RESOLVED, That the American Bar Association urges the Department of Homeland Security (DHS) to implement the following policies and procedures within the immigration removal adjudication system:

(a) Increase use of prosecutorial discretion by both DHS officers and attorneys to reduce the number of Notices to Appear (“NTA”) served on noncitizens who are prima facie eligible for relief from removal, and to reduce the number of issues litigated;

(b) Give DHS attorneys greater control over the initiation of removal proceedings, and in DHS local offices with sufficient attorney resources, establish a pilot program requiring approval of a DHS lawyer prior to issuance of all discretionary Notices to Appear by DHS officers;

(c) To the extent possible, assign one DHS trial attorney to each removal proceeding;
(d) Cease issuing Notices to Appear to noncitizens who are prima facie eligible to adjust to lawful permanent resident status;

(e) Upgrade DHS's data systems to permit better tracking of detainees within the detention system, and improve protocols for transfers of detainees between detention facilities to ensure notification of family members and counsel; and

(f) Create a position within DHS to oversee and coordinate all aspects of DHS immigration policies and procedures, including asylum matters.

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Immigration and Nationality Act (“INA”) regarding the removal of noncitizens convicted of certain crimes that would:

(a) Amend the definition of “aggravated felony” to require that any such conviction must be of a felony and that a term of imprisonment of more than one year must be imposed (excluding any suspended sentence);

(b) Eliminate the retroactive application of the aggravated felony provisions;

(c) Restore an immigration judge’s authority to consider a discretionary application for cancellation of removal for certain lawful permanent residents convicted of an
aggravated felony, based on humanitarian and other
grounds. Extend the same eligibility based on
humanitarian grounds to deserving lawful permanent
residents barred from cancellation by the offense “clock-
stop” provision; and

(d) Amend the deportation ground that requires removal
based upon conviction of a single crime involving moral
turpitude to provide that the conviction must be of a crime
for which a sentence of more than one year was imposed.