



American Bar Association Fact Sheet

ABA Supports Comprehensive Immigration Reform

Implementation and enforcement of the immigration laws have a significant impact on both the national security and economic interests of the United States and also have implications for the individual civil liberties of those who are present in our country. A decade after the last major overhaul of the immigration laws, there is widespread agreement that our immigration system is broken and in dire need of reform. Enforcement-only proposals have been shown to be unrealistic and ineffective – despite steady increases in the border enforcement budget and the number of agents on the border over the past 20 years, illegal immigration has reached record levels. **A comprehensive solution is needed that enhances our border and national security, realistically addresses the undocumented population and the need for immigrant labor, and preserves our tradition of due process and judicial review.**

In order to restore the rule of law and implement effective changes to our immigration system, the ABA urges Members of Congress to:

- **Support comprehensive reform that provides a path to permanent residence for undocumented laborers currently in the U.S. and for necessary future workers.** It is in the economic and national security interests of the United States to identify those who are residing in our country and to provide a legal avenue for them to perform jobs that American workers are unwilling to take, but that are essential to certain domestic industries. Programs that prevent current undocumented workers from adjusting to permanent residence, and that require future temporary workers to return to their home countries before seeking permanent residence are unrealistic and will harm businesses that rely on immigrant labor. A majority of Americans support such a program – a January 2006 poll by Time magazine shows that 76% of Americans favor allowing undocumented immigrants now in this country to earn U.S. citizenship if they learn to speak English, have a job and pay taxes.
- **Oppose elimination of administrative and judicial review.** The American justice system dictates that important decisions are made following a fair process. Access to the courts is an essential feature of our system of government, and the implementation and execution of the immigration laws has often been corrected by judicial oversight. The decision to remove or exclude someone is momentous, especially for refugees fleeing persecution and for immigrants who have lived most of their lives in this country. The process of expedited removal, which allows the government to remove an individual without any hearing or access to a lawyer, is particularly antithetical to our core values and the program should not be expanded.
- **Oppose criminalization of civil immigration violations.** Provisions to make undocumented presence a felony or misdemeanor will make criminals of millions of undocumented immigrant workers, as well as visitors, students, asylum seekers, and others for even minor or technical infractions, resulting in significant costs to our justice system and unduly harsh consequences for otherwise law-abiding members of our communities and workforce.
- **Oppose mandatory and/or indefinite detention.** Detention should be used only when a person is found to be a danger or a flight risk after an individual custody hearing before an immigration judge. The U.S. Supreme Court, in *Zadvydas v. Davis* (2001), and *Clark v. Martinez* (2005), has placed limits on the allowable duration of detention, and any provisions enacted should be fully consistent with those decisions. Humane and effective alternatives to detention, such as supervised pre-hearing release programs, should be further studied and expanded. These programs can save millions of tax dollars and reserve limited detention resources for those who are dangerous or likely to flee.

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