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H. RES. 64

Recognizing that it is the duty of the Federal Government to develop and implement a Roadmap to Freedom in order to overhaul the outdated immigration system in the United States that has gone without significant reform for decades, and to relieve the great human impact an unjust system bears on communities around the country.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Ms. JAYAPAL (for herself, Mr. GARCÍA of Illinois, Ms. ESCOBAR, Ms. OCASIO-CORTEZ, Ms. CHU, Ms. CLARKE of New York, Mr. BLUMENAUER, Ms. BUSH, Mr. CARSON, Mr. CICILLINE, Mr. DANNY K. DAVIS of Illinois, Mr. ESPAILLAT, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. GRIJALVA, Mr. HASTINGS, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KHANNA, Ms. LEE of California, Mr. MCGOVERN, Ms. MENG, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. OMAR, Mr. PALLONE, Mr. PANNETTA, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. TAKANO, Ms. TLAIB, Mr. TORRES of New York, Mr. VARGAS, Ms. VELÁZQUEZ, and Mrs. WATSON COLEMAN) submitted the following resolution; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Recognizing that it is the duty of the Federal Government to develop and implement a Roadmap to Freedom in order to overhaul the outdated immigration system in the United States that has gone without significant reform for decades, and to relieve the great human impact

an unjust system bears on communities around the country.

Whereas our strength as a country has always been greater when we welcome newcomers;

Whereas today the United States is an economic and innovation powerhouse due to the labor and lands of Indigenous peoples to which the United States has continuing trust and treaty responsibilities, the labor of enslaved people and their descendants, and generations of immigrants from every corner of the globe;

Whereas immigrants and their families are a vital part of every community across the country;

Whereas creating a fair immigration process that upholds our values and honors the courage and tenacity of people who have moved to pursue a better life, upholds our foundational commitment to liberty and justice for all;

Whereas the majority of Americans support modernizing our Nation's immigration laws and keeping families together;

Whereas the United States is home to an estimated 10.5 million undocumented immigrants and stateless individuals, approximately 16 million people living in mixed-status families, and at least 5.1 million children with an undocumented parent;

Whereas an estimated 19.8 million people who have immigrated to the United States support American families by providing health care, food, and other essential services during the COVID-19 pandemic, yet many—including mixed-status families—are excluded from almost all Federal pandemic relief, including access to testing, treatment, and food and financial assistance;

Whereas these 19.8 million people are projected to continue playing a critical role in American life and work, and need a safe and fair immigration process;

Whereas creating a fair and humane immigration system will help level the playing field for all working people and ensure that employers cannot take advantage of an outdated system to undermine worker voice and protections;

Whereas people, businesses, and communities suffer due to an immigration system that is plagued by backlogs, processing delays, and overly complex policies that are inefficient, harmful, and widen the existing inequities in the system;

Whereas immigrants—regardless of status—contribute billions every year in taxes, yet many have virtually no access to safety net programs that are vital to ensuring that all communities thrive;

Whereas all of us are harmed when our outdated and biased immigration system does not respond to the needs of the United States;

Whereas today's main immigration enforcement agency, the Department of Homeland Security (DHS) was formed after the September 11, 2001, attacks and reshaped immigration as a national security issue, and minimized immigration as an issue of humanitarian protection, family unity, and economic necessity—the effects of which have permeated immigration policies at all levels over the last nearly 20 years;

Whereas the Trump Administration's DHS has deployed agents and surveillance technology to suppress the constitutionally protected First Amendment rights of citizens and noncitizens alike across the country;

Whereas our outdated immigration laws and rampant immigration enforcement has disproportionately impacted low-income people, people of color, and Black, Latinx, Muslim and Arab, Asian and Pacific Islander immigrants, immigrants from Indigenous communities and their families, and borderland communities and these people have suffered gravely under policies that prioritize detention and deportation as a means of deterrence, including—

(1) the separation of hundreds of thousands of families resulting from implementation of the Trump administration’s “Zero Tolerance” policy in addition to deporting tens of thousands of parents away from U.S. citizen children annually, and families separated by lengthy processing backlogs and bans on people from Muslim-majority and African countries who have loved ones and family members in the United States;

(2) over a million recipients of either Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS) who have had their status taken away, bans on people from Muslim-majority and African countries, and the decimation of the asylum and refugee resettlement systems;

(3) deplorable conditions in the custody of Customs and Border Protection and Immigration and Customs Enforcement, including prolonged detention, rampant use of solitary confinement, crowded cells, rotten food, physical abuse, sexual abuse, medical abuse, and forced medical procedures of detained women, including some resulting in sterilization; and

