INFORMATION KIT

LEAVE NO ONE BEHIND
MURAL PROJECT

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The Leave No One Behind Mural Project is embarked by a coalition of veteran support groups, immigrant organizations, and academics. Through a multi-sited public art project entitled “Leave No One Behind,” the coalition urges the Biden-Harris administration and Congress to enact immigration policy to repatriate Deported Veterans, protect Childhood Arrivals, end family separation, and reunite families.

Through a multi-sited public art project, the project seeks to uplift the stories of Deported Veterans, Dreamers, childhood arrivals, permanent residents, and the families left behind. The project is rooted in political action and healing.

Installation sites will be prioritized to the cities in which community storytellers lived while in the U.S. For many, this is the place where they were raised, grew exclusive roots to the country and where their immediate family lives.
The project seeks to uplift the stories of over thirty (im)migrants currently left out of President Biden’s Immigration Reform. The murals will be displayed across various cities in the United States, where the intersection and impact of mass incarceration and deportation have been intensely felt by the passage of the 1994 Crime Bill and the Clinton era immigration laws that made the systems punitive. The initial launch locations include Central Valley, CA; Compton, CA; Seattle, WA; Phoenix, Arizona; Las Cruces, New Mexico; El Paso, Texas; Chicago, Illinois; Detroit, Michigan; San Diego, CA; Portland, OR; Tijuana, Baja California, Mexico; and the final mural posted in Washington, DC.

The project will launch in March 2021 with a concluding grand mural posted in Washington, D.C. by a coalition delegation, coinciding with the end of President Biden’s first 100 days in office.

The coalition urges elected officials, Congress, and the Biden-Harris administration to take a series of policy steps to protect immigrants and support family reunification by:

- Passing an Executive Action or a series of actions as outlined by Senator Tammy Duckworth to begin the process of repatriating deported veterans.
- Implementing the New Way Forward Act into law as reintroduced by Representative Jesus “Chuy” Garcia.

The Leave No One Behind Mural Project is represented by a growing coalition: Unified U.S. Deported Veterans Resource Center; Repatriate Our Patriots; New Way Forward; Green Card Veterans; Veterans for Peace; Deported Veteran Support House-Juarez Bunker; Otros Dreams en Acción; Immigrant Justice Network; Humanizing Deportation; Deportados Unidos en la Lucha; DREAM Will Childhood Arrivals; Unified U.S Deported Veterans Resource Center; Sgt Barrios Memorial Chapter #182; AmeriMex Dreams en Acción; Border Line Crisis Center; Meta Peace Team Detroit Michigan; USD Joan B. Kroc School of Peace Studies; Friends of Friendship Park; Via Internacional Cafe; Playas de Tijuana Mural Project; Reclaim the Dream; Border Network for Human Rights; Comunidades En Acción Y De Fé; Desolate Zine.
About the Murals

There will be a series of murals that will be installed in multiple sites in the U.S. as part of this action. This coalition has commissioned the murals and are authored by Javier Salazar Rojas (DeportedArtist on Instagram).

The mural is inspired by stories of community storytellers. We have curated over thirty stories to provide a myriad of profiles that we seek to center as part of our mission. This includes an inclusive approach to nationality.

The project seek to portray the strong and even exclusive ties to the U.S. that the participants have to the country. This includes the stories of migrants that entered the U.S. as minors (“childhood arrivals”), undocumented youth, the dreamers, DACA recipients, deported Permanent Residents, deported U.S. military veterans, and migrants seeking family reunification.

Together, the murals inform the current administration on the inclusive and ethical actions that can be taken to support the return of displaced immigrant communities and the legal recognition of those currently awaiting an immigration reform.

Javier Salazar Rojas goes by the name DEPORTEDARTIST. He was born in Tijuana, Mexico and migrated to the U.S. at 7 years old. He was raised in East Oakland. He was incarcerated at the age of 24 and deported at 35 years old. His artistic mediums are acrylies, oils, and aerosols.

Listen to his story in the Port Of Entry Podcast, Till Deportation Do Us Part?
January 20, 2021

VIA ELECTRONIC DELIVERY

President-elect Joseph R. Biden, Jr.
Office of the President Elect
1401 Constitution Avenue NW
Washington, DC 20230

Dear President-elect Biden:

I write to express my strong support for an Executive Order or a series of executive and agency actions that prohibits the deportation of Veterans and revamps the citizenship process for military servicemembers, Veterans and their dependents. I urge you to build off your commitment to protect and expand citizenship opportunities for the brave men and women who have fought to defend our Nation.

Immigrant servicemembers possess critical skills that enhance military readiness, strengthen national security and protect our homeland. That is why, for over 200 years, Congress has provided servicemembers an expedited path to citizenship and both Democratic and Republican administrations have worked to streamline the naturalization process for servicemembers. In a period of armed conflict, such as now, Congress specifically intended for servicemembers to naturalize as soon as they entered service and prior to deployment.

