

IMMIGRATION ENFORCEMENT MORATORIUM ACT



Backgrounder on the “Immigration Enforcement Moratorium Act”

The Problem

During the COVID-19 pandemic, many immigration enforcement activities have needlessly endangered public health, including the health of enforcement officers and members of the community.

- Continued arrests and apprehensions discourage immigrant communities from accessing services necessary for their health and well-being and contribute to dangerous crowding in immigration detention centers. The Vera Institute for Justice recently [estimated](#) that ICE is severely underreporting the prevalence of COVID-19 in detention, and that the actual rate of infection may be *15 times higher* – and still increasing.
- Deportations, particularly after prolonged detention in these deeply unsafe conditions, risk spreading COVID-19 to neighboring countries, where the virus could devastate health systems and create untold harm. In late April, people deported to Guatemala [made up 20%](#) of all COVID-19 cases in the country.
- Removal hearings are resumed in several locations in June, contravening the guidance of public health experts. The American Immigration Lawyers’ Association [recently criticized](#) the decision to resume hearings as “premature,” noting that both public health and fairness of proceedings will be jeopardized as a result.
- Border crossing prosecutions are also continuing in many jurisdictions, despite the health risks in doing so. Many people prosecuted under 8 U.S.C. 1325 and 1326 are languishing in unsafe conditions in pre-trial detention.

Meanwhile, despite refusing to halt enforcement practices that jeopardize public health, the Trump administration has cited specious public health justifications to gut humanitarian protections for asylum-seekers and unaccompanied children. A Centers for Disease Control and Prevention (CDC) order — which has been roundly criticized by leading public health experts — has powered tens of thousands of unlawful expulsions in under three months, including more than [2,000 unaccompanied children](#), and has thereby prevented migrants from seeking relief. Since the beginning of June, only [four people](#) have been allowed to seek refuge in the United States under this restrictive order.

Risky and unlawful U.S. immigration practices during COVID-19 run afoul of international guidance and best practices. In recognition of the risks presented by immigration enforcement during COVID-19, a consortium of UN migration and human rights agencies, including the UN Refugee Agency, have called on all UN member states to [halt deportations](#). Many countries around the globe have previously [halted](#) deportations and [continued processing](#) asylum seekers. The U.S. can and must do better.

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What the Immigration Enforcement Moratorium Act Would Do

The “Immigration Enforcement Moratorium Act” would halt harmful immigration enforcement activities during COVID-19 to preserve our collective public health. The bill would:

- Halt deportations of noncitizens during the COVID-19 pandemic and provide for release on orders of supervision for people who have received removal orders to prevent prolonged post-removal-order detention
- Halt arrests and apprehensions of noncitizens physically present in the United States during the COVID-19 pandemic
- Halt in-person check-ins, service of Notices to Appear, and referrals for 1325/26 prosecutions
- At the border, provide for processing and parole of individuals who make claims for relief under immigration laws
- Suspend all in-person court proceedings, and, for detained individuals, establish a procedure for conducting custody determinations and provide for telephonic hearings provided the respondent requests such a hearing in writing
- Prohibit federal funds from being used to implement the CDC order powering automatic expulsions of asylum-seekers and unaccompanied children at the border

The bill is supported by nearly 70 national, state, and local organizations, including:

Al Otro Lado
Alianza Nacional de Campesinas
American Friends Service Committee
American Immigration Lawyers Association
Amnesty International USA
Asylum Seeker Advocacy Project (ASAP)
AsylumWorks
Bellevue Program for Survivors of Torture
Bend the Arc: Jewish Action
Cambridge health alliance
Center for Gender & Refugee Studies
Center for Human Rights & Constitutional Law
Center for Victims of Torture
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition on Human Needs
Columbia Law School Immigrants' Rights Clinic
Detention Watch Network
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Evangelical Lutheran Church in America
Families Belong Together
Farmworker Association of Florida

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Florence Immigrant and Refugee Rights Project
Freedom for Immigrants
FXB Center for Health and Human Rights at Harvard University
Haitian Bridge Alliance
Hope Border Institute
Human Rights First
Immigrant Service Providers Group/Health
Immigration Hub
Immigration Justice Task Force at First Parish, Concord
International Institute of New England
International Refugee Assistance Project
International Rescue Committee
Justice in Motion
Latin America Working Group (LAWG)
Lutheran Immigration and Refugee Service
Mass Jobs with Justice
Massachusetts Immigrant and Refugee Advocacy Coalition
National Council of Jewish Women
National Day Laborer Organizing Network *(NDLON)
National Immigrant Justice Center
National Immigration Law Center
National Korean American Service & Education Consortium (NAKASEC)
Neponset Health Center
NETWORK Lobby for Catholic Social Justice
NISGUA
Ohio Immigrant Alliance
Oxfam America
Physicians for Human Rights
RAICES
Refugees International
Rian Immigrant Center
Save the Children Action Network
Sisters of Mercy of the Americas Justice Team
SPLC Action Fund
Sueños Sin Fronteras de Tejas
The Advocates for Human Rights
The Black Alliance for Just Immigration (BAJI)
Unitarian Universalist Service Committee
United Stateless
United We Dream
Witness at the Border
Women's Refugee Commissio
Workers Center of Central New York
Young Center for Immigrant Children's Rights