

July 11, 2018

Leader Charles Schumer
United States Senate
Washington, D.C. 20510

Leader Nancy Pelosi
United States House of Representatives
Washington, D.C. 20515

Re: Letter Calling on Congress to Decriminalize Migration

Dear Members of Congress,

We, the undersigned organizations, call on members of Congress to end Trump’s “Zero Tolerance” policy by repealing the laws that make migration a crime. Federal laws prohibiting “unlawful entry” and “illegal re-entry” are the legal weapons behind the heart-breaking separation of parents and children by the Trump administration.

Under the “Zero-Tolerance” policy created by Attorney General Jeff Sessions, the Department of Justice prosecutes and imprisons all migrants for migration crimes. The horrific consequences of these mass prosecutions are family separation and the transfer of children to child detention centers or federal foster programs.¹

The laws punishing entry and re-entry have troubling roots in white supremacy laws passed in the 1920s. These unlawful entry laws were introduced by a pro-lynching Congressman with the specific intent of excluding and incarcerating Mexican immigrants.²

Today, these laws, born from a shameful legacy of white supremacist intentions, fuel a new level of trauma and horror on immigrants and communities of color under the Trump Administration. An estimated 200,000 or more people *per year* could be prosecuted under the Zero Tolerance policy.³ AG Sessions plans to further expand mass prosecutions through “Operation Streamline,” a strategy of mass hearings and mass imprisonment, with hundreds of immigrants arraigned, convicted and sentenced simultaneously in just one hearing.⁴ Already, migrant prosecutions under these unjust laws consume half of *all* federal prosecutions.⁵ Migration crimes, along with drug offenses, are the major contributor to a massive federal prison boom.⁶

¹ Trump’s Executive Order on June 20, 2017 does nothing to stop these mass prosecutions. Rather it enacts the cruel solution of incarcerating children alongside their parents as they are prosecuted. Moreover, CBP’s purported suspension of prosecutions for entry is only temporary until DHS finds more prison space to incarcerate families and does not apply to the prosecution of parents for reentry and all persons who enter without a child.

² Ian MacDougall, “Behind the Criminal Immigration Law: Eugenics and White Supremacy,” ProPublica, Jun. 19, 2018, available [here](#); Doug Keller, Rethinking Entry and Illegal Re-entry, Loyola U. Chi. Law Journal, 2012, available [here](#).

³ Lorelei Laird, “Sessions’ promise to prosecute all illegal entry raises concerns about court resources,” American Bar Assoc., May 10, 2018, available [here](#).

⁴ INDEFENSIBLE: A DECADE OF MASS INCARCERATION OF MIGRANTS PROSECUTED FOR CROSSING THE BORDER, Grassroots Leadership, July 2016, available [here](#).

⁵ “Immigration Now 52 Percent of All Federal Criminal Prosecutions,” TRAC Reports, Nov. 2016, available [here](#).

⁶ Yolanda Martinez, “Sending Even More Immigrants to Prison,” The Marshall Project, May 2018, available [here](#); THE GROWTH & INCREASING COST OF THE FEDERAL PRISON SYSTEM, Urban Institute, Dec. 2012, available [here](#).

As Congress considers solutions to the family separation and detention crisis, we call on Congress to act in two ways:

- Immediately repeal 8 U.S.C. § 1325 and 8 U.S.C. § 1326, the laws that criminalize migration and punish immigrant families.
- Reject any proposed laws, including so called “compromise bills,” that expand migrant criminalization and enables the Trump Administration to incarcerate more people for longer periods of time.

It is time for Congress to rein in the laws that make the grotesque crisis of children being separated from their parents possible. All those who believe that families belong together and out of jail should demand an immediate repeal of these laws.