Yet, despite these efforts, many servicemembers are deploying without their citizenship. Some have no valid immigration status as they fight overseas, and fear that they will be detained and deported when they return. Some honorably serve and fight in combat overseas only to be discharged without receiving citizenship. The U.S. Departments of Defense (DOD) and Homeland Security (DHS) have failed to ensure that every immigrant servicemember who wants to naturalize is able to attain citizenship.

In October 2017, the DOD introduced a series of policy changes to impede the enlistment of immigrants and their ability to naturalize expeditiously. In addition, the Trump administration removed U.S. Citizenship and Immigration Services (USCIS) teams at military training installations in order to prevent military members being naturalized upon graduating from basic training—thereby making it much more difficult to naturalize servicemembers. USCIS also shuttered its overseas offices, dramatically limiting the ability of overseas servicemembers to naturalize while serving abroad.

Eliminating military naturalization services leaves military heroes vulnerable to deportation. Indeed, many have been unfairly deported in recent years given the unforgiving nature of our immigration laws. For Veterans, some have been deported after self-medicating with substances to treat Post-Traumatic Stress Disorder or other service-connected injuries for which they did not
receive proper care and treatment. Once deported, Veterans are permanently separated from their families and unable to access their full VA healthcare benefits. It is a shame that Veterans struggle to access the healthcare, disability and retirement benefits they earned simply because of their removal. We must immediately end the shameful practice of deporting Veterans. Our noncitizen Veterans heeded the call to serve, wore our country’s uniform and defended our Nation. We must honor them.

Our country has a duty to support our military members, Veterans and their families. We should build on our promise and provide robust citizenship resources to support them. Accordingly, I urge you to immediately issue an Executive Order or implement a series of executive and agency actions to achieve the following results:

**Prevent Veteran Deportation and Repatriate Deported Veterans**
- Prohibit the deportation of Veterans.
- Establish a visa program through which deported Veterans may re-enter the United States as lawful permanent residents.
- Facilitate and expedite the naturalization of deported Veterans eligible to naturalize through their military service, including by establishing streamlined procedures for naturalization interviews and swearing in at ports of entry or through parole for inadmissible Veterans.
- Require all DHS agencies to annotate all records for immigration benefits and immigration enforcement to reflect Veteran status.

**Strengthen Military Naturalization Programs**
- Repeal the DOD October 2017 policy memos on immigrant enlistment, enhanced background screening and honorable service certification.
- Repeal the DOD April 24, 2020 policy memo on N-426 certification.
- Reestablish USCIS’ Naturalization at Basic Training Initiative to allow new enlees to naturalize upon graduating from basic training.
- Reopen USCIS overseas offices and ensure naturalization ceremonies can take place at overseas military bases.
- Require USCIS to adjust the status of noncitizen enlees to conditional Legal Permanent Resident status after they take the oath of enlistment and facilitate the naturalization process in accordance with the military naturalization statutes.

**Remove Barriers to VA Benefits and Care**
- Require the Department of Veterans Affairs (VA) to assess the barriers to care and enrollment that deported Veterans face and create a plan for addressing those gaps and providing greater access to VA healthcare and benefits to Veterans living abroad.

**Improve Administrative Regulation and Policy**
- Create an interagency taskforce among DOD, DHS and VA to identify, repatriate and enroll deported Veterans into VA benefits and the VA healthcare system.
- Require the VA to assist Veterans with the naturalization process by establishing a VA office for noncitizen Veterans.
• Appoint a Director at the DOD General Counsel Office to oversee immigration and citizenship issues for servicemembers and their dependents, as well as maintain a central repository for coordination with DHS and DOS with regard to citizenship and immigration issues.

• Repeal 8 C.F.R. § 329.2(d)’s one-year good moral character requirement for wartime servicemembers and Veterans, which was not authorized by Congress and is ultra vires of INA § 329, which requires honorable service in lieu of the standard good moral character requirement. By unnecessarily importing an extraneous good moral character requirement into the military naturalization procedure, USCIS has barred many noncitizen combat Veterans from naturalizing.

Protect Military Families

• Improve Parole in Place and Deferred Action by providing denied applicants the chance to present their case to an immigration judge before removal.

• Allow the family members of military members and Veterans the opportunity to apply for Parole in Place and Deferred Action while in removal proceedings.

• Strengthen the pathway to lawful permanent residence and citizenship for dependents of servicemembers and Veterans, including their spouses, biological children, stepchildren, adopted children and parents.

As your administration begins working to improve our Nation’s immigration system, I ask you to prioritize military and Veteran naturalizations as well as bringing deported Veterans home to the United States where they belong. The United States relies on immigrant servicemembers in all sectors within the military, and it is clear that the government must better support and protect them. Thank you in advance for your consideration of this request.

Sincerely,

Tammy Duckworth
United States Senator
117TH CONGRESS
1ST SESSION

H. R. ______

To reform the process for enforcing the immigration laws of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. García of Illinois introduced the following bill; which was referred to the Committee on ___________________

____________________________________________

A BILL

To reform the process for enforcing the immigration laws of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “New Way Forward Act”.

