

HARRIS ON IMMIGRATION

A New Opportunity to Reform Our Immigration System

A Kamala Harris administration would present an unexpected and critical opportunity for serious reform of the nation's immigration system. Our current immigration system does not serve American families or economic interests. It provides no way for millions of immigrants who are already contributing to communities across this country to apply for legal status and citizenship. It wastes billions of dollars on dangerous and unnecessary detention, frequently violates basic principles of fairness and due process, and fails to deliver on our legal and moral obligation to protect people fleeing persecution.

The Biden administration has retreated from some of the Trump administration's worst immigration policies, particularly in interior immigration enforcement. But it has adopted some of the same thinking that Donald Trump employed at the border and has deeply damaged — instead of restored — the asylum system. And the immigration system's fundamental flaws remain much the same.

If elected, Harris has an opportunity to chart a new course. She should lead by closing the book on the failed and harmful strategy of building an immigration policy

based primarily on deterrence and instead articulate a balanced approach with policies that recognize the value of immigrants' contributions to the United States, humanely manage the border, restore asylum and respect the rights of arriving immigrants, strengthen safe and orderly ways to lawfully come to this country, and provide a pathway to citizenship to longtime undocumented residents. Just as she did in her 2019 presidential campaign, Harris should put forward visionary executive actions for safeguarding millions of our immigrant neighbors and loved ones from deportation.

Harris should not accede to the faulty instincts of advisors who would have her support and sign legislation gutting our nation's asylum system. That would squander a rare opportunity to support longtime residents and craft lasting, balanced solutions to systemic challenges, which is what voters really want. As shown in poll¹ after poll,² the American public wants policies that provide status to longtime undocumented residents and provide an orderly, fair, and secure path to apply for humanitarian protection in the United States.

OVERALL RESPONSE

Administration

- We will encourage a Harris administration to exercise executive power to expand pathways for people inside and outside the United States — including our nation's military veterans and people who have been wrongfully deported — to safely seek lawful status.
- We will work to persuade a Harris administration to phase out the Biden administration's devastating anti-asylum policies in favor of a balanced strategy that recognizes and protects the right to asylum, while improving border management.

- We will demand that the Harris administration take strong action against state and municipal governments that illegally attempt to engage in immigration enforcement, including by challenging them in court.
- We will urge a Harris administration to take aggressive executive action to dismantle mass immigrant detention.

Congress

- We will push for an immigration reform bill that adopts policies that work to manage the border and supports American families by providing a pathway to citizenship to longtime undocumented residents.
- We will fight any bill that seeks to decimate our asylum system, expand mass immigrant detention, or expand mass surveillance in the name of immigration enforcement.
- We will continue to advocate for federal support so that cities get the financial and logistical support they need to welcome new migrants.

Courts

- As we have under every administration since at least 1996 — when Congress passed catastrophic immigration legislation that President Bill Clinton signed into law — we will continue to challenge prolonged immigration detention, detention of people in abusive confinement conditions, and immigration proceedings that violate due process and basic standards of fairness.
- If a Harris administration continues the Biden administration's illegal anti-asylum policies, such as its severe June 2024 and May 2023 restrictions on asylum eligibility, we will continue our legal fights against them.³
- We will challenge state laws that target immigrant communities for harassment, profiling, arrest, banishment, or removal, as we have with Texas's SB4 and its copycats.⁴
- We will work to defend positive administration actions from baseless legal attacks by hostile state officials and anti-immigrant advocacy groups.⁵

Organizing

- As we have done time and again, we will mobilize our members to elevate the will of the American people to take a balanced approach to immigration and for the United States to live up to its values.⁶

SPECIFIC OPPORTUNITIES & RESPONSES

Fight for a Path to Citizenship & Protection from Deportation for Millions of Longtime Residents

Harris has already begun campaigning for president on a promise to “fix our broken immigration system.”⁷ Previously, as a candidate for president in 2019, Harris pledged to use executive authority and to work with Congress to secure a path to citizenship for millions of people in the United States who are our loved ones, co-workers, and neighbors, but who lack status.

We will encourage Harris as president to put serious resources into a fight for immigration reform that includes a path to citizenship. As a candidate, Harris

spoke eloquently about the need for protection from deportation. At a campaign event in 2019, she shared her motivation to protect children who “have to be afraid to go to sleep at night for fear that someone will knock on their door and take their parents.”⁸ She told an Iowa audience in 2019, “There is bipartisan support in the United States Congress to put in place a policy for comprehensive immigration reform and a pathway towards citizenship and as president that will be one of my first orders of business.”⁹ She put forward an agenda of four executive actions, which her campaign described as ensuring more than two million Dreamers could get a path to citizenship.¹⁰

Harris grounded her advocacy for these measures in the recognition that “we are a nation of immigrants.” As vice

president, she emphasized that “[i]mmigrants have always helped strengthen our country, grow our economy, and drive innovation...[D]iversity is our strength.”¹¹

