

AILA 2020 Presidential Candidate Survey

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

We need to rebuild our immigration system from top-to-bottom. That starts with opposing President Trump's bigoted policies, including his illegal ban on travelers from Muslim-majority countries. But that's not enough: we need expanded legal immigration that will grow our economy, reunite families, and meet our labor market demands.

Our immigration system should reflect our values, which means making it easier for relatives of citizens and green card holders to come to the United States. As many as 4 million immigrants who are otherwise eligible to come to the United States legally are prohibited because of by-country visa caps. My plan includes reducing the family reunification backlog by redistributing unused visas, reuniting more families with their loved ones. I'll also urge Congress to repeal laws that make family reunification more difficult to achieve.

America should welcome more legal immigration -- done in the right way and consistent with our values. We should put American workers first by ensuring that workers already here get the first shot to fill available positions. We should empower workers, not employers, by coupling any expansion of legal immigration with real accountability on employers who break the rules, exploit workers, or don't adhere to basic labor standards. And we should be transparent and data-driven in our immigration policies, using the best available information to identify true needs in the labor force and to address those needs in a way that incorporates the input of both workers and companies.

Finally, I'll establish an Office of New Americans dedicated to supporting new immigrants as they transition into our society and economy, and task that office to draft a national strategy for integration. We should provide English, civics, and employment-focused classes and training for immigrants who want to enroll, and work with faith groups and other community organizations to provide support services for refugees and asylees, providing the tools to make it easier for newcomers to integrate into their communities.

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?

I oppose President Trump's cruel USCIS policies, including his (recently reversed) decision to end medical deferred action and USCIS' reported plans to create an internal oversight division for the agency's caseworkers that could discourage caseworkers from using their discretion. I also believe the President's pick to head to USCIS, who has spent his career peddling anti-immigrant policies, is unfit to lead the agency tasked with fulfilling America's promise as a nation of immigrants. And this year, after an AILA study revealed significant processing delays at USCIS, I joined my Senate colleagues in writing to USCIS to express concerns about a pattern of nationwide case delays.

But it's not enough to merely correct the Trump Administration's abuses. As President, I will also make it easier for those eligible for citizenship to naturalize. Today, over 9 million green card holders are eligible to apply for citizenship—but many have not chosen to naturalize due to unnecessary barriers, including the cost of applications, the complexity of the process, and administrative issues and backlogs. I'll work to make it possible for everyone who is eligible to naturalize to do so.

The Trump Administration is trying to stack the deck against asylum applicants. That's not right - our laws and values compel use to help those fleeing violence and oppression. When I'm president, I'll undo President Trump's dangerous politics and welcome asylum seekers. I'll ensure that asylum seekers can safely present themselves at ports of entry for humane, efficient processing, including by ending the metering and "Remain in Mexico" policies. I'll restore President Obama's promise to extend asylum for those fleeing domestic or gang violence and affirm asylum protections for gender identity and sexual orientation-based asylum claims. I'll streamline processes to eliminate the backlog of individuals waiting for an asylum adjudication.

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

Immigrants have always been a vital source of American strength. They are our neighbors, our colleagues, and our friends — and every bit as much a part of America as those who were born in the United States. We must reverse President Trump's discriminatory policies, but that won't be nearly enough to fix our immigration system. We need real reform that provides cost-effective security at our borders, addresses the root causes of migration, and provides a path to status and citizenship so our neighbors don't have to live in fear.

As President, I'll take executive action to provide a measure of protection for immigrants who are here undocumented, while pursuing a legislative solution that provides a path to citizenship. I'll reinstate Temporary Protected Status designations and Deferred Enforced Departure to protect individuals at risk in their home countries, including migrants from the Caribbean and Africa who have built lives and businesses in our country. We should immediately reinstate the DACA program and protections for our Dreamers and their families. I'll expand the program to cover more young people by extending the cut-off date, eliminating the arbitrary application age requirement, and extending the "minor" designation to anyone who was brought to the U.S. under the age of 18. But Dreamers have families and communities that are productive, longtime members of our American family and need protection too. The same is true of the Temporary Protected Status and Deferred Enforced Departure holders. I'll extend the individual exercise of discretion to offer deferred action protections to hardworking immigrants who have contributed to our country for years and have built careers and families here. And I'll push for a far-reaching legislative fix that provides a fair but achievable path to citizenship for them.

