

White House Task Force on Black Immigrants: Policy Recommendations and Priorities for the First 100 Days and Beyond

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These recommendations are endorsed by the undersigned 110 organizations who provide legal and other services to and advocate for the rights of Black immigrants.

Why a White House Task Force focused on Black immigrants is necessary: Black immigrants and Black immigrant families are often overlooked, undercounted, and sometimes altogether erased in the U.S. debate surrounding immigration and yet are often disproportionately impacted by anti-immigrant policy or failures to act. Black immigrants make up approximately nine percent¹ of the entire foreign-born population in the United States, totaling nearly five million people.² These numbers do not count the thousands of people outside the United States seeking to come through humanitarian pathways, to be reunited with families, for employment, or through the diversity visa program. Examining and addressing issues affecting Black immigrants in the U.S. immigration system is necessary to meaningfully address systemic, anti-Black racism in America, as the Biden administration has pledged to do. Accordingly, a Task Force and dedicated resources are needed to begin this crucial work.

Anti-Black immigrant policies in the United States and the human consequences: Black immigrants in the United States face the duplicative experience and harms of being targeted for their race and immigration status. While anti-Black immigrant policies far predate 2017, the Trump administration prioritized the targeting of Black immigrants in policy, enforcement, and rhetoric. This included mass incarceration in detention centers and mass deportation, categorical bans of African countries, termination of Temporary Protected Status and Deferred Enforced Departure, destroying the U.S. refugee admissions program and asylum system, attacks on the diversity visa program, and more. The consequences of these racism-fueled policies include the separation and destabilization of Black families, Black immigrants returned to countries where their lives and freedom are at risk, human rights violations and violence towards Black immigrants, and psychological scars. For immigrants in the U.S. interior, these attacks were and are compounded by general, widespread systemic anti-Black racism in America and police brutality.

Black immigrants are often targeted by local police for suspicion of criminal activity and thus experience the double jeopardy of both criminal and immigration consequences. They are also targeted by ICE/CBP in collaboration with local police for suspected immigration violations and subsequently risk being arrested in their homes, on the street, schools, workplace, etc. Black immigrants are often not afforded their constitutional right of due process and rarely have access to legal counsel. These disparities facilitate and streamline the detention and deportation of Black immigrants. During the Trump administration all branches of government, including the justice system were complicit in the acute harm inflicted on Black immigrant communities. The Biden administration must work to undo the

¹ *State of Black Immigrants*, Black Alliance for Just Immigration and NYU Law Immigrant Rights Clinic (Jan. 2020), <http://baji.org/resources/>.

² *Id.*

previous administration's policies and practices that have caused grave harm and suffering and also take steps to provide permanent protections and reparations.

In the first 100 days, the Biden administration should establish a White House Task Force on Black Immigrants to begin the below work. The Task Force should be representative and made up of Black immigrants and experts on Black immigration issues.

1. **Secure the immediate release of Black immigrants in U.S. detention, end cash bail, and halt deportations:** Almost half of all immigrants currently incarcerated in U.S. detention are Black Haitian immigrants.³ Working with other appropriate parties in the administration, the Task Force should oversee the immediate release of Black and other immigrants in detention given the COVID-19 crisis and mass enforcement policies of the previous administration. The Task Force should also take immediate action to end cash bail. An analysis of bail paid by Haitians versus others incarcerated in U.S. detention centers showed that Haitian immigrants paid 54% more to try to secure their freedom.⁴

Deportations of Black immigrants -- which risks individual lives and the spread of coronavirus to Black majority countries⁵ -- should also be halted. Black immigrants should not be removed to countries that have active civic conflicts or are recovering from civil conflict. Black immigrants that have been removed to conflict zones like Somalia have been killed.⁶ Instead, the U.S. should provide reprieve for Black immigrants that are facing removal to countries experiencing civil conflicts. The Task Force should particularly focus on ensuring Black immigrants released from detention have the resources they need to reunite with their families and otherwise access stability.

2. **Investigate and establish reporting and redress for human rights violations committed against Black immigrants in U.S. detention:** The Task Force should immediately begin investigation into forced hysterectomies of Black immigrants under the previous administration and other human rights violations done by the government.⁷ The Task Force should develop a reporting mechanism to collect information and put in place a plan to redress the harm.
3. **Administer a grant program that provides funding to community-based organizations and legal service providers serving Black immigrants:** The Task Force should be funded to administer a grant program for Black immigrant led and/or organizations provide services to Black immigrants across the United States, including but not limited to organizations that provide legal services and combat the school to deportation pipeline.

³ Black Immigrant Lives are Under Attack, RAICES (July 2020), www.raicestexas.org/2020/07/22/black-immigrant-lives-are-under-attack/.

⁴ *Id.*

⁵ Julian Border, *US steps up deportation of Haitians ahead of election, raising Covid fears*, The Guardian (Oct. 29, 2020), www.theguardian.com/us-news/2020/oct/29/us-steps-up-deportation-haitians-coronavirus.

⁶ *Deported to Death: What It Means to 'Go Back' to Somalia*, Daily Beast (August 2019) <https://www.thedailybeast.com/deported-to-death-this-is-what-it-means-to-go-back-to-somalia>.