We will encourage a Harris administration to make good on these stated values and commitments, including through robust use of executive authority to protect longtime members of our community. The Biden administration recently announced new executive actions to keep families together,¹² facilitate access to work visas for U.S. college graduates,¹³ expand access to legal representation,¹⁴ and bring immigration-related assistance into local communities.¹⁵ During its tenure, the Biden administration has also designated and redesignated various countries for Temporary Protected Status (TPS). We will encourage a Harris administration to build upon these efforts, including by issuing additional TPS designations and providing relief for caregivers.¹⁶

We will also urge Harris to work with Congress to prioritize major immigration reform legislation. Although she has recently touted a 2024 Senate border proposal, pushing that fundamentally flawed bill into law would be a disastrous way to start her presidency from an operational, strategic, and moral perspective.¹⁷ Instead, she should put forward a new bill that includes an earned path to citizenship and sensible, long-needed fixes to our nation’s immigration laws and infrastructure. These fixes will help manage the border, restore asylum, clear visa backlogs that undermine American businesses, and modernize our system to meet the nation’s needs.

One priority of any new legislative effort on immigration should be strengthening American families and communities. For decades, our immigration system has prioritized family-based immigration on the principle that keeping families together will strengthen U.S. communities. But due to a lack of legal system updates — there has not been major immigration reform in decades — our system does not work for American families.

While the vast majority of undocumented immigrants have lived in the United States for more than a decade, most have no path to apply for citizenship and there is no “line” for them to get into or “right way” to obtain status.¹⁸ Because of country-based quotas, discrimination is also built into the system.¹⁹ An estimated 1 in 10 American children (8 percent) live with someone who lacks legal status, including parents and siblings.²⁰ These families live in fear of being broken apart through deportation. Many are at risk of deportation to countries they do not consider home — having left those countries as children — or where they would be unsafe due to conflict and crises.

To protect American families, a Harris administration should push Congress to enact bills like the American Dream and Promise Act, which Harris supported as a

senator.²¹ This legislation would provide an earned path to citizenship for people who came to the United States as children, including those currently protected from deportation by Deferred Action for Childhood Arrivals (DACA) and so-called “Documented Dreamers,” who are the children of temporary workers. It would also protect people with TPS and Deferred Enforced Departure (DED) from deportation and create an opportunity to apply for permanent legal status.²²

We will also join immigrant justice movement partners in calling on a Harris administration and Congress to create and fully fund mechanisms allowing people who were wrongfully or unjustly deported to return to their families and communities in the United States.²³ The “ImmVets” program, which the Biden administration initiated to support the repatriation of unjustly deported military veterans and their family members, has proven a lifeline. But far too many military veterans continue to struggle in forced exile without access to needed medical treatment and benefits, and without family and community support. We will urge a Harris administration to expand and improve ImmVets and build on it through additional programs that will help repair the harm of our unjust deportation system. And if these policies are challenged in the courts, we will find ways to contribute to their defense.

Restore Meaningful Access to Asylum & Adopt Smart, Balanced Border Management Policies

The right to seek asylum — safety from persecution — in another country was born out of the tragedies of World War II and the horrors of the Holocaust.²⁴ In its aftermath, dozens of nations committed to never again slam the door on people in need of protection. The right to asylum was enshrined in 1948’s Universal Declaration of Human Rights and then again in the Refugee Convention of 1951 and its 1967 Protocol. To implement our commitment to those new international laws, Congress passed the Refugee Act of 1980, for people who are fleeing persecution on “account of race, religion, nationality, membership in a particular social group, or political opinion.” The Refugee Act is meant to ensure that individuals who seek asylum within the United States or at its border are not sent back to places where they face persecution. Under U.S. law, a person in search of safety can apply for asylum no matter where or how they entered the country.²⁵

The Trump administration aggressively attacked and undermined the asylum laws, and in 2020, Biden campaigned on ending then-President Trump’s anti-asylum and anti-immigrant policies.²⁶ As a candidate for president in 2020, Harris also made clear that she did not support asylum

bans, stating: “I disagree with any policy that would turn America’s back on people who are fleeing harm.”²⁷ And as a senator, Harris joined community members in protesting then-President Trump’s “zero tolerance” border policies — notably family separation — and called for due process in asylum reviews and immigration proceedings.²⁸

Soon after President Biden’s inauguration, his administration revoked former President Trump’s xenophobic Muslim and African bans and restarted the refugee processing system, giving hope to many that the Trump era of scapegoating immigrants and dismantling our humanitarian protection system was over.²⁹

However, the Biden administration never restored the asylum system. To the contrary, President Biden initially elected to continue his predecessor’s unlawful³⁰ and extreme “expulsion” policy, known as Title 42, and the policy remained in effect until May 2023.³¹ And even when Title 42 finally ended, the government did not return to the asylum laws as written; instead, the Biden administration rolled out a new, extreme border restriction that largely mimicked two Trump-era policies — known as the “entry” and “transit” bans — which had been blocked by the courts as illegal.³²

Since then, for most people in search of safety, the only way to request protection at the border has been to secure a scarce appointment to present themselves at a port through a flawed mobile application. Recently, the wait time for an appointment has been six to eight months; meanwhile, more than 2,500 cases have been documented where people waiting for an appointment have been exposed to horrific violence, including sexual violence, kidnapping, and extortion.³³ The ACLU and partners have challenged this program in federal court, arguing that it deprives asylum seekers of rights that they are entitled to under existing law.³⁴

To be sure, the Biden administration also expanded lawful pathways for certain migrants from certain countries, which has somewhat improved border management by allowing more people to apply for and receive advance travel authorization.³⁵ But people left out of these programs, or unable to wait in danger with their families, have been rapidly deported, often with no opportunity to speak to a lawyer.

