



we are one family under God

Ensuring Access to Lawful Status and Citizenship

“So then you are no longer strangers and sojourners, but you are fellow citizens with the holy ones and members of the household of God’ (Eph 2:19). It is not just about migrants: it is about building the city of God and man.”
—Pope Francis, *105th World Day of Migrants and Refugees (2019)*

The work of Justice for Immigrants (JFI) is inspired by and conducted in light of Catholic social teaching, which requires the right to life and the dignity of every human being, including migrants. People migrate for different reasons—protection, family, work, or a combination of these—and the Catholic Church believes that the U.S. immigration system must provide fair, orderly, and stable legal pathways for all these justifications. Yet over 11 million people in the U.S. remain undocumented without a pathway to legal status and many others face obstacles to attaining or maintaining legal status. Therefore, we urge the Biden Administration to take the following actions:

1. Introduce and enact legislation ensuring access to permanent legal status and a path to citizenship:

JFI strongly supports the Administration’s proposal to pass a legalization program for undocumented people in the U.S., including Deferred Action for Childhood Arrivals (DACA) recipients, undocumented parents of DACA recipients, Temporary Protected Status (TPS) holders, and undocumented farmworkers. Such legislation is high priority and needs to be introduced within the first 100 days of the new administration. Additionally, we strongly encourage in any legalization effort:

- Rescind Proclamations 10014 and 10052 in order to restore nonimmigrant work, study, and other visas.
- Create an earned legal status program for agricultural workers, which includes visa transportability, improved conditions, access to healthcare, and pathways to citizenship.
- Make the Non-Minister Special Immigrant Religious Workers Program permanent, given that religious workers provide vital services to underserved and vulnerable American communities. A permanent program would better facilitate these essential services, made even more crucial by COVID-19.
- Protect from deportation, and provide work authorization to, undocumented immigrants serving as essential workers during the COVID-19 pandemic, with a path to citizenship thereafter.

2. Prioritize family unity and reunification:

Family unity is a cornerstone of the U.S. immigration system and the teachings of the Catholic Church. Families provide the primary foundation for building individual and community security and wellbeing. The Biden Administration must establish legal pathways and waivers that enable families to maintain unity or restore it for those families already torn apart. Consequently, we call for:

- Remove the three- and ten-year bars to lawful immigration.
- Restore the Immigration and Nationality Act (INA) sec. 212(c) waiver.
- Explore a return-after-deportation program, the mission of which would be to return people to the U.S. who have already been deported—and pose no community or national security threats—in order to reunite them with their families.
- Settle the pending TPS litigation to ensure that TPS status is restored and extended for TPS holders involved in the litigation.
- Encourage legislation to modify the family-based immigration system to clear the current backlogs and ensure timely family reunification.

Such reforms would help provide viable family unity pathways to lawful permanent residency and citizenship under a forthcoming legalization program or other means.

3. Provide refugees and asylum seekers a pathway to protection and citizenship:

The refugee and asylum system has been devastated in the last four years. Immediate action needs to be taken to rebuild it. Thus, we urge:

- After an 82% reduction in the average annual Presidential Determination (PD) under the prior administration, admit at least 95,000 refugees per year with the annual goal of 125,000 refugees.
- Rescind Executive Orders 13769, 13780, 13815, and 13888, which create obstacles to U.S. resettlement and integration of refugees.
- Direct the Attorney General and DHS Secretary to remove recent asylum regulations that severely limit access to asylum; thereafter, issue regulations consistent with U.S. domestic and international refugee obligations.
- Develop temporary and permanent humanitarian legal status for individuals forced to migrate due to climate change.

4. Ensure people have access to legal status regardless of income level:

Recent regulations and policies, such as the public charge rule, have created a wealth test for immigrants, which deter immigrants and their families from accessing safety net benefits they need for their health and wellbeing. In order to ensure access to naturalization and immigration benefits for all, regardless of income level. Therefore, we recommend:

- Immediately publish an interim final rule that restores public charge to its 1999 definition.
- Halt the proposed USCIS fee schedule, which would dramatically increase fees across the board and slash the availability of fee waivers, revisiting and recalculating the fee schedule going forward.
- Further prevent extreme fee increases by EOIR for those in immigration proceedings, namely those included in proposed rules from February 2020.

5. Grant access to legal status regardless of religion or race:

Recent executive orders have cut off access to legal admission of immigrants and nonimmigrants to the U.S. and impose a disproportionately negative impact on migrants from countries with Muslim-majority populations or populations of color. Consequently, we urge:

- Rescind Executive Orders 13769 and 13780 and Proclamations 9645 and 9983.
- Extend Deferred Enforced Departure for Liberia (set to expire on January 10, 2021) for at least two years and work with Congress to reopen the program indefinitely so that all eligible Liberians can apply for lawful permanent residence and citizenship.