Part of focusing on real threats means distinguishing between actual criminals and law-abiding immigrants. We shouldn't penalize people for prior convictions under statutes that criminalize border crossing for the purpose of status determinations. And we should establish a statute of limitations for how long a misdemeanor will be considered as part of an individual's immigration adjudication. Citizens with minor, non-violent criminal records should not be permanently excluded from being a part of American society — and immigrants shouldn't be, either.

I will also fight to repeal the 3- and 10-year bars. The law currently requires a person unlawfully in the United States to depart the country for three or ten years before they can apply for legal status. I'll petition Congress to repeal that requirement. In the meantime, I'll reinterpret "extreme hardship" to include family separation, making it easier to obtain a waiver allowing people to apply for legal status without having to leave the country for an extended period of time.

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. My immigration plan includes a fair and achievable pathway to citizenship.

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?

As President, I will fight for professional, independent Article I immigration courts. DOJ both oversees the immigration court system and enjoys massive authority to manipulate those courts to implement the president's immigration policy agenda. Immigration court rulings can even be overturned by the Attorney General — a fundamental conflict of interest exploited by Jeff Sessions. That's why I'll work to create a credible, independent system by passing legislation establishing Article I judicial review for immigration cases modeled on our federal courts. I'll deploy smart efficiency measures, beginning by restoring judges' ability to prioritize and manage their own dockets. And my administration will recruit highly qualified immigration judges with a diverse set of legal experiences so that everyone receives appropriate justice.

We also need to ensure that migrants moving through the system are treated in a way that reflects our Constitution and our values. Due process ensures basic fairness for individuals attempting to navigate complex laws and prevents law enforcement and presidents from abusing authority. In fact, one-third of deported immigrants never even see a judge: instead, the immigration officer serves as both prosecutor and jury. A Warren administration would eliminate expedited removal proceedings and guarantee due process throughout our immigration system.

8. How would you improve immigration enforcement and ensure accountability over the agencies responsible for the enforcement of immigration law?

Our immigration agencies should protect Americans and uphold the rule of law, not pursue punitive anti-immigrant policies that target communities of color. My plan for a fair and welcoming immigration system also includes decriminalizing migration and refocusing enforcement on serious criminal activity. Entering the country without authorization has always been a violation of civil immigration law, but thanks to a former segregationist Senator, it's also a criminal violation. This additional criminal provision is totally unnecessary for border security, and for a century, it was rarely enforced. But since the early 2000s, it has been used to build and sustain a massive immigration detention complex. This obsessive focus ties up federal prosecutors and overwhelms federal courts. It's costly and unnecessary. And under Trump, it has become increasingly abusive. We should repeal this criminal prohibition to prevent future abuse.

As president, I will immediately issue guidance to end criminal prosecutions for simple administrative immigration violations; end Operation Streamline, which subjects migrants to

mass prosecutions; and refocus our limited resources on actual criminals and real threats to the United States. I will also issue prosecutorial guidance to prioritize immigration cases with security concerns, and make sure government attorneys are properly exercising their discretion for individuals who pose no public safety risk.

Additionally I will separate law enforcement from immigration enforcement. As President, I'll put in place strict guidelines to protect sensitive locations like schools, medical facilities, and courthouses from enforcement actions. I'll expand programs that grant protections to immigrant victims of serious crimes who come forward and assist law enforcement. And I'll end programs like 287(g) and "Secure Communities" that force local cops to enforce federal immigration laws so they can focus on effectively serving their communities.

I'll hold immigration enforcement to the same due process standards as other law enforcement agencies — no more warrantless arrests or stops deep in the interior of our country. I'll reshape CBP and ICE from top to bottom, focusing their efforts on homeland security efforts like screening cargo, identifying counterfeit goods, and preventing smuggling and trafficking. And to change the culture, I'll insist on transparency and strengthen the authorities of independent internal watchdogs to prevent future abuses.