Respectfully,

National Organizations

National Immigration Project of the National Lawyers Guild (NIPNLG)

18MillionRising

Action Together Network

American Civil Liberties Union (ACLU)

American Friends Service Committee (AFSC)

Asian Americans Advancing Justice (AAJC-DC)

Asian Pacific American Labor Alliance (APALA)

Asian Pacific Institute on Gender-Based Violence

ASISTA

Bend the Arc Jewish Action

Black Alliance for Justice Immigration (BAJI)

Campaign for Youth Justice

Central American Resource Center (CARECEN)

Christian Church (Disciples of Christ) Refugee & Immigration Ministries

Church World Services (CWS)

Congregation of Our Lady of Charity of the Good Shepherd, US Provinces

CREDO

Defending Rights and Dissent

Democrats for Education Reform

Detention Watch Network

Dominican Sisters of Peace

Engage Action

Familia: Trans Queer Liberation Movement

Families Belong Together

Franciscan Action Network

Grassroots Leadership

GreenLatinos
Hispanic Federation
Immigrant Defense Project (IDP)
Immigrant Legal Resource Center (ILRC)
Indivisible
Japanese American Citizens League
Justice Policy Institute (JPI)
Justice Strategies
LA RED Faith in Action
Mijente
MomsRising
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Criminal Defenders Lawyers (NACDL)
National Day Laborer Organizing Network (NDLON)
National Domestic Workers Alliance
National Immigrant Justice Center (NIJC)
National Latina Institute for Reproductive Health
National Juvenile Justice Network
National Migrant Seasonal Head Start Association
National Network to End Domestic Violence
People's Action
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Sisterhood of Salaam Shalom
South Asian Americans Leading Together (SAALT)
Southeast Asian Resource Action Center (SEARAC)
Southern Border Communities Coalition (SBCC)
Strong Women Action Network (SWAN)
The Leadership Conference on Civil and Human Rights (LCCR)
The Praxis Project
UltraViolet
United We Dream (UWD)
We Belong Together
Win Without War
Young Center for Immigrant Children's Rights

Regional, State, and Grassroots Organizations

Adelante Alabama Workers Center
Adhikaar, New York
African Immigrant Caucus, Maryland
Alianza Americas, Illinois

American Friends Service Committee, Colorado
American Gateways, Texas
Arizona Justice for Our Neighbors
Asian Americans Advancing Justice-Los Angeles
Catholic Migration Services, New York
CDWBA Legal Project, Inc., Albany, New York
Centro de los Derechos del Migrante, Inc. (CDM), Maryland
Centro de Trabajadores Unidos- Illinois
Coalition for Humane Immigrant Rights (CHIRLA), California
Community Development Project at Urban Justice Center, New York
Comunidad Colectiva, North Carolina
Comunidades Unidas en una Voz, Tennessee
Connecticut Juvenile Justice Alliance
Contra Costa Immigrant Rights Alliance, California
Day One New York, Inc.
DFW Lideres, Texas
Dolores Street Community Services, California
DotheMostGood MoCo, Maryland
DRUM Desis Rising Up and Moving, New York
Eastern Iowa Community Bond Project
Emerald Isle Immigration Center, New York
Evangelical Lutheran Church in America, Iowa
Faith Action Network, Washington
Family Action Network Mouvement (FANM), Florida
First Presbyterian Church San Anselmo, California
Florida Immigration Coalition
Food Empowerment Project, California
Franciscan Peace Center, Iowa
Free Migration Project, Pennsylvania
Freedom for Immigrants, California
Friends of Broward Detainees, Florida
Friends of Latin America, Maryland
Friends of Miami-Dade Detainees, Florida
Fuerza del Valle, Texas
Gaithersburg Huddle, Maryland
Garifuna Community Services, New York
Haitian Bridge Alliance, California
Hana Center, Illinois
Hand in Hand, California
Her Justice, New York
HIAS Pennsylvania
Hispanic Federation, Connecticut