In June 2024, the Biden administration doubled down on this approach with its illegal “Securing the Border” rule,³⁶ further tightening access to protection for everyone at the border who is not able to obtain a rare appointment to appear at a port.

The ACLU and our partners have challenged Biden’s 2024 asylum restrictions in federal court as well.³⁷ But the 2023 and 2024 restrictions have remained in effect while litigation continues. As a result, many people with strong claims for protection have been deported back to the very dangers they fled.

Harris has said that, if elected, she would urge Congress to re-introduce the Senate Border Act of 2024,³⁸ which was initially introduced as a bill to secure unrelated foreign aid, and would write severe asylum restrictions into permanent law.³⁹ She has touted that bill, and promised to hire thousands more border agents, in a campaign ad.⁴⁰ Her team has also suggested she will continue the illegal 2023 and 2024 anti-asylum policies if elected.⁴¹ The current administration has credited these rules with a significant reduction in southern border arrivals. However, the number of arrivals had been declining for months before the 2024 rule was announced due to a variety of factors, including seasonal patterns and actions taken by Mexican authorities.⁴²

Despite these statements, Harris still has an opportunity to rethink the border, building on her knowledge of the root causes of migration and her prior support for the U.S. asylum and refugee system. She also has an opportunity to invest in real solutions like expanding port processing and lawful pathways, giving support to communities receiving immigrants, and improving staffing and resources for asylum officers and immigration courts.⁴³ Punitive, deterrence-only-based policies do not stop people from seeking safety; they may, at most, reduce arrivals in the short term but at a tremendous cost, putting people’s lives in immediate danger. On the other hand, asylum seekers who have been able to receive employment authorization and community support have become our neighbors and quickly joined our communities, contributing to our cities and workforce as well as to their families.⁴⁴

To truly make lasting progress in this area, Harris must go beyond “toughness” as the measure of border and asylum policy. She will instead need to embrace and communicate the fact that a functional asylum system furthers our values and benefits American communities. And her administration will need to invest in solutions that restore and modernize the asylum system, ensure fairness for people seeking protection, and support the communities that receive new immigrants.

Protect Communities from Racial Profiling, Harassment, & Unlawful Arrest by Hostile State and Local Officials

In recent years, some states have attempted to take enforcement of the federal immigration laws into their own hands and create their own laws regulating immigrants and immigration. States have no lawful authority or reason to do so. Evidence has repeatedly demonstrated that state and local immigration enforcement leads to racial profiling and arbitrary detention — including of U.S. citizens — and terrorizes entire communities.⁴⁵ The federal government has a critical role to play in stopping states from adopting and enforcing these illegal measures and protecting all communities from abusive, politically motivated policies.

Texas’s SB4, which was enacted in December 2023, is one of the most prominent in this new wave of state anti-immigrant laws. This unconstitutional law creates state crimes of “illegal entry” and “illegal reentry,” and authorizes state judges to order people deported from the United States. Thus, state officials with no training in immigration law and no authorization to act as immigration agents would be able to arrest, punish, and deport people they deemed to be unauthorized immigrants. The ACLU and our partners promptly sued; the Biden administration filed its own suit shortly thereafter, and the law is currently blocked as litigation continues.⁴⁶ The ACLU and partners have also successfully sued to block copycat versions of this law in Oklahoma and Iowa — alongside the Biden administration in each case.⁴⁷

We expect that a Harris administration would continue to vigorously challenge state and local anti-immigrant laws in court. But it can and should do more to end collaboration between federal immigration agents and Texas and other state officers whose anti-immigrant policing has led to the racial profiling and abusive arrest and detentions of border residents, people who are immigrants, people in mixed status families, and U.S. citizens.

For example, despite urgent requests from affected communities and organizations including the ACLU and the ACLU of Texas, the Biden administration has not taken concerted steps to disengage the federal government from participation in and facilitation of Operation Lone Star (OLS), Texas Governor Abbott’s multi-billion-dollar anti-immigrant initiative to arrest, detain, and prosecute people suspected of entering the United States without authorization using state trespassing laws. This program has led to numerous abuses, including racial profiling of border residents and other Texans,⁴⁸ deadly car chases⁴⁹ and prolonged detention.⁵⁰ In 2023, Texas

state troopers placed razor-wire-wrapped buoys in the Rio Grande between Texas and Mexico, leading to serious injuries, and were reportedly ordered to deny water to people arriving in the height of summer.⁵¹ While the federal government challenged Texas’ placement of the buoys in the Rio Grande in court,⁵² it has not taken broader action to withdraw any financial or logistical support from OLS. The ACLU has documented concerns and filed complaints with the federal government related to Customs and Border Protection (CBP) officers and Texas police cooperating in arrests of suspected noncitizens and sharing information and technology with one another, despite OLS’s manifest problems.⁵³

The ACLU will push Harris to swiftly end this cooperation, commit the federal government to holding federal, state, and local official officials accountable for violations of civil rights and federal law occurring under OLS, and do everything in its power to oppose the program. More generally, we will urge a Harris administration to set strict and clear guidance and rules about when and where federal law enforcement can share information with state agencies — and press for accountability when these state agencies, which receive funding and support from the federal government, engage in civil rights abuses and cause deaths and injuries.