I will also create accountability for the immigration abuses perpetrated during the Trump Era. President Trump and his Administration are comfortable looking the other way while criminal abuses of immigrants pile up. When I am President, I will not. I'll designate a Justice Department task force to investigate accusations of serious violations — including medical neglect and physical and sexual assaults of detained immigrants — and give it independent authority to pursue any substantiated criminal allegations. Let me be clear: if you are violating the basic rights of immigrants, now or in the future, a Warren administration will hold you accountable.

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

My immigration plan calls to significantly reduce immigration detention.

A Warren administration will end unnecessary detention by issuing guidance limiting its use only to those situations where it is actually necessary because an individual poses a flight or safety risk. I will put additional layers of protection in place for certain groups, including asylum seekers, families and pregnant women, and LGBTQ+ people who are more vulnerable in a general detention facility. I'll enforce strict standards for remaining detention facilities, including for medical care and to end the use of solitary confinement. I will also end ICE

contracts with private detention providers and push for legislation to permanently ban for-profit detention.

Community-based alternatives to detention are safer, save money, and can be more effective at ensuring compliance. I'll significantly expand successful programs, which include case management, referrals to legal and social services, and periodic check-ins and surveillance. These programs provide a measure of dignity for those in the system, and their expanded use would save over a billion dollars each year in unnecessary detention costs.

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

Americans are rightfully horrified by scenes of chaos and abuse at our border. I visited the children and families in McAllen, Texas who were torn apart by President Trump's cruel family separation policy. It was devastating. Our first priority should be reuniting children who are still separated from their parents, stopping the deportation of parents who have yet to be reunited with their children, and ending this inhumane policy. I've co-sponsored legislation that would help reunite families separated at the border, prevent parents separated from their children from being deported, keep families who've crossed our borders together, and protect children who have suffered because of these policies. I also opposed President Trump's efforts to divert disaster relief funds to build a border wall.

I've called to end unnecessary detention at the border, end the use of private detention facilities, expand executive use of parole, and invest in alternatives-to-detention.

I've also opposed the Trump Administration's move to start having Border Patrol agents conduct "credible fear" interviews. Border Patrol agents are not asylum officers and they shouldn't get to determine who meets the "credible fear" standard for asylum.

We also must hold CBP responsible when agents violate immigrants rights. That's why I co-sponsored legislation that would create a mandatory record-keeping process for all CBP stops and searches—for which there is currently no required record-keeping process, except in the case of an arrest or when an officer uses force. Tracking stops and searches will help us monitor CBP and hold agents accountable when they cross the line.

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?

Migration has spiked around the world, the result of poverty, climate change, violence and injustice. Migrants have come to our country fleeing natural disasters or conflicts that forced them from their homes. In recent years, many have fled north from the Northern Triangle. But the solution to Central American migration isn't placing children in cages, it's stabilizing the countries that families are risking their lives to escape.

We cannot fully address migration until we address its root causes. As President, I'll commit at least \$1.5 billion annually in aid to fully fund programs that target crime, disrupt trafficking, address poverty, reduce sexual violence, and enhance programs for at-risk youth in Central America and throughout our hemisphere — and I'll rally the international community to match those funds.

My administration will expand efforts to reduce corruption and improve the rule of law, investigate and prosecute human trafficking, employ targeted financial sanctions against drug kingpins and money launderers, and provide robust funding for efforts to counter gangs. My administration will also provide information about the right to seek asylum, reinstate the Central American Minors program, and coordinate with the United Nations High Commissioner for Refugees to help resettle children and families who need protection. And we'll do more to spread awareness about the dangers of attempting migration across borders to help prevent vulnerable people from being exploited along the way.

As president, I would also return the United States to the Paris Climate Accords in recognition of the role that climate change plays in exacerbating the migration crisis. We must go further than Paris to reduce global emissions, but we can only do that when we're leading from the front. That's why I am an original co-sponsor of the Green New Deal; and why I proposed a \$3 trillion investment to combat climate change, including a new \$100 billion federal program dedicated to working with foreign governments and companies to purchase and deploy American-made clean, renewable, and emission-free energy technology.

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?

My immigration plan calls for creating a national-scale immigration public defender corps, and a Warren administration will provide access to counsel in immigration court.