(4) dozens of preventable deaths in the custody of Immigration and Customs Enforcement and Customs and Border Protection, including deaths of children, due to medical neglect and suicide;

Whereas Black immigrants excel in all sectors of society, yet are disproportionately targeted by incarceration and deportation in which they experience abuse, longer periods of detention, and make up more than 20 percent of those facing deportation, despite making up approximately seven percent of the noncitizen population;

Whereas Muslim immigrants contribute greatly to their communities, yet have been disparately subjected to bans, visa denials and denaturalization efforts based on their religion and national origin, and the targets of racial and religious profiling, discrimination, bigotry, and hate crimes;

Whereas Asian immigrants are the fastest growing immigrant population yet are harmed by lengthy backlogs that keep families apart and prevent them from becoming U.S. citizens, and Southeast Asian immigrants are the largest refugee community in the United States, yet are three times more likely to be deported based on an old criminal conviction;

Whereas indigenous immigrants have come to the United States fleeing persecution in great numbers in recent years yet have been subject to prolonged detention and forcibly returned to the countries they fled due to language barriers and a lack of adequate interpretation in their native languages;

Whereas Latinx immigrants represent the largest immigrant community in the United States yet are frequently scapegoated, criminalized, and racially profiled leading to discrimination, hate crimes, and targeting for detention and deportation due to collaboration between local law enforcement and Federal immigration authorities;

Whereas migration can increase a woman's access to education, economic independence, and autonomy, yet migrant women's work is not valued in the immigration system and women are at a greater risk of exploitation, trafficking, and abuse;

Whereas the Federal Government unnecessarily spends \$8.43 million per day on immigrant detention at an average daily cost of \$208 per detained immigrant, when those same people should be able to pursue their immigration case in communities, and cost-effective humane community-based case management programs exist when needed;

Whereas the main drivers of the global displacement of people include violence, food insecurity, extreme poverty, mass wealth inequality, the effects of climate change, endemic corruption, unfair judicial systems, harm done by multi-national corporations and mass consumption of resources, and U.S. foreign policy and military intervention leading to decades of destabilization;

Whereas our post-World War II commitment to provide access to protection to people seeking safety in the United States has been almost completely dismantled under the Trump Administration;

Whereas the politicization of the Immigration Court system has interfered with the efficient and fair operations of the Immigration Courts and resulted in due process violations;

Whereas immigrant survivors of domestic violence, sexual assault, and human and labor trafficking are vulnerable to ongoing abuse and exploitation for extended periods of time while their harm-doers are able to leverage the im-

migration system as a tool of fear, exploitation, and profit making;

Whereas the COVID–19 pandemic deepened the injustices of the immigration system resulting in a tremendous spread of COVID–19 in detention, deaths of multiple persons in detention due to COVID–19, and mass expulsions of unaccompanied children and asylum seekers at the border; and

Whereas a fair and equitable immigration process that centers on family unity and humanitarian protection, and that works for all, is necessary to eliminate these systemic injustices: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) it is the duty of the Federal Government to
4 develop and implement a Roadmap to Freedom by—

5 (A) promoting full citizenship by creating
6 an equitable roadmap that fosters and nurtures
7 full citizenship, and investing in resources to
8 clear the backlogged citizenship process;

9 (B) protecting and strengthening a fair
10 process centered on family unity by—

11 (i) eliminating barriers to family re-
12 unification;

13 (ii) preserving and strengthening fam-
14 ily based immigration;

15 (iii) creating a just and accessible
16 process for eligible individuals who are de-

1 ported, detained, or in sanctuary to reunite
2 with their families and communities, and
3 return home in the United States;

4 (C) promoting and preserving diversity by
5 encouraging immigration from underrep-
6 resented countries; establishing opportunities
7 for individuals who otherwise would not have an
8 opportunity to migrate through existing family,
9 humanitarian, or employment-based channels;
10 and fostering new connections, unique perspec-
11 tives, and diversity within the United States
12 through upholding and enhancing the diversity
13 visa program;

14 (D) establishing a just, humane system to
15 uphold U.S. immigration laws by—

16 (i) ensuring fairness and disentan-
17 gling the criminal and deportation systems
18 such that the enforcement of immigration
19 laws will not rely upon detention and de-
20 portation by—

21 (I) creating scalable civil con-
22 sequences to immigration violations;

23 (II) repealing harmful provisions
24 of the Illegal Immigration Reform and
25 Immigrant Responsibility Act

1 (IIRIRA) and the Antiterrorism and
2 Effective Death Penalty Act
3 (AEDPA);