We will also urge a Harris administration to finally dismantle the 287(g) program, which taps state and local law enforcement to act as immigration agents. The Trump administration greatly expanded this program as part of its push to increase deportations, which Harris rightly condemned because it had “sown fear and anxiety in communities across the nation,” led to a drop in crimes reported to local law enforcement in Latine communities, and instilled fear among sexual assault and domestic violence survivors about contacting polices.⁵⁴ It is past time for the federal government to end the 287(g) program, restrict and reform Immigration and Customs Enforcement (ICE) requests to state and local law enforcement agencies (known as detainers), and respect the prerogative of localities to focus local resources on local public safety needs.

Dismantle Mass Immigrant Detention

As a candidate for president in 2019, Harris told ACLU supporters: “I will absolutely decrease [immigration] detention,” adding “this is an issue I’ve been working on for many, many years.”⁵⁵ Indeed, as California’s junior senator, Harris aggressively pressured the Department of Homeland Security (DHS) and ICE regarding the mistreatment of people in immigrant detention, calling conditions at a California facility “horrifying” and

“unacceptable.”⁵⁶ Harris championed legislation to ensure access to counsel for those in immigrant detention.⁵⁷ She led senators in calling for a decrease in funding for the immigrant detention system, calling it “already overgrown, expensive, and inhumane.”⁵⁸

Early in the Biden administration, DHS Secretary Mayorkas committed to continuously review conditions at detention facilities and close those that fail to meet health and safety standards.⁵⁹ While the Biden administration has closed or limited the use of some detention facilities — most notably facilities that had been used for the detention of families — many more remain open despite persistent records of abuse and negligence, and the number of deaths in ICE custody has doubled since the prior year.⁶⁰

Mass immigrant detention is expensive — costing \$3.4 billion in taxpayer money this year alone — and unnecessary.⁶¹ Most individuals in ICE detention are locked up pending removal proceedings, which means they have not been ordered deported and, in fact, very well may have the legal right to remain in the United States. Many languish in detention for months and years for no reason, only to win their cases. Even people who have won their cases sometimes continue to be detained, pending appeals by the DHS, during proceedings that can last for years.

CONCLUSION

Our immigration system does not serve our national interests. We deserve a fair, orderly, and humane immigration system that both manages the border and provides a path to citizenship for longtime residents. If a Harris administration perpetuates the failed and illegal policies of the past, or introduces harmful new ones of its own, we will of course hold the administration to account. But that is not the road the administration should take; it should

During the COVID-19 pandemic, ICE reduced its average daily population by nearly 70 percent from its peak levels under Trump — demonstrating that another way is possible. When Biden entered office, the average daily population was at a 20-year low of about 14,000.⁶²

Unfortunately, since then, the Biden administration has dramatically ramped up detention and is even now planning a significant expansion of ICE detention facilities nationwide.⁶³

We will urge a Harris administration to reverse course and take aggressive executive action to dismantle the system of mass immigrant detention that she rightly condemned in the past. We will encourage a Harris administration to:

- Issue an executive order on immigrant detention that includes a moratorium on any new detention facilities, review and closure of detention facilities with records of abuse, and a phase out of private and contract detention centers.
- In the next presidential budget request, seek a major reduction in congressional funding for immigrant detention and an increase in funding for detained immigrants’ access to counsel.
- Initiate a file review of every person currently in immigration custody, eliminating cash bond and other unjust barriers to release.

instead seize the opportunity to make real progress on overdue and significant reforms that will finally provide a pathway to citizenship for millions of our longtime community members, adopt orderly and humane solutions that address the challenges at the border while restoring asylum, protect communities from hostile state and local officials and profiling, and eliminate mass detention.

