

## LONG-TERM LEGAL IMMIGRANTS DESERVE A MEANINGFUL DAY IN COURT

**A Call to Action:** Bipartisan legislation is currently awaiting markup before the House Judiciary Committee that, if passed, will provide a measured response to unjust immigration policies that cause good lives to be needlessly ruined by a bad system. The Family Reunification Act needs your support!

The Family Reunification Act of 2001 (H.R. 1452), introduced by Reps. Barney Frank (D-MA) and Lincoln Diaz-Balart (R-FL), seeks to alleviate the all-too-frequent hardships faced by legal immigrants and their families under the mandatory detention and deportation provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Enacted with the intent of increasing the power of the INS to quickly deport immigrants convicted of serious crimes, IIRIRA's provisions have, tragically, cast too wide a net. The pain and hardship caused by the mandatory deportation laws have had a particularly harsh impact on long-term legal permanent residents.

IIRIRA's mandatory deportation laws blindly and indiscriminately subject any legal immigrant convicted of virtually any criminal offense to a "one size fits all" remedy of *lifetime* deportation, with no chance for a judge to determine whether such a harsh punishment makes sense in a particular case. Most crimes – even many misdemeanors – are now labeled "aggravated felonies" under immigration law, and this label makes any of the following factors completely irrelevant, as a matter of law, in a deportation hearing:

- evidence of rehabilitation,
- length of residency,
- family and community ties,
- the seriousness of the offense, and
- the simple question of whether deportation in a particular case would truly further public safety

Even veterans who have honorably served our country and people who came to the United States as youngsters and don't even remember their countries of birth have, regardless of the particular offenses or mitigating factors, been treated just as harshly under our immigration laws as undocumented immigrants who have committed the most heinous or violent crimes imaginable.

Under its "mandatory detention" provision, IIRIRA also requires the jailing – without even a chance to seek bail – of nearly any noncitizen who has been convicted of a criminal offense while they are awaiting deportation hearings. Mandatory detention has a terribly devastating effect on immigrants and their families, because it leaves no room to consider whether such imprisonment is actually necessary. INS "detainees" – who in most cases have already repaid their debt to society, if they served any time at all – are usually imprisoned under harsh conditions in state prisons or local jails throughout the country, often hundreds or thousands of miles away from their families, jobs, communities and attorneys – and frequently for years.

The Family Reunification Act will allow our immigration system to sensibly sort out the good from the bad during deportation proceedings, by allowing an immigration judge to consider

more than just a prior criminal conviction, and carefully determine whether the person behind the “aggravated felony” label genuinely deserves to be cast away for life. Those entitled to a hearing could also be released on bond if they are not dangerous or likely to flee, allowing them to continue living their lives in the months or years it can take for a final decision. Importantly, the bill carefully ensures that nobody with a criminal conviction can avoid the prospect of deportation if they would face it under current law; it simply ensures that immigrants – and only long-term, legal permanent residents at that – will receive a meaningful day in court once deportation hearings are underway.

**THE PUNISHMENT SHOULD FIT THE CRIME.  
SUPPORT H.R. 1452, THE FAMILY REUNIFICATION ACT OF 2001.**

**For more information on the Family Reunification Act of 2001, contact:**

- Rob Randhava, Leadership Conference on Civil Rights: 202-466-6058, or 202-236-5991 (cell)
- Nancy Morawetz, New York University School of Law: 212-998-6451

**For more examples of how families are being unjustly torn apart by IIRIRA, contact:**

- Laurie Kozuba, Citizens and Immigrants for Equal Justice: 972-329-7080
- T.C. Duong, Southeast Asia Resource Action Center: 202-667-4690

**Links to Additional Resources (*click below*):**

- [A summary of H.R. 1452](#) - also see [the text and status of the legislation](#) from THOMAS
- [Press statement by Rep. Barney Frank \(D-MA\)](#), announcing the introduction of H.R. 1452
- Not-so-serious [“aggravated felonies”](#) that result in mandatory, lifetime deportation
- [“FAIR” vs. FACT](#): Talking points in response to the smear campaign being waged against H.R. 1452 by the anti-immigrant Federation for American Immigration Reform (.pdf format)
- American Immigration Lawyers Association [issue paper](#) on how IIRIRA goes too far