



Restoring Credibility and Humanity: A New Framework for Immigration Enforcement

White Paper Overview

While President Trump's mass deportation agenda threatens to undermine trust in the government's ability to enforce immigration law, most Americans still want an immigration enforcement system that enforces clear and fair rules, keeps communities safe, and lives up to American values. The American Immigration Council is proposing an alternate vision to restore credibility and humanity to interior immigration enforcement based on four core pillars. Across these four pillars, the Council makes fourteen legal and policy recommendations:

Compliance: Government Should Make Rules that People Can Follow and Get People to Follow the Rules.

1. **Enforcement Diversion:** Congress should create a diversion mechanism that federal enforcement agencies can use when encountering undocumented immigrants with deep ties to this country. Rather than sending all undocumented people straight to removal proceedings, those who pose no public safety threat could be placed in an alternative compliance process that assesses civil penalties proportionate to their case and offers a path to lawful permanent status for those who can demonstrate ongoing compliance. Congress should create this enforcement diversion in addition to passing existing legislation that offers immediate pathways to citizenship for some undocumented people.
2. **Restore Institutional Credibility:** Congress should assign authority over this diversion and compliance process to a new or existing civil administrative subagency, not ICE. A compliance process with scaled penalties should not be handled by an agency authorized to detain and deport.
3. **Incentivize Compliance:** Congress should ensure that any non-citizen who has a bona fide claim to permanent status and is not considered a priority for removal cannot be subject to arrest or detention during the processing of their application.

Safety: Law Enforcement Should Protect Communities from Threats, Not Treat the Community as a Threat.

4. **Truly Prioritize Safety:** Congress should require DHS to issue and follow prosecutorial and enforcement priorities that ensure limited enforcement resources are focused on people with violent or recent serious criminal convictions, rather than people with no or old, low-level criminal convictions, and long ties to their communities. These priorities should apply to both enforcement agents in the field and DHS lawyers prosecuting immigration cases.
5. **Refocus Removal:** Congress should revise criminal grounds of deportability, so immigration consequences track actual and current public safety risks. This revision should include (1) a statute of limitations for initiating removal proceedings against people with old, prior criminal convictions and (2) a repeal of vague legal terms that sweep lawful permanent residents into removal proceedings based on low-level offenses.



6. **Professionalize Enforcement:** Congress should codify: (1) new hiring, vetting, and training requirements for immigration enforcement agencies, including ICE and Border Patrol, (2) a prohibition on the use of face masks by federal agents and a requirement that officers carry identification, (3) a prohibition on immigration enforcement in sensitive locations, and (4) revisions to current legal standards concerning the use of administrative warrants and warrantless arrests.
7. **Federal-State Public Safety Partnerships:** Congress should repeal section 287(g) of the Immigration Nationality Act and laws that allow direct contracting between federal agencies and local sheriffs. Instead, it should take steps to support an improved public safety partnership between federal agencies and states that includes funding for supportive services for immigrant communities alongside targeted enforcement, focused only on high-risk individuals already in contact with state and local criminal legal systems.

Proportionality: Consequences for Violations of Civil Immigration Laws Should Be Tailored, Reasonable, and Humane

8. **Make Consequences Proportionate:** Congress should enact a set of scalable penalties for violations of immigration law that immigration judges can impose in lieu of deportation in appropriate cases, such as fines, treatment programs, or community service. It should also codify standards and guidelines immigration judges use to determine when such penalties apply.
9. **Reverse Expansion of Immigration Detention:** In addition to changes that decrease the overall number of people subject to detention, Congress should amend immigration laws to codify community-based alternatives to detention that promote regular court appearances and prohibit detention of certain vulnerable people including children and pregnant people.
10. **Let All Seek Bond:** Congress should end the use of mandatory detention for people arrested in the interior by ensuring that every detained person has a chance to be considered for release. It should also grant the right to appointed counsel for any detained person.

Accountability: Agencies and Agents That Abuse Their Power Should Be Reined In or Pushed Out

11. **Restore Power to the Judiciary:** Congress should repeal existing laws that (1) strip federal courts of their ability to correct unlawful immigration actions and policies and (2) provide judicial remedies against unlawful imprisonment, detention, or searches and seizures.
12. **Compensate Victims of Federal Abuse:** Congress should enact a federal remedy for civil rights violations by federal law enforcement officers.
13. **Adopt External Oversight:** Congress should create and fund a bipartisan immigration accountability commission, external to DHS, to investigate and monitor immigration enforcement agencies and reports to Congress on its investigations.
14. **Establish Trust through Transparency:** Congress should strengthen the independence and authority of internal watchdogs within DHS, including the DHS Office of the Inspector General, the Office of Civil Rights and Civil Liberties, and the Office of the Immigration Detention Ombudsman.