ENDNOTES

- 1 New ACLU Polling Shows Voters in Crucial Battlegrounds and Nationwide Prefer Proven Solutions Over Toughness on Immigration, ACLU (June 2024), <https://www.aclu.org/battleground-polling/immigration> (last visited Aug. 16, 2024).
- 2 Press Release, Immigr. Hub, New: Voters Prefer a Path to Citizenship for Undocumented Immigrants Over Trump's Mass Deportation Plans (July 12, 2024), <https://theimmigrationhub.org/new-voters-prefer-a-path-to-citizenship-for-undocumented-immigrants>.
- 3 See *East Bay Sanctuary Covenant v. Biden*, 683 F. Supp. 3d 1025 (N.D. Cal. 2023) (challenging 2023 Biden asylum restrictions); *Las Americas Immigrant Advoc. Ctr. v. Dep't Homeland Sec.*, No. 24-cv-01702 (D.D.C.) (challenging 2024 Biden asylum restrictions).
- 4 See, e.g., *United States v. Texas*, 97 F.4th 268 (5th Cir. 2024) (blocking Texas SB4); *United States v. Iowa*, 2024 WL 3035430 (S.D. Iowa June 17, 2024) (blocking Iowa Senate File 2340); *United States v. Oklahoma*, 2024 WL 3449197 (W.D. Okla. June 28, 2024) (blocking Oklahoma HB 4156); *Farmworker Ass'n of Florida v. Moody*, 2024 WL 2310150 (S.D. Fla. May 22, 2024) (blocking Florida SB 1718, § 10).
- 5 Press Release, ACLU, ACLU Comment on Supreme Court Ruling in *United States v. Texas* Immigration Case (June 23, 2023), <https://www.aclu.org/press-releases/aclu-comment-on-supreme-court-ruling-in-united-states-v-texas-immigration-case>.
- 6 Press Release, ACLU, Immigrants' Rights Organizations Rally in D.C., Demand the Biden Administration Not Ban Asylum or Lock Up Families, (March 16, 2023), <https://www.aclu.org/press-releases/immigrants-rights-organizations-rally-in-d-c-demand-the-biden-administration-not-ban-asylum-or-lock-up-families>; Press Release, ACLU, Immigration Advocates, Community Allies Rally to Demand End to Asylum Ban, (Nov. 7, 2023), <https://www.aclu.org/press-releases/immigration-advocates-community-allies-rally-to-demand-end-to-asylum-ban>; Press Release, ACLU, Members of Congress, 300+ Advocates, and Community Members Travel to D.C. to Demand Senate to Reject Anti-Immigrant Proposal in Senate Negotiations, (Jan. 9, 2024), <https://www.aclu.org/press-releases/members-of-congress-advocates-demand-senate-to-reject-anti-immigrant-proposals>.
- 7 New Democrats, *Harris for President Highlights Trump's Failure to Secure Our Southern Border*, YouTube (July 31, 2024), https://www.youtube.com/watch?v=voOgm3kTX-i0&ab_channel=TheDemocrats.
- 8 ACLU, *Harris on Immigrant Justice in Las Vegas, NV* on 6/14, YouTube (June 14, 2019), https://www.youtube.com/watch?v=arl3N5zHPk&list=PLwfdTKcPIB5nGNzrrsK4En-4Qj26uQNYuW&index=121&ab_channel=ACLU.
- 9 ACLU, *Harris on Immigrant Justice in Waterloo, Iowa* on 6/9, YouTube (June 10, 2019), <https://www.youtube.com/watch?v=1OPZDDE8CFI&list=PLwfdTKcPIB5nGNzrrsK4En-4Qj26uQNYuW&index=110>.
- 10 Dan Merica, *Kamala Harris unveils immigration plan to expand deferred action, use executive action to provide pathway to citizenship*, CNN (June 12, 2019), <https://www.cnn.com/2019/06/12/politics/kamala-harris-immigration-plan/index.html>.
- 11 Press Release, White House, Statement from Vice President Kamala Harris on the Bipartisan Senate National Security Agreement (Feb. 4, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/04/statement-from-vice-president-kamala-harris-on-the-bipartisan-senate-national-security-agreement/>.
- 12 Press Release, White House, FACT SHEET: President Biden Announces New Actions to Keep Families Together (June 18, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/06/18/fact-sheet-president-biden-announces-new-actions-to-keep-families-together/>.
- 13 *Id.*
- 14 Press Release, White House, FACT SHEET: Biden-Harris Administration Announces New Actions to Expand Opportunities for Latino Communities and Ensure Every Family Has a Fair Shot at the American Dream (July 17, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/07/17/fact-sheet-biden-harris-administration-announces-new-actions-to-expand-opportunities-for-latino-communities-and-ensure-every-family-has-a-fair-shot-at-the-american-dream/>.
- 15 *Id.*
- 16 Nidia Cavazos, *Lawmakers, advisers call on Biden to give legal status to undocumented caregivers*, CBS News (June 20, 2024), <https://www.cbsnews.com/news/undocumented-caregivers-legal-status-biden-white-house/>.
- 17 ACLU, Analysis of the Immigration and Asylum Policy Changes in S.4361, the Border Act of 2024 (May 20, 2024), <https://www.aclu.org/documents/aclu-analysis-of-the-immigration-and-asylum-policy-changes-in-s-4361-the-border-act-of-2024>.

