching for commonsense solutions. As a nonpartisan association, AILA stands ready to assist any member of Congress or administration official committed to reform.



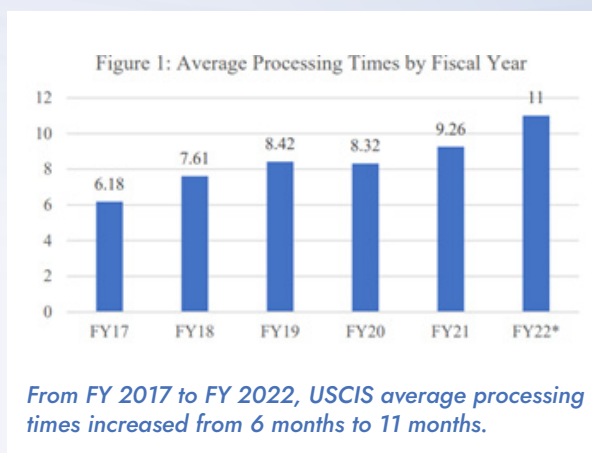
For AILA's recommendations and analysis of the Biden administration immigration policies read:

[*A Vision for America as a Welcoming Nation: AILA Recommendations for the Future of Immigration*](#)
and [*Still Striving – The First Year of the Biden Administration*](#)

An Immigration System for America

A Fair and Efficient System

The immigration system has suffered for decades from systemic problems that were exacerbated by the pandemic and, as a result, has been unable to meet the needs of American communities and the country's rapidly changing economy. U.S. Citizenship and Immigration Services (USCIS) and the Department of State (DOS) suffer from [crisis-level delays](#) that have resulted in lost jobs, prolonged family separation, and impaired travel for foreign visitors, students, and workers. Those agencies are making changes, but they should improve customer service and ensure fair and efficient processing for all immigration benefits. Congress needs to ensure our immigration system meets our country's needs by recapturing unused visas, exempting certain individuals from visa caps, permitting earlier adjustment filings, increasing the number of visas, protecting children from aging out, and eliminating the per country caps.



Legalize Undocumented People

Immigrants have lived in the United States for years creating families, investing in their communities, building businesses, and contributing billions to the economy, Social Security, and Medicare. They are a vital part of the American community. For those unable to obtain legal status or a permanent status, such as [Dreamers](#), [TPS recipients](#), farmworkers, and essential workers, Congress should offer green cards and a path to citizenship.

WHAT CONGRESS AND THE PRESIDENT CAN DO

- The President should eliminate barriers in the system to ensure fair and efficient processing of immigration benefits.
- Congress should reintroduce and pass an updated version of the [USCIS Case Backlog and Transparency Act of 2020](#).
- Congress should modernize our immigration system, by passing bills such as the [Jumpstart Act](#) (H.R. 7374), [Resolving Extended Limbo for Immigrant Employees and Families \(RELIEF\) Act](#) (S. 3721) and the [U.S. Citizenship Act](#) (H.R. 1177/S. 348).
- Congress should pass legislation legalizing people who are unauthorized and providing permanent legal status to those whose status is temporary.

Read AILA's Policy Brief on [USCIS processing delays](#)

Read AILA Policy Brief on [State Department processing delays](#)

Read "Walled Off" AILA's [Policy Brief on USCIS Customer Service](#).

Read the American Immigration Council's [explainer on the U.S. immigration system](#)

Fair and Independent Immigration Courts

AILA calls upon Congress to pass the [Real Courts, Rule of Law Act of 2022](#) (H.R. 6577, Lofgren, D-CA) which would fix fundamental flaws in the immigration court system by creating an [independent court](#) that is separate from the Department of Justice (DOJ). The current structure, which gives the executive branch control of the immigration courts, has enabled past administrations of both political parties to interfere with court practices and the interpretation of immigration law, making the courts less efficient and less fair.

Until then, the President must do more to improve fairness and efficiency in the courts. The administration has already made important reforms but must redouble efforts to ensure courts are fair and efficient. Read AILA's [recommendations to the President](#).

Legal Representation

Legal representation is the single most important factor to ensuring a fair day in court. Yet federal law still does not guarantee that people who are unable to afford attorneys will have one provided by the government. [AILA urges Congress and the President](#) to expand federally funded legal counsel programs.

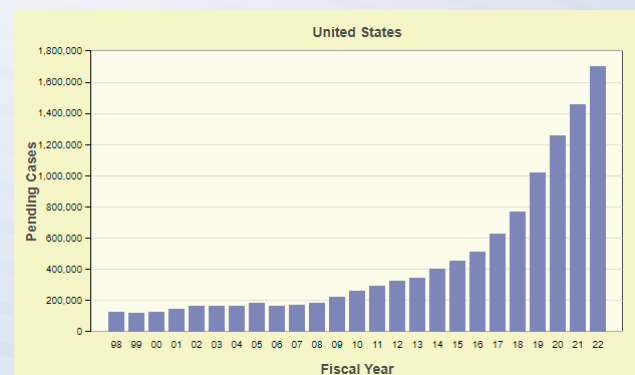


WHAT CONGRESS AND THE PRESIDENT CAN DO

- Pass the [Real Courts, Rule of Law Act of 2022](#).
- Support legal representation programs. Congress and the President should ensure legal representation is provided for all indigent adults and children.
- Ensure courts are fair and efficient.
The President should: 1) ensure immigration judges are diverse and highly qualified; 2) reduce the 1.7 million case backlog; 3) improve access to asylum; and 4) eliminate harmful policies that undermine due process.