⁷ *Cameroonian ICE Prisoner Who Was Subjected to Forced Sterilization Granted Humanitarian Release*, Democracy Now (Sept. 21, 2020), www.democracynow.org/2020/9/21/headlines/cameroonian_ice_prisoner_who_was_subjected_to_forced_sterilization_granted_humanitarian_release.

4. **End categorical bans of African countries:** The Task Force should recommend the Biden administration immediately reverse Trump executive actions that categorically banned immigrants from African countries and ripped Black families apart.⁸
5. **Establish a return after deportation program:** Given the huge number of Black families separated due to deportation⁹ under the previous administration, the Task Force should recommend establishing a program to return deported Black immigrants to the United States. The program should develop and advocate for relevant pathways to lawful permanent residence and citizenship for affected individuals and families. The Task Force should also look into other issues affecting deported Black immigrants, including deportation to countries that are not their own, and recommend methods to redress and protect human rights.
6. **Address how anti-Black systemic racism in immigration court, state and local courts, and at state and local public institutions affects Black immigrants:** The Task Force should investigate and review how race affects accessibility and outcomes in immigration court and develop concrete recommendations to improve fairness, justice, and due process. The Task Force should develop a monitoring system on the weaponization of state and local courts and policing against Black immigrants. This includes Black immigrants being disproportionately affected by state courts reporting defendants to ICE.
7. **Advocate for a successful implementation of the Liberian Refugee Immigration Fairness (LRIF) program:** In December 2019, an adjustment program for Liberians who have been in the United States for decades was passed in the National Defense Authorization Act. Unfortunately, a botched implementation at USCIS compounded by COVID 19 has led to only a small fraction of 10,300 eligible Liberians¹⁰ applying before the Dec. 20, 2020 deadline, and only a handful of cases being approved. Many potential applicants will lose their Deferred Enforced Departure (DED) status on Jan. 10, 2021. Accordingly, the Biden administration must act immediately to protect vulnerable Liberians by extending DED, working with Congress to reopen the LRIF program indefinitely, and advising USCIS on implementation issues.
8. **Restore and properly implement Temporary Protected Status:** Tens of thousands of Black immigrants are affected by the Trump administration's attacks on TPS -- including terminations, failures to redesignate, and failure to newly designate countries -- as well as termination of TPS for Sierra Leone, Guinea, and Liberia under the Obama administration. A Biden administration must immediately designate Deferred Enforced Departure for countries including Cameroon, The Bahamas, Liberia, Guinea, Sierra Leone, Haiti, and Sudan as well as use DED to protect Black immigrants affected by the Trump administration's failure to redesignate any country for TPS, including Somalia and South Sudan.
9. **Examine adjudications at consulates and address systemic issues that limit Black immigrants from reuniting with families in the United States and accessing other visas:** For many Black immigrants, the consulate abroad and systemic issues block people from accessing the U.S.

⁸ Kovie Biakolo, *How the 'African Ban' Ripped a Family Apart*, The Atlantic (Oct. 27, 2020), www.theatlantic.com/politics/archive/2020/10/how-trumps-african-ban-ripped-families-apart/616831/.

⁹ For e.g., Press release: Trump's DHS Ramps Up Deportations of Black Immigrant, America's Voice (Oct. 15, 2020), https://americasvoice.org/press_releases/trumps-dhs-ramps-up-deportations-of-black-immigrants/.

¹⁰ Report: *Failing Our Liberian Neighbors: Eligibility and Application Rates Under Liberian Refugee Immigration Fairness*, African Communities Together and the TPS Advocacy Working Group (June 2020), <https://cliniclegal.org/resources/humanitarian-relief/liberian-refugee-immigration-fairness-lrif/report-failing-our->

immigration system. The Task Force should recommend creating a dedicated State Department team that can help identify and resolve processing issues affecting Black immigrants that unfairly limit options for visas.

- 10. Ensure language access and cultural competency for Black immigrants across the immigration system:** The Task Force should conduct an audit of language and cultural competency across the entire immigration system, from adjudication to courts to enforcement, and make recommendations and advocate to improve access. Cultural competency includes ensuring resources are available in languages and dialects, information on use of dates, names, family relationships, how trauma manifests, and more.
- 11. Oversee USCIS implementation of programs affecting Black immigrants:** In addition to enforcement, Black immigrants were also particularly affected by implementation issues at USCIS under the previous administration. Examples include USCIS seeking to disqualify Haitian TPS holders by looking at criteria outside the bounds of the law,¹¹ the botched implementation of LRIF,¹² and much more. The Task Force must engage with USCIS and advocates and join stakeholder engagement meetings regarding programs affecting Black immigrants to ensure fair implementation.
- 12. Restore accessibility to the Diversity Visa program:** The previous administration changed requirements for the Diversity Visa program -- a program which greatly benefits African immigrants -- that reduced accessibility through costs and logistical hurdles.¹³ The Task Force should work to restore accessibility to the program and continuously examine the program.
- 13. Add Haiti to the H-2A and H-2B program:** Advocate for including Haiti on the list of nations whose citizens may participate in the H-2A and H-2B program.
- 14. Support legislation that would provide a pathway to citizenship for undocumented and other Black immigrants:** The Task Force should support and recommend legislative pathways for lawful permanent residence status and citizenship for undocumented Black immigrants including those with Temporary Protected Status and Deferred Actions for Childhood Arrivals status.
- 15. Produce regular reporting on the State of Black immigrants in the United States:** The Task Force should produce biannual reports on its work including recommendations for both the executive and legislative branches on how to better serve and safeguard Black immigrants.