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TITLE I—END MANDATORY DETENTION AND REQUIRE PROBABLE CAUSE FOR ARREST

SEC. 101. PHASE-OUT OF PRIVATE FOR-PROFIT DETENTION FACILITIES AND USE OF JAILS.

(a) Secure Detention Facilities.—Beginning on the date of the enactment of this Act, the Secretary of Homeland Security may not enter into, or extend, any contract with any public or private for-profit entity that owns or operates a detention facility for use of that facility to detain aliens in the custody of the Department of Homeland Security, and shall terminate any such contract not later than the date that is 3 years after the date of the enactment of this Act. Beginning on the date that is 3 years after the date of the enactment of this Act, any facility at which aliens in the custody of the Department of Homeland Security are detained shall be owned and operated by the Department of Homeland Security.

(b) Non-Secure Detention Programs.—Beginning on the date of the enactment of this Act, the Secretary of Homeland Security may not enter into, or extend, any contract with any public or private for-profit entity that owns or operates a program or facility that provides for non-residential detention-related activities for
aliens who are subject to monitoring by the Department
of Homeland Security, and shall terminate any such con-
tact not later than the date that is 3 years after the date
of the enactment of this Act. Beginning on the date that
is 3 years after the date of the enactment of this Act,
any such program or facility shall be owned and operated
by a nonprofit organization or by the Department of
Homeland Security.

(e) Publication of Plan.—Not later than 60 days
after the date of the enactment of this Act, the Secretary
shall develop, and make publicly available, a plan and
timeline for the implementation of this section.

SEC. 102. PROCEDURES FOR DETAINING ALIENS.

(a) Custody and Bond Determinations.—Section 236 of the Immigration and Nationality Act (8 U.S.C.
1226) is amended—

(1) by striking subsections (a) through (c) and
inserting the following:

“(a) Arrest, Detention, and Release.—

“(1) In general.—On a warrant issued by an
immigration judge, or pursuant to section 287(a)(2),
the Secretary of Homeland Security may arrest an
alien and, in accordance with this section, may,
pending a decision on whether the alien is to be re-
moved from the United States—
“(A) detain the alien; or

“(B) release the alien—

“(i) on bond;

“(ii) subject to conditions; or

“(iii) on the alien’s own recognizance.

“(2) EXCEPTION.—This section shall not apply to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))). Such an alien shall be transferred to the custody of the Secretary of Health and Human Services pursuant to section 235(b)(3) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)(3)).

“(b) CUSTODY AND BOND DETERMINATIONS.—

“(1) INITIAL DETERMINATION.—Not later than 48 hours after taking an alien into custody, the Secretary of Homeland Security shall make an initial custody determination with regard to that alien, and provide that determination in writing to the alien. If the Secretary determines that the release without conditions of an alien will not reasonably assure the appearance of the alien as required or will endanger the safety of any other person or the community, the custody determination under this paragraph will im-
pose the least restrictive conditions, as described in paragraph (4).

“(2) TIMING.—If an alien seeks to challenge the initial custody determination under paragraph (1), the alien shall be provided with the opportunity for a hearing before an immigration judge to determine whether the alien should be detained, which hearing shall occur not later than 72 hours after the initial custody determination, except that an immigration judge may grant a reasonable continuance upon the alien’s request for additional time to prepare for the hearing.

“(3) PRESUMPTION OF RELEASE.—In a hearing under this subsection, there shall be a rebuttable presumption that the alien should be released. The Government shall have the duty of rebutting this presumption by clear and convincing evidence based on credible and individualized information that establishes that the use of alternatives to detention will not reasonably assure the appearance of the alien at removal proceedings, or that the alien is a threat to another person or the community. The fact that an alien has a prior conviction or a criminal charge pending against the alien may not be the sole factor to justify the continued detention of the alien.
“(4) LEAST RESTRICTIVE CONDITIONS REQUIRED.—If an immigration judge determines pursuant to a hearing under this section that the release without conditions of an alien will not reasonably assure the appearance of the alien as required or will endanger the safety of any other person or the community, the immigration judge shall order the least restrictive conditions, or combination of conditions, that the judge determines will reasonably assure the appearance of the alien as required and the safety of any other person and the community, which may include secured or unsecured release on bond, or participation in a program described in subsection (i). Any conditions assigned to an alien pursuant to this paragraph shall be reviewed by the immigration judge on a monthly basis.

“(5) BOND DETERMINATION.—In the case that an immigration judge makes a determination to release an alien on bond under subsection (a)(1)(B)(i), the immigration judge shall consider, for purposes of setting the amount of the bond, the alien’s financial resources and ability to pay the bond without imposing financial hardship on the alien.

“(6) SPECIAL RULE FOR VULNERABLE PERSONS AND PRIMARY CAREGIVERS.—In a case in
which an alien who is the subject of a custody deter-
mination under this subsection is a vulnerable per-
son or a primary caregiver, the alien may not be de-
tained unless the Government shows, in addition to
the requirements under paragraph (3), that it is un-
reasonable or not practicable to place the individual
in a community-based supervision program.

“(7) DEFINITION.—In this subsection, the term
‘vulnerable person’ means