Watch this [video](#) explaining why America needs an independent
Read AILA's [resources on the Real Courts, Rule of Law Act , H.R. 6577](#)
Read AILA's [resources on legal representation](#)



The immigration court case backlog tripled from FY 2016 to FY 2022.

Balanced Enforcement that Ensures Just Outcomes

Over the past two decades, the nation's immigration enforcement system has grown [exponentially](#) and relies upon harsh and inhumane practices like detention. Congressional oversight is urgently needed. President Biden pledged to make enforcement fairer and more humane, but ICE still uses [private prison companies](#) to expand their reach. The violent and discriminatory [treatment of Haitians](#) should serve as a clarion call for the President to take immediate action to hold these agencies accountable.

The administration should use enforcement resources in a more targeted manner. The Department of Homeland Security (DHS) has begun prioritizing enforcement but needs more effective methods for exercising prosecutorial discretion. The administration should move away from its heavy reliance on detention which is costly and creates almost insurmountable barriers to a fair process. Not everyone will qualify for legal relief, but people must be given their best chance to obtain legal counsel and apply for relief consistent with U.S. law.



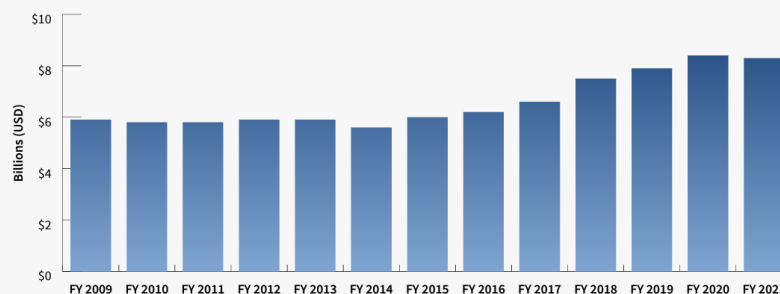
Juárez, Chihuahua, Mexico, 05-12-2021 a group of 25 immigrants from Haiti crossed the Rio Grande natural border between Mexico and the United States to request political asylum

WHAT CONGRESS AND THE PRESIDENT CAN DO

- Reduce detention. Congress should reduce the FY 2023 budget to detain a maximum of 15,000 people per day.
- The President should expand his Executive Order on Private Prisons to include immigration detention.
- Use prosecutorial discretion. DHS should implement more robust prosecutorial discretion policies and stop pursuing enforcement in low priority cases.

Read [Tracking the Biden Agenda on Immigration Enforcement](#) by the American Immigration Council

FIGURE 6: Annual ICE Budget, FY 2009–2021⁸⁸



Source: American Immigration Council.

Protection for Refugees and Asylum Seekers

With more than [82 million people](#) forced from their homes and communities due to persecution, conflict and human rights violations, the world is experiencing unprecedented human displacement. The United States needs to do its part as a global leader. That starts with resettling refugees from abroad after [historic processing lows](#). The President must also redouble protection for asylum seekers in the U.S. who are waiting weeks and months for USCIS and immigration courts to hear their cases. Congress and the President should ensure long-term solutions for [Afghans](#) and [Ukrainians](#) in the U.S.



Medyka, Poland, March 17, 2022: Refugees from Ukraine arriving at Ukrainian-Polish border crossing in Medyka. People fleeing the war in Ukraine

Fair Treatment of Black and Central American Migrants

President Biden should implement steps to ensure the humane treatment of refugees and migrants from Central America, Haiti, and African nations who have been subjected to [abusive](#) enforcement and expulsions at the border. The administration must put an end to the discriminatory treatment of people from those regions and extend a spirit of welcome to all people fleeing unsafe, desperate conditions.

More than **13,000 unaccompanied children** were expelled under Title 42.



= 100 children

The administration should establish a humane and orderly process at the southern U.S. border and eliminate harsh enforcement practices. Border regions should be equipped with humanitarian assistance centers. After screening migrants, DHS should release them from the border region while ensuring they appear in court to obtain a fair hearing.

American Immigration Council analysis shows the Title 42 policy severely compromised U.S. humanitarian and asylum principles

WHAT CONGRESS AND THE PRESIDENT CAN DO

- The President should rescind policies obstructing access to legal relief at U.S. borders, such as the [Title 42 entry ban](#) and curtail any future expansion of [Remain in Mexico \(MPP\)](#).
- The administration should reduce the asylum backlogs and ensure timely and fair humanitarian parole adjudications.
- Congress should pass the Afghan Adjustment Act to ensure that individuals fleeing the Taliban have a path to permanent legal status.
- Congress should increase funding for DOS and USCIS to process humanitarian cases.

Read [Rising Border Encounters in 2021: An Overview and Analysis](#) by the American Immigration Council

#AILANDA22

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The American Immigration Lawyers Association (AILA) is the national bar association of 16,000 immigration 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.