

## **Resolution on Immigration Concerns During A Public Health Crisis**

Adopted by the Delegates Assembly, 2020

JCPA believes that people should not be treated as criminals for seeking opportunities for a better life in the United States. They should be treated with dignity and not deprived of basic human rights, including health and safety. JCPA believes that any current public health policy that either excludes or punishes immigrants during the pandemic undermines the health and safety of everyone living in this country. Especially given our own experience as immigrants, refugees, and asylum seekers in America, the Jewish community relations field has an important role to play in protecting all immigrants, many of whom are among the most vulnerable and on the frontlines in essential sectors keeping our country running during this COVID-19 pandemic.

### **The Jewish Council for Public Affairs believes that:**

- People should not be penalized nor treated as criminals for seeking to come to the U.S., and should be treated with dignity and respect for their basic human rights, including health and safety.
- The government must ensure the protection, particularly during the COVID-19 pandemic and future public health crises, of Dreamers,<sup>1</sup> those with Temporary Protected Status (TPS) and Deferred Enforced Departure (DED), and undocumented immigrants residing in the country.
- Immigrants have been on the frontlines working in essential jobs that have kept the country running during this COVID-19 crisis and must be provided with full health and safety protections, regardless of immigration status.
- The government should adopt policies and practices that protect immigrant communities during this crisis, for example:
  - Release all migrants from immigration detention, except those who pose an immediate and specific public safety threat (e.g., those who have committed violent crimes in their home countries or the U.S.). This would mitigate the significant health risk posed by detention, not only to detainees and staff, but also to the general public. The majority of detainees do not present a threat to public safety and should be released to community sponsors on recognizance, on their own recognizance, under orders of supervision, or to U.S. shelters.
  - Decriminalize unauthorized border crossings by repealing Section 1325, Title 8 of the U.S. Code, which makes it a federal misdemeanor to enter the U.S. without

---

<sup>1</sup> Dreamers includes both Deferred Action for Childhood Arrivals (DACA) recipients as well as those who are eligible for the program but have not applied.

authorization, and Section 1326, which makes it a felony, punishable by up to two years in prison, to reenter the country without permission. This would make unauthorized entry and reentry into the country a civil offense handled solely by the immigration system, rather than a federal crime.<sup>2</sup> This would help alleviate overcrowding and slow the spread of the virus.

- Suspend Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) interior enforcement activities, including ICE raids, interior checkpoints, and all deportations, except to address an immediate and specific public safety threat. These enforcement operations impede access to critical care for immigrant communities and interfere with access to medical care in border regions.
- End immigration enforcement activities at hospitals, clinics, houses of worship, and other sensitive locations, such as food distribution sites and emergency shelters, that are critical for those impacted by COVID-19 or any future health crisis.
- Ensure the inclusion of all immigrants, including undocumented immigrants, in any health and economic measures related to the crisis, regardless of immigration status. Any measure that excludes immigrants increases the economic and public health risks for the whole country.
- Any effort to use the crisis to further undermine the immigration, refugee, or asylum system; to increase military measures at the border; or to increase immigration detention and deportation should be opposed.

**The Jewish community relations field should:**

- Educate the public, and in partnership with immigrant communities, advocate for the measures listed above.
- Support agencies and organizations, both Jewish and non-Jewish, that serve immigrant communities.
- Reach out to local immigrant communities and the organizations serving them about any urgent needs they may have and ways our institutions can be most helpful.

---

<sup>2</sup> U.S.C. § 1325 and § 1326 violations make up [65 percent](#) of all criminal prosecutions in federal court. These laws enable the “zero tolerance” family separation policy, the “Operation Streamline” mass criminal trials, and, increasingly, the prosecution of asylum seekers found between Ports of Entry. Immigrants may still be subject to detention and/or deportation under the civil enforcement system, even if these laws are repealed. There is [no evidence](#) that criminal prosecutions deter migration. [Click here for a fact sheet about decriminalization.](#)