- 18 American Immigration Council, Why Don't Immigrants Apply for Citizenship? There Is No Line for Many Undocumented Immigrants (Oct. 7, 2021), <https://www.americanimmigrationcouncil.org/research/why-don%E2%80%99t-they-just-get-line>.
- 19 For example, Mexican citizens may more than 20 years for a visa, even if they have an immediate relative who is a U.S. citizen petitioning for them. Aspiring immigrants from China, India, and the Philippines also face years-long or decades-long waiting times for a visa sponsored by an immediate U.S.-citizen relative. Dep't of State, Bureau of Consular Affs, Visa Bull. No. 92, vol. X, Immigration Numbers for August 2024 (Aug. 2024), https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_August2024.pdf.
- 20 Phillip Connor, *Immigration reform can keep millions of mixed-status families together*, FWD (Jan. 18, 2024), <https://www.fwd.us/news/mixed-status-families-1/>.
- 21 Press Release, Michael Bennet, Bennet, Entire Senate Democratic Caucus Call on Leader McConnell to Bring Bipartisan House-Passed Dream & Promise Act to Floor for a Vote (June 22, 2020), <https://www.bennet.senate.gov/public/index.cfm/2020/6/bennet-entire-senate-democratic-caucus-call-on-leader-mcconnell-to-bring-bipartisan-house-passed-dream-promise-act-to-floor-for-a-vote>.
- 22 *American Dream and Promise Act of 2021: Who Is Potentially Eligible?*, Migration Pol'y Int. (March 2021), <https://www.migrationpolicy.org/content/american-dream-and-promise-act-2021-eligibility>.
- 23 Press Release, Emanuel Cleaver, Reps. Cleaver, Espaillat, Trone, Sen. Booker Introduce Bicameral Resolution Urging Due Process for Unjustly Deported Individuals and Calling for Mechanism to Reunite Families (July 10, 2024), <https://cleaver.house.gov/media-center/press-releases/reps-cleaver-espaillat-trone-sen-booker-introduce-bicameral-resolution>.
- 24 See, e.g., *Voyage of the St. Louis*, U.S. Holocaust Museum, <https://encyclopedia.ushmm.org/content/en/article/voyage-of-the-st-louis> (last visited Aug. 19, 2024) (recounting history of refugee ship denied landing in the United States, 254 passengers from which were subsequently killed in the Holocaust).
- 25 8 U.S.C. § 1158(a)(1) ("Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum.").
- 26 Joe Biden, *My Statement on World Refugee Day*, Medium (June 20, 2020), <https://medium.com/@JoeBiden/my-statement-on-world-refugee-day-fddb4abddfd5>.
- 27 Jessical Taylor, *In Pitch For President, Sen. Kamala Harris Focuses On Criminal Justice, Inequality*, NPR (March 14, 2019), <https://www.npr.org/2019/03/14/702707072/in-her-pitch-for-president-kamala-harris-focuses-on-criminal-justice-inequality>.
- 28 Kate Linthicum, Andrea Castillo, Patrick J. McDonnell & Kevin Rector, *Kamala Harris spent her political career supporting immigrants. As vice president, it got more complicated*, L.A. Times (July 26, 2024), <https://www.latimes.com/world-nation/story/2024-07-26/kamala-harris-immigration-border>; Matthew Impelli, *What Kamala Harris Has Said About Immigration Before Leading White House Border Response*, Newsweek (March 24, 2021), <https://www.newsweek.com/what-kamala-harris-has-said-about-immigration-before-leading-white-house-border-response-1578550>; Joshua Emerson Smith, *Sen. Kamala Harris joins hundreds at San Diego border to protest Trump's zero-tolerance immigration policy*, San Diego Union Trib. (June 22, 2018), <https://www.sandiegouniontribune.com/2018/06/22/sen-kamala-harris-joins-hundreds-at-san-diego-border-to-protest-trumps-zero-tolerance-immigration-policy/>; Kelsey Snell, *A Look At Kamala Harris' Career As A U.S. Senator*, NPR (Aug. 12, 2020), <https://www.npr.org/2020/08/12/901859774/a-look-at-kamala-harris-career-as-a-u-s-senator>.
- 29 Press Release, White House, Proclamation on Ending Discriminatory Bans on Entry to The United States (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-ending-discriminatory-bans-on-entry-to-the-united-states/>.
- 30 *Huisha-Huisha v. Mayorkas*, 27 F.4th 718 (D.C. Cir. 2022).
- 31 That expulsion policy, known as "Title 42" because it misused public-health authorities provided in that part of the U.S. Code, authorized border agents to bypass the immigration laws and summarily expel migrants arriving without visas — even if they could prove that they were entitled to asylum or other protection. Title 42 violated federal law and international legal obligations and put thousands of people in danger; during the time it was in effect under former President Trump, over 13,480 people were raped, murdered, kidnapped, tortured, or extorted while waiting for the border to reopen. But the Biden administration kept it in place, where it continued to harm people seeking protection. See Christina Asencio, *Hum. Rts. First, Trapped, Preyed Upon, and Punished* (May 7, 2024), <https://humanrightsfirst.org/library/trapped-preyed-upon-and-punished/>.

