AILA 2020 Presidential Candidate Survey - Joe Sestak

1. How do you propose to improve America’s legal immigration system to ensure it meets the needs of American families, communities, and businesses?

I believe immigration is critically important to our nation. Without immigrants, we would be in a population death-spiral like Japan. I have personally witnessed as many blighted communities in my native Pennsylvania have been reinvigorated by new immigrant communities and the businesses that grow out of them. I also realize that we have a worker shortage in many American industries, including vital industries like agriculture, food processing, and at-home healthcare. Many of these jobs are filled by immigrants, and I hear from small business owners all the time that we need to offer more immigrant visas. I would increase guest worker visas in particular, to create more legal pathways for foreign workers to come to America to work for a period of time and then return home — recognizing that many immigrants would not like to permanently leave home, but do so for lack of a better option. I would increase the numbers of highly skilled immigrants allowed into the country, especially in STEM fields, and ensure that anyone who comes to this country and successfully completes their higher education here can find an opportunity to stay and contribute to our economy and our society. Finally, I support all of this in the context of comprehensive immigration reform legislation that includes a path to citizenship for unauthorized immigrants already in this country. We need to streamline and make more effective our entire immigration system, everything from the visa application reviews to timely asylum procedures and decisions.

2. Do you support reforms to ensure USCIS upholds its service-oriented mission to adjudicate immigration benefits in a fair and timely fashion? (Yes/No)

Yes

3. How would you reform USCIS to uphold its mission to adjudicate immigration benefits in a fair and timely fashion?

USCIS has a challenging job to do, and in recent years it has only gotten more challenging. USCIS needs more resources to do its job, particularly to increase the speed and efficiency of background checks and processing of asylum applications. We will need to take a comprehensive look at the agency to ensure that the processes and procedures in place are effective. I am also concerned about the shift at USCIS from a service-oriented agency focused on administering due process to immigrants (processing visas, green cards, citizenship, etc) to an enforcement agency, especially after the 2018 USCIS “guidance” instructing staff to issue a Notice-to-Appear (NTA) to any unauthorized immigrant whenever any application, petition, or benefit request is denied. An NTA is a charging document issued to begin deportation proceedings. This is particularly troubling because of its impact on “Dreamers,” who were brought to the United States as children. After many of them went out on a limb to apply for DACA status (“Deferred Action for Childhood Arrivals”) in the first place, they now face the possibility of imminent deportation if they apply to renew DACA status and are turned down. This new policy makes unauthorized immigrants in general far less likely to attempt to come out of the shadows. Previously, prosecutorial discretion meant that only people who have given cause why they should not be in this country — by committing crimes or otherwise being irresponsible — would face deportation. Instead, this new policy has meant mass deportation of good people who only want to support their families and are contributing to our country. Since we do not have unlimited resources to deport every undocumented person across the country, it is
only reasonable that we should focus our deportation efforts on people who cause harm to the country. It is a matter of priorities. I will reform USCIS to once again focus on administering due process for immigrants, and leave enforcement action to ICE and CBP.

4. How would you address the population of unauthorized immigrants in the United States, including Dreamers, DACA recipients, and TPS recipients?

I support comprehensive immigration reform that includes a path to citizenship for unauthorized immigrants, who will have to pay a fine, pay any back taxes, learn basic English, and get to the back of the line (though I do not believe they should have to return to their former country). Dreamers are a special case and I believe they should be treated so in any legislation, because people who were brought to this country as minors and have been brought up as Americans should never face deportation to a country they barely know or don’t know at all. I would therefore support an expedited path to citizenship for DACA recipients and other Dreamers. When it comes to Temporary Protective Status (TPS), I will always err on the side of the people our country has committed to protecting. Unless there has been a clear and dramatic improvement of the situation that led to a TPS program being initiated, I will not send people who have begun making a new life in the United States back to a dangerous situation.