Hispanic Federation, Florida
Hope Border Institute / Instituto Fronterizo Esperanza, Texas
Immigrant Legal Advocacy Project, Maine
Indivisible Montgomery County, Maryland
Indivisible Nation BK, New York
Inland Coalition for Immigrant Justice, California
Interfaith Coalition on Immigration, Minnesota
International Institute of Buffalo, New York
Iowa Justice for Our Neighbors
Iowa Unitarian Universalist Witness / Advocacy Network
Jackson Heights Immigrant Solidarity Network, New York
Justice for Migrant Families, Western New York
Justice for Our Neighbors East Texas
Justice For Our Neighbors Michigan
Legal Aid Justice Center, Virginia
LIFT (Local Immigrant Family Treasury), Washington
Long Island Inclusive Communities Against Hate, New York
Louisiana Center for Children's Rights
Mainers for Accountable Leadership
MAPS-AMEN (American Muslim Empowerment Network), Washington
Maryland Carey Immigration Clinic
Maryland-DC Justice for Our Neighbors
Methodist Federation for Social Action, Iowa Chapter
Mexican Coalition, New York
Migrant Center for Human Rights, Texas
Migrant Rights Collective, Texas
Mobilization for Justice, Inc., New York
Montgomery County Civil Rights Coalition, Maryland
Multicultural Worker's Forum, Maryland
National Association of Social Workers - Texas Chapter
National Lawyers Guild San Francisco Bay Chapter
New Mexico Comunidades en Accion y de Fe (CAFe)
New Mexico Immigrant Law Center
New Orleans Congress of Day Laborers
New York Immigration Coalition (NYIC)
New York Lawyers for the Public Interest
Northern Illinois Justice for Our Neighbors
Northern Manhattan Coalition for Immigrant Rights, New York
Northwest Immigrant Rights Project (NWIRP)
One America, Washington
Open City Advocates, District of Columbia
Organized Communities Against Deportation (OCAD), Illinois

Pangea Legal Services, California
Pantsuit Republic, Texas
Pennsylvania Immigrant and Citizenship Coalition
Prisoners' Legal Services of New York
Project South, Regional South
Refugio del Rio Grande, Texas
Safe Horizon Immigration Law Project, New York
Safe Passage Project, New York
Safer Foundation, Illinois and Iowa
Sanctuary DMV-Washington, DC
Services, Immigrant Rights, and Education Network (SIREN)-California
Showing Up for Racial Justice Montgomery County (SURJ MoCo), Maryland
Silvia Rivera Law Project, New York
Sisters of Mercy of the Americas-Institute Justice Team, Maryland
Social Workers for Social Justice, New York
South Florida Interfaith Worker Justice
Southeast Immigrant Rights Network (SEIRN)
Southeast Queens Muslim Collective Inc., New York
Southern Poverty Law Center (SPLC)
Stand Up America, New York
Tennessee Immigrant and Refugee Rights Coalition (TIRRC)
Texas Organizing Project (TOP)
The Bronx Defenders, New York
The Farmworker Association of Florida, Inc.
The Legal Aid Society, New York
The New York Civil Liberties Union (NYCLU)
Together We Will-San Diego, California
Trinity Las Americas UMC, Iowa
True North Organizing Network, California
University Leadership Institute, TX
UnLocal Inc., New York
Volunteers of Legal Service, New York
Waco Immigrant Rights Alliance
Wallingford Indivisible, Washington
Washington Defender Association
Western North Carolina Sanctuary Movement
Wisconsin Network for Peace, Justice & Sustainability
Women's International League for Peace and Freedom-Madison Branch, Wisconsin
Women's March Washington State
Workers Defense Project, Texas
YWCA Boulder County, Colorado
YWCA Central Alabama

YWCA Greater Austin, Texas
YWCA Houston, Texas
YWCA Mahoning Valley, Ohio
YWCA Mount Desert Island, Maine
YWCA Muncie, Indiana
YWCA Northeast Kansas
YWCA Olympia, Washington

cc: Congressional Hispanic Caucus
Congressional Asian Pacific American Caucus
Congressional Black Caucus
Congressional Progressive Caucus