

ACLU: Vote NO on Anti-Immigrant Amendments to the “Inflation Reduction Act of 2022” (FY 2022 Budget Reconciliation)

Dear Senator:

Democratic leadership has an historic opportunity to pass legislation that will lower the cost of healthcare and prescription drugs and enshrine urgently-needed climate protections for the benefit of hard-working American families, including family members who are immigrants. The American Civil Liberties Union (ACLU), on behalf of our 11 million supporters and members nationwide, **ask that you reject any poison pills that would sacrifice immigrants**, who help fuel our economy and make our country stronger, and fight to pass a clean package that upholds our nation’s values and legal commitments.

We urge you to vote NO on anti-immigrant amendments to the FY 2022 budget reconciliation legislation package, known as the Inflation Reduction Act of 2022, on the issues noted below.

We urge you to vote NO on any amendments that:

Force the Biden Administration to Keep Title 42 in Place. Public health experts have expressed time and again that expulsions under Title 42 have no basis in public health. The CDC determined that the policy no longer serves a public health necessity. These expulsions are a remnant of the racist, anti-immigrant policymaking that was the hallmark of the Trump administration and should never be codified into law.

Exclude Individuals from Eligibility Based on Criminal History. We urge you to oppose any amendment that excludes individuals from immigration processes—such as naturalization, adjustment of status, or parole—based on criminal history. Any exclusions would likely be duplicative of existing criminal bars in immigration law, including “aggravated felon[ies],” “crime[s] of moral turpitude,” and “controlled substance offense[s].” Moreover, for those people who have been longtime U.S. residents, criminal bars may magnify the harms of racial profiling and other illegal targeting of people by police and prosecutors.

Increase Mandatory Immigration Detention. Under mandatory detention, the United States is jailing people—at enormous taxpayer expense—even when an Immigration Judge would find that they do not pose a threat to the community or flight risk. Our litigation has shown that when people get a fair custody hearing, they often are able to return to their homes and jobs while they go through the legal process—and many end up winning their cases.

Increase Detention of Asylum-Seekers. The vast majority of immigrants appear voluntarily for their court hearings, with appearance rates approaching 100 percent for immigrants who have legal representation.

Undermine Access to Asylum. We urge you to oppose amendments requiring people seeking asylum to wait outside the United States to seek protection or while awaiting a final decision on their claims. These amendments attempt to reinstitute the Trump administration’s so-called “Migrant Protection Protocols” (MPP) and “metering”—practices that forced tens of thousands of individuals and families to remain in Mexico for months or years in makeshift encampments and shelters without access to sufficient food, water, and medical care.

Increase Funding for CBP or ICE. ICE and CBP are already overfunded and overstaffed, with funding streams that disproportionately support abusive policing tactics and surveillance while

programs that support people applying for asylum or navigating other legal avenues are grossly underfunded or nonexistent. As a result, DHS's enforcement components now have a greater combined budget than any other federal law enforcement agency, dwarfing the FBI (\$26 billion to \$11 billion in FY 2020), for example, while community-based non-profit organizations provide necessary respite and humanitarian services at the border most often without any federally supported funds.

Fund Border Wall or Barrier Construction. The border wall is a symbol of hate and waste. The prior administration's border wall construction ignored the wishes of local and state governments, trashed and destroyed pristine federal wilderness lands and private property, and caused irreparable harm to the borderlands and the millions who call the border region home.

Reduce Protections for Unaccompanied Children. We urge you to oppose any amendments that would weaken the due process protections afforded to children who arrive unaccompanied at the border. The Trafficking Victims Protection Reauthorization Act, which Congress first passed in 2008 with bipartisan support, [contains vital protections](#) that account for the unique vulnerabilities of children.

Block Services for Families Torn Apart by Trump's "Zero-Tolerance" Policy. Families who were reunified through the use of humanitarian parole are ineligible for family support services, basic case management, or sustained mental health care administered by the Office of Refugee Resettlement within the Department of Health and Human Services . Congress must not deepen the stain of family separation by creating obstacles to services for reuniting families.

Create a National Database of Workers. Nationwide mandatory E-Verify would create a massive government database of workers' information that threatens privacy and could be used to facilitate additional forms of data surveillance. Given the significant [E-Verify error rate](#), mandatory use could result in hundreds of thousands of authorized workers being denied the ability to work without a meaningful ability to seek redress.

Please contact me at ajoshi@aclu.org or 805-404-3225 with any questions.

Sincerely,

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