- 32 See *East Bay Sanctuary Covenant v. Trump*, 349 F. Supp. 3d 838 (N.D. Cal. 2018), *aff'd*, 993 F.3d 640 (9th Cir. 2021) (blocking entry ban); 385 F.Supp.3d 922; *East Bay Sanctuary Covenant v. Barr*, 385 F. Supp. 3d 922 (N.D. Cal. 2019) (blocking transit ban), *aff'd*, 994 F.3d 962 (9th Cir. 2021); *Cap. Area Immigrants' Rts. Coal. v. Trump*, 471 F. Supp. 3d 25 (D.D.C. 2020) (blocking transit ban).
- 33 Asencio *supra* n. 31
- 34 *East Bay Sanctuary Covenant v. Biden*, 683 F. Supp. 3d 1025 (N.D. Cal. 2023); *M.A. v. Mayorkas*, No. 23-cv-01843 (D.D.C. 2023).
- 35 *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, U.S. Citizenship & Immigr. Servs., <https://www.uscis.gov/CHNV> (last visited Aug. 19, 2024); Press Release, U.S. Dep't of Homeland Sec., Fact Sheet: Data From First Six Months of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans Shows That Lawful Pathways Work (July 25, 2023), <https://www.dhs.gov/news/2023/07/25/fact-sheet-data-first-six-months-parole-processes-cubans-haitians-nicaraguans-and>.
- 36 Press Release, White House, A Proclamation on Securing the Border (June 4, 2024), <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/>.
- 37 *Las Americas Immigrant Advoc. Ctr. v. Dep't of Homeland Sec.*, No. 24-cv-01702 (D.D.C. filed June 12, 2024).
- 38 Asma Khalid, *Harris tries to flip the script on Trump on the border during raucous Georgia speech*, NPR (July 30, 2024), <https://www.npr.org/2024/07/30/nx-s1-5055670/harris-trump-border-immigration-georgia>; Jenny Leonard & Josh Wingrove, *Kamala Harris Pledges to Sign Border Bill That Donald Trump Opposed*, Bloomberg News (July 30, 2024), <https://www.bloomberg.com/news/articles/2024-07-30/harris-pledges-to-sign-border-bill-as-team-eyes-georgia-voters>.
- 39 Richard Cowan & Costas Pitas, *US Senate unveils \$118 billion bill on border security, aid for Ukraine, Israel*, Reuters (Feb. 4, 2024), <https://www.reuters.com/world/us/us-senate-unveils-118-billion-bipartisan-bill-tighten-border-security-aid-2024-02-04/>; Scott Wong & Sahil Kapur, *House centrists unveil bipartisan border aid deal for Ukraine and Israel*, NBC News (Feb. 15, 2024), <https://www.nbcnews.com/politics/congress/house-centrists-unveil-bipartisan-border-aid-deal-ukraine-israel-rcna139071>.
- 40 Harris-Walz 2024, *Tougher*, YouTube (Aug. 7, 2024), <https://www.youtube.com/watch?v=i2F9qGxTKcU>.
- 41 Camilo Montoya-Galvez, *Kamala Harris' campaign chief signals she would keep Biden's border crackdown if elected*, CBS News (July 27, 2024), <https://www.cbsnews.com/news/kamala-harris-campaign-chief-signals-biden-border-crackdown-continued-if-elected/>.
- 42 Megan Janetsky & Félix Márquez, *Mexico's tactic to cut immigration to the US: wear out migrants*, AP News (June 11, 2024), <https://apnews.com/article/mexico-immigration-border-lopez-obrador-biden-a5498f0791f5f1ef99f1dfd9accce8f4>; Julia Ainsley & Chloe Atkins, *Mexico is stopping nearly three times as many migrants now, helping keep U.S. border crossings down*, NBC News (May 15, 2024), <https://www.nbcnews.com/politics/immigration/mexico-stopping-three-times-as-many-migrants-as-last-year-rcna146821>.
- 43 Anu Joshi & Ellen Flenniken, *What Voters Really Want for Immigration and Public Safety Reform*, ACLU (June 25, 2024), <https://www.aclu.org/news/immigrants-rights/what-voters-really-want-for-immigration-and-public-safety-reform>.
- 44 *Net Positive: New Government Study Finds Refugees and Asylees Contributed \$123.8 Billion to the US Economy From 2005-2019*, Wilson Ctr. (Feb. 25, 2024), <https://www.wilsoncenter.org/article/net-positive-new-government-study-finds-refugees-and-asylees-contributed-1238-billion-us#:~:text=August%20%2C%202024-.Net%20Positive%3A%20New%20Government%20Study%20Finds%20Refugees%20and%20Asylees%20Contributed,US%20Economy%20From%202005%2D2019>; Am. Immigr. Council, *Starting Anew: The Economic Impact of Refugees in America* (June 20, 2023), <https://www.americanimmigrationcouncil.org/research/economic-impact-refugees-america>; Cristobal Ramon & Viktor Olah, *Immigration by the Numbers: Recent Reports Show Asylum Seekers and Refugees Strengthen the U.S. Economy*, UNIDOS (Mar. 18, 2024), <https://unidosus.org/blog/2024/03/18/immigration-by-the-numbers-recent-reports-show-asylum-seekers-and-refugees-strengthen-the-u-s-economy/>.
- 45 See, e.g., Press Release, ACLU, *Court Places Limits on Sheriff Arpaio to Prevent Future Racial Profiling of Latinos in Arizona*, (Oct. 2, 2013), <https://www.aclu.org/press-releases/court-places-limits-sheriff-arpaio-prevent-future-racial-profiling-latinos-arizona> (limiting Sheriff Joe Arpaio's reign of terror in Maricopa County, Arizona, which produced widespread racial profiling and illegal detentions, purportedly in support of an immigration-enforcement agenda).
- 46 *United States v. Texas*, 2024 WL 861526 (W.D. Tex. 2024) (consolidated case) (blocking SB4), *stay pending appeal denied*, 97 F.4th 268 (5th Cir. 2024).
- 47 *United States v. Iowa*, 2024 WL 3035430 (S.D. Iowa filed June 17, 2024); *United States v. Oklahoma*, 2024 WL 3449197 (W.D. Okla. filed June 28, 2024).

- 48 *Operation Lone Star: Misinformation and Discrimination in Texas Border Enforcement*, ACLU Tex. (May 22, 2024), <https://www.aclutx.org/en/publications/operation-lone-star-misinformation-and-discrimination-texas-border-enforcement>.
- 49 Hum. Rts. Watch, “So Much Blood on the Ground”: Dangerous and Deadly Vehicle Pursuits under Texas’ Operation Lone Star (Nov. 27, 2023), <https://www.hrw.org/report/2023/11/27/so-much-blood-ground/dangerous-and-deadly-vehicle-pursuits-under-texas-operation>.
- 50 Uriel Garcia, *Texas imprisoned migrants after they should have been released, lawsuit claims*, Tex. Trib. (Aug. 21, 2023), <https://www.texastribune.org/2023/08/21/texas-migrants-lawsuit-aclu-operation-lone-star-detention/>.
- 51 Rachel Clarke, et al., *Texas troopers told to push back migrants into Rio Grande and ordered not to give water amid soaring temperatures, report says*, CNN (July 18, 2022), <https://www.cnn.com/2023/07/18/us/texas-troopers-migrant-treatment-concerns/index.html>.
- 52 Press Release, Dep’t of Just., Justice Department Files Complaint Against the State of Texas for Illegally Placing Floating Buoy Barrier in the Rio Grande (July 24, 2023), <https://www.justice.gov/opa/pr/justice-department-files-complaint-against-state-texas-illegally-placing-floating-buoy>.
- 53 Letter from ACLU & ACLU Texas to Dep’t of Homeland Sec., Off. of Civ. Rts. & Civ. Liberties (Aug. 8, 2022), https://www.aclu.org/sites/default/files/field_document/aclutx_aclu_eagle_pass_poe_letter.pdf.
- 54 Letter from Kamala Harris et. al. to Senator Cochran et. al. (June 22, 2017), https://www.menendez.senate.gov/imo/media/doc/2017_06_22-Harris-Menendez-DHS-Funding-Letter.pdf.
- 55 ACLU, *Harris on Immigrant Justice in Waterloo, IA on 6/9*, YouTube (June 10, 2019), <https://www.youtube.com/watch?v=1OPZDDE8CFI&list=PLwfdTKcPIB5nGNzrrsK4En-4Qj26uQnyuW&index=109>.
- 56 Letter from Senator Kamala Harris et. al to Joseph V. Cuafari, Inspector Gen., Dep’t Homeland Sec., (Apr. 15, 2020) (on file with the ACLU); Salvador Rivera, *US senator wants investigation into migrant detention facility in Southern California*, KRQE (Apr. 15, 2020), <https://www.krqe.com/news/border-report/us-senator-wants-investigation-into-migrant-detention-facility-in-southern-california/>.
- 57 *Harris Introduces EQUAL Defense Act to Boost Pay and Resources, Limit Workload of Public Defenders*, Gideon’s Promise (2019), <https://www.gideonspromise.org/kamala-d-harris-u-s-senator-for-california-introduces-the-equal-defense-act-of-2019/>.
- 58 Letter from Sen. Harris et. al, to Chairman Cochran, et. al (June 22, 2017), https://www.menendez.senate.gov/imo/media/doc/2017_06_22-Harris-Menendez-DHS-Funding-Letter.pdf.
- 59 Press Release, Dept Homeland Sec., ICE to Close Two Detention Centers (May 20, 2021), <https://www.dhs.gov/news/2021/05/20/ice-close-two-detention-centers>.
- 60 ACLU, *Fatal Neglect: How ICE Ignores Death in Detention* (2016), <https://www.aclu.org/publications/fatal-neglect-how-ice-ignores-death-detention>; Daniella Silva, *The number of deaths in ICE custody is already more than double all of last year*, NBC News (June 1, 2024), <https://www.nbcnews.com/news/us-news/number-deaths-ice-custody-already-double-last-year-rcna154659>.
- 61 DHS Appropriations Act, 2024, <https://docs.house.gov/bills-thisweek/20240318/Division%20C%20Homeland.pdf>.
- 62 *ICE Detainees*, TRAC Immigr., https://trac.syr.edu/immigration/detentionstats/pop_agen_table.html (last visited Aug. 19, 2024).
- 63 Press Release, Detention Watch Network, 221 Organizations Call for ICE’s Expansion Efforts to Halt Amid a Pattern of Deteriorating Conditions in Immigration Detention (July 11, 2024), <https://www.detentionwatchnetwork.org/pressroom/releases/2024/221-organizations-call-ice-s-expansion-efforts-halt-amid-pattern>.

© 2024 American Civil Liberties Union

For information on copyright, usage rights, and privacy, please visit the ACLU Site User Agreement at <https://www.aclu.org/about/aclu-site-user-agreement>.

For information on accessibility, please visit the ACLU Statement on Website Accessibility at <https://www.aclu.org/about/aclu-statement-accessibility>.