4 (III) decriminalizing the acts of
5 migration and seeking asylum;

6 (IV) ending the 287(g) program
7 and other programs that enable local
8 law enforcement to enforce immigra-
9 tion laws or require or incentivize co-
10 operation and support for Federal im-
11 migration enforcement; and

12 (V) ending the disproportionate
13 immigration penalties that flow from
14 involvement in the criminal legal sys-
15 tem, in particular on immigrants of
16 color;

17 (ii) ensuring that no person is re-
18 moved, expelled, or denied admission with-
19 out guaranteed and meaningful access to
20 legal defense;

21 (iii) mandating that all enforcement
22 actions must comply with the Fourth
23 Amendment, basic principles of fairness
24 and due process, uphold civil rights and

1 civil liberties, and include robust privacy
2 protections;

3 (iv) respecting the safety and security
4 of all people during encounters with law
5 enforcement by upholding the longstanding
6 division between State and local law en-
7 forcement and Federal immigration en-
8 forcement and enacting policies to build
9 trust and eliminate racial and religious
10 profiling by all Federal, State and local
11 law enforcement agencies in the United
12 States;

13 (v) protecting the safety of immigrant
14 communities by prohibiting immigration
15 enforcement at sensitive locations including
16 health care facilities; schools and school
17 bus stops; places that provide assistance to
18 people such as children, pregnant women,
19 and survivors of abuse; places that provide
20 disaster or emergency services; places of
21 worship; courthouses; probation offices;
22 lawyers' offices; and public assistance of-
23 fices; and

1 (vi) initiating an individualized review
2 process to ensure that these changes are
3 implemented retroactively;

4 (E) embracing a presumption of liberty for
5 all immigrants by—

6 (i) ending the detention of families,
7 children, and other vulnerable populations,
8 mandatory detention, and the use of deten-
9 tion for migration processing;

10 (ii) upholding dignity by eliminating
11 the profit motive to detain people by end-
12 ing the use of private, for-profit detention
13 facilities and State and local jails and pris-
14 ons;

15 (iii) investing in effective community-
16 based and community-supported case man-
17 agement programs operated by credible
18 non-profits that support immigrants who
19 need it based on a presumption that asy-
20 lum seekers and immigrants going through
21 immigration court proceedings are free to
22 live in their homes or communities, and
23 save taxpayers' dollars and protect human
24 rights; and

1 (iv) ensuring robust protections and
2 standards for the safety and well-being of
3 children, including while in immigration
4 custody;

5 (F) ensuring Federal immigration agencies
6 are fair and accountable by—

7 (i) establishing U.S. Citizenship and
8 Immigration Service (USCIS) as a cus-
9 tomer-service oriented agency that is prop-
10 erly resourced to promote immigrant and
11 refugee integration by reviewing all appli-
12 cations and benefits in an expeditious, fair,
13 and responsive manner; protecting immi-
14 grants' rights and data privacy; and main-
15 taining affordable application fees;

16 (ii) creating an Office of Migrant Pro-
17 tection that is tasked with collecting data,
18 establishing best practices, and promoting
19 policies that benefit the immigrant commu-
20 nity in the United States;

21 (iii) establishing an independent Im-
22 migration Court system that promotes fair-
23 ness and independence and ensures Immi-
24 gration Judges and appellate courts are
25 free from political influence and have the

1 power to exercise discretion, including
2 granting relief where equities demand it;
3 and

4 (iv) ensuring robust and independent
5 oversight of immigration agencies including
6 a meaningful complaint process that en-
7 gages impacted communities and stake-
8 holders;

9 (G) establishing a humane and effective
10 border policy that protects the safety of all
11 communities and invests in the rights and liveli-
12 hoods of borderland communities by—

13 (i) partnering with borderland com-
14 munities in decisionmaking about the bor-
15 der;

16 (ii) facilitating safe, dignified, and ef-
17 ficient trans-border travel, trade, and ex-
18 change that strengthens community and
19 economic ties and well-being;

20 (iii) honoring the rights of people liv-
21 ing in the borderlands including by revers-
22 ing the flow of money into harmful border
23 walls, barriers, and “virtual walls” that
24 perpetuate militarization of the border and
25 use invasive technology that violate individ-

1 uals' civil rights and civil liberties and in-
2 vesting in modernizing ports of entry, eco-
3 nomic development, education, and social
4 services;

5 (iv) ensuring fair, effective, timely,
6 and humane processing of all persons seek-
7 ing entry at the borders and ensuring civil
8 rights and civil liberties protections, includ-
9 ing by ensuring that these protections
10 apply fully everywhere within the United
11 States, including at and near the border;

12 (v) establishing welcoming centers at
13 the border to ensure that people seeking
14 safety are processed in a way that upholds
15 American values;

16 (vi) protecting the right of borderland
17 communities to move without unconstitu-
18 tional searches and seizures by ending
19 checkpoints in the interior of the United
20 States;

21 (vii) engaging in evidence-based stra-
22 tegic planning to better allocate border au-
23 thorities and resources and uphold human
24 rights including rejecting spending on mili-
25 tary installments, physical barriers, or un-

1 necessary personnel, and rescinding the au-
2 thorities that were used to waive legal re-
3 quirements for border construction; and

4 (viii) addressing the damages and pro-
5 viding reparations for landowners, commu-
6 nities, and public, private, and tribal lands
7 harmed by border wall construction, border
8 militarization, and border authorities;

9 (H) affirming protections for immigrant
10 survivors of violence by ensuring prompt access
11 to survivor protections afforded under the Vio-
12 lence Against Women Act (VAWA), the Traf-
13 ficking Victims Protection Act (TVPA),
14 through the asylum system, and for Special Im-
15 migrant Juveniles seeking safety, by—

16 (i) preventing the detention and de-
17 portation of survivors seeking legal protec-
18 tions;

19 (ii) ensuring fair, just, and expedited
20 processing of VAWA, TVPA and other vic-
21 tim related cases and corresponding em-
22 ployment authorization; and

23 (iii) protecting survivors from abuser
24 manipulation of the immigration system as
25 a tool of retaliation by strengthening ac-

1 countability to confidentiality protections
2 afforded immigrant survivors;

3 (I) recognizing the value of all work by
4 modernizing the rules that govern our work-
5 force immigration needs including by—

6 (i) ensuring that all people who are
7 recruited to meet verifiable labor market
8 needs are able to change employers, bring
9 and live with their families, and earn a
10 roadmap to citizenship;

11 (ii) protecting all working people by
12 ensuring immigrants have work authoriza-
13 tion, safe working conditions, and strong
14 labor protections, including safeguards
15 against employer retaliation and equal
16 remedies when their rights are violated;
17 and

18 (iii) redirecting budgets and priorities
19 for worksite immigration enforcement and
20 instead empowering labor and employment
21 agencies to prosecute workplace violations
22 that endanger all working people—whether
23 immigrant or native born—and that per-
24 petuate discrimination, exploitation, and
25 substandard working conditions;

1 (J) promoting healthy communities by en-
2 suring immigrants’ access to health care and
3 housing, and eliminating barriers that deter im-
4 migrant communities from accessing crucial
5 public services for which they are eligible;

6 (K) promoting social, civic, and economic
7 integration by establishing a National Office of
8 Immigrant Affairs, promoting citizenship for
9 those who are eligible, and investing in English
10 language learning programs and workforce de-
11 velopment training;

12 (L) modernizing and strengthening hu-
13 manitarian pathways to the United States to
14 recognize fundamental human rights to safety
15 and dignity, and reflect the changing socio po-
16 litical, economic, and environmental causes driv-
17 ing humanitarian crises, including by—

18 (i) fully supporting refugee resettle-
19 ment;

20 (ii) ensuring meaningful and broad
21 access to asylum and other humanitarian
22 protections;

23 (iii) recommitting to U.S. obligations
24 to protect and support people seeking asy-
25 lum in the United States throughout the

1 duration of their pending asylum claims;
2 and

3 (iv) acknowledging the global trends
4 that lead people to seek safety and ensur-
5 ing people fleeing both state and non-state
6 violence are able to access protection;

7 (M) engaging regional allies and investing
8 in countries vulnerable to the impacts of eco-
9 nomic, climate, trade, social, and security fac-
10 tors driving migration including investment in
11 rural development, employment, free and fair
12 elections, gender equity, labor protections, ac-
13 cess to health care, and education programs
14 that expand opportunity and economic security,
15 food security, and other targeted credit and fi-
16 nancing programs to provide debt relief and
17 stimulate stability and growth that is inclusive
18 of vulnerable populations; and

19 (N) acknowledging the harms of past poli-
20 cies on individuals, families, and communities
21 by engaging in a truth and reconciliation proc-
22 ess to provide justice to those who have suffered
23 under an inequitable and inhumane system for
24 decades; and

1 (2) the Roadmap to Freedom must be devel-
2 oped in transparent and inclusive consultation, col-
3 laboration, and partnership with frontline commu-
4 nities, community-based organizations, human rights
5 organizations, labor unions, immigrant worker col-
6 lectives, academia, and business stakeholders.

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