¹¹ Alicia Caldwell, *AP Exclusive: US digs for evidence of Haiti immigrant crimes*, AP (May 9, 2017), <https://apnews.com/article/740ed5b40ce84bb398c82c48884be616>.

¹² For e.g., NGO LRIF Recommendations Letter to USCIS (June 2020), <https://cliniclegal.org/resources/federal-administrative-advocacy/ngo-lrif-recommendations-letter-uscis>; Liberian Refugee Immigration Fairness Policy Manual Update Organizational Comment (May 2020), <https://cliniclegal.org/resources/humanitarian-relief/liberian-refugee-immigration-fairness-lrif/liberian-refugee>.

¹³ *ACT on Change to Diversity Visa Online Application Form*, African Communities Together (July 2019), https://africans.us/act_comment_on_dv.

Endorsing organizations:

AAPI Women Lead
ABISA (African Bureau for Immigration and Social Affairs)
Adelante Alabama Worker Center
Adhikaar
Advancement Project, National Office
African American Ministers In Action
African Communities Together
African Public Affairs Committee
Al Otro Lado
American Friends Service Committee
API Equality-LA
Bend the Arc: Jewish Action
Black and Brown United in Action
Black Immigrant Collective (BIC)
Black Immigrants Bail Fund
Boston Chapter, Campaign Against Racism
Brooklyn Community Bail Fund
Bye Any Meanz
CA Collaborative for Immigrant Justice
CAIR-MN
California Immigrant Policy Center
California Immigrant Youth Justice Alliance
CASA
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Catholic Charities of the Archdiocese of Washington
Catholic Legal Immigration Network, Inc.
Catholic Legal Services, Archdiocese of Miami
Center for Constitutional Rights
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Church World Service
Collective Action for Laborers, Migrants, and Asylum Seekers
Comunidad Colectiva
Congregation of Our Lady of Charity of the Good Shepherd, U.S Provinces
Connecticut Shoreline Indivisible
Detention Watch Network
Disciples Refugee & Immigration Ministries
ELCA Pacifica Synod AMMPARO Network
Empowering Pacific Islander Communities (EPIC)
EqualHealth
Familia: Trans Queer Liberation Movement

Family Action Network Movement
Fathers & Families of San Joaquin
FIRN Inc.
First Focus on Children
Freedom for Immigrants
Fronterizx Fianza Fund
Haitian Bridge Alliance
HIAS and Council Migration Services of Philadelphia, Inc. DBA HIAS Pennsylvania
Human Rights Initiative of North Texas
Iforti Nightingales
IHM Sisters
Immigrant Law Center of Minnesota
Immigrant Legal Defense
Immigrant Legal Resource Center ILRC
Immigration Hub
Innovation Law Lab
International Refugee Assistance Project
InterReligious Task Force on Central America (IRTF Cleveland)
InterReligious Task Force On Central America and Colombia
Jobs With Justice
Justice Action Center
Justice for Migrant Women
Law Office of Helen Lawrence
Leadership Conference of Women Religious
Legal Services for Children
Mariposa Legal, Program of COMMON Foundation
Medical Mission Sisters
Minnesota Freedom Fund
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Asian Pacific Americans - NCAPA
New Breath Foundation
NH Conference United Church of Christ Immigrant and Refugee Support Group
Oasis Legal Services
Ohio Immigrant Alliance
Orange County Rapid Response Network
Pennsylvania Immigration and Citizenship Coalition
Pillars of the Community
Project Blueprint
RAICES
Red Lodge BIPOC
Resource Generation Los Angeles
School Sisters of Notre Dame - Central Pacific Province
Services, Immigrant Rights & Education Network (SIREN)

Sisterhood of Yere-Lon
Sisters of the Holy Names of Jesus and Mary
Social Justice Coalition, Central Lutheran Church
Somos Familia Valle
South Asian Americans Leading Together (SAALT)
Southern Border Communities Coalition
SPLC Action Fund
Sravasti Abbey
Student Sustainability Collective at UCSD
Students Deserve
SURJ Cincinnati
The Advocates for Human Rights
Torture Abolition And Survivors Support Coalition International
Trinity Lutheran Church (ELCA)
T'ruah: The Rabbinic Call for Human Rights
Tsuru for Solidarity
U.S. Committee for Refugees and Immigrants (USCRI)
UCLA Labor Center
UndocuBlack Network
Union for Reform Judaism
United We Dream
Vecindarios901
Vermont Freedom Fund
Voice for Refuge Action Fund
Wind of the Spirit Immigrant Resource Center
Witness at the Border