5. Do you support enactment of a legalization plan that provides unauthorized immigrants lawful permanent resident status and the opportunity to apply for citizenship? (Yes/No)

Yes

6. Do you support the creation of an independent Article I immigration court system? (Yes/No)

Yes

7. How would you reform the immigration court system to ensure the fair and effective administration of justice?

An independent Article I immigration court system would go a long way toward ensuring the fair and effective administration of justice for immigrants. The current system has almost unbelievable backlogs, and is deeply unfair to many immigrants and asylum-seekers, especially children. It is simply abhorrent that children who should be in kindergarten are facing justice alone, without even a court-appointed lawyer. We need a full overhaul of our immigration court system in order to stamp out systemic injustices and create something better. I will consult with a range of organizations, policy makers, and immigrants themselves, to develop a comprehensive plan. But I believe the Federal Bar Association’s model for an Article I immigration court system would be a great start.

In their words: “The June 2017 Government Accountability Office (GAO) report documented EOIR [Executive Office for Immigration Review] backlogs of epic size, costly and ineffective case management, and reliance on outdated technologies and reported that a majority of immigration court experts and stakeholders interviewed favored EOIR replacement with an independent Article I immigration court. Establishing an Article I court would substitute for an overstuffed, bloated bureaucracy a new structure, modeled on the federal courts, their case management expertise, and their demonstrated record for delivering prompt, effective justice. Cheaper, faster, better justice is possible through an Article I immigration court.”
8. How would you improve immigration enforcement and ensure accountability over the agencies responsible for the enforcement of immigration law?

As President, I would take an active role in overseeing immigration enforcement across the United States. Most importantly, I would appoint leadership of the various agencies involved whom I am certain would deal with immigrants with the compassion and dignity they deserve, while enforcing the laws of the land. Agency culture is determined from the top down, so who is appointed matters a great deal. From the White House, I will lead an administration that encourages and is grateful to whistleblowers who keep their colleagues accountable by speaking the truth, even at great personal or professional cost. When the government is not accountable to the people, abuses are inevitable. I will have zero tolerance for corruption and malfeasance.

9. Do you support the reduction of immigration detention, including reduction in U.S. taxpayer funding of immigration detention? (Yes/No)

Yes

10. How would you ensure the fair, humane and efficient screening of migrants coming to the southern border of the United States?

For one, I would look closely at the issue of evidentiary standards in asylum cases. Given what we know about the countries from which most migrants are coming, we must make it easier for asylum-seekers to establish that they have a credible fear of returning to their former country. We certainly also need more funding for immigration judges, courts, translators (including of indigenous languages), and legal assistance. The process needs to be much faster, much less opaque, and much more compassionate. I will again undertake a comprehensive review of the screening and detention and adjudication processes in order to develop a better way forward.

11. How would you address the root causes of migration that is resulting in more people fleeing from violence and persecution in the Americas region?

I would increase humanitarian and developmental aid to the countries from which most immigrants come, but primarily to Non-Governmental Organizations (NGOs) that are actually doing work, not to corrupt local governments. I will also order the Department of Justice, Department of State, and our intelligence agencies to work together to determine how various actors are negatively impacting the situation on the ground in Central America, whether through illegal activities (drug trafficking, gang violence, illegal logging or mining, tax evasion, etc.) or legal ones (military and police training, legitimate business dealings, etc). We need to draw a clear picture of what is involved in the destabilization of countries like Honduras and Nicaragua if we’re going to help address the root causes of migration. We must realize that our policies can have a huge impact on life in these countries over the long-term. For instance, by failing to stand against the 2009 coup in Honduras, as our allies in the Organization of American States would have liked, and then failing to oppose the whitewashing elections that followed it, we helped permit another decade of illegitimate, corrupt governments that have been complicit in the country’s further slide into lawlessness and discord. As President, I will center human rights and respect for democracy and the rule of law in all of my foreign policy decisions.
12. Do you support the right to legal counsel for people facing removal, including counsel paid-for by the government for those who cannot afford it? (Yes/No)

Yes

13. How would you ensure people facing removal receive legal counsel and have meaningful access to their counsel?

We simply must mandate that all people facing removal receive legal counsel. This will require creating a system akin to the public defender system in our municipal courts. As with any other kinds of prisoners or detainees, people in the immigration justice system must be guaranteed access to their counsel during regular business hours or at reasonably assigned times. This will certainly require additional funding, but I believe it is a fundamental issue of fairness so we must spend what is required. Removal proceedings represent a person’s last chance to stay in this country, and it is inhumane to force them to go before a judge alone, without knowing the law or their rights. There is nothing more American than the concept of “justice for all,” and it should apply to migrants as much as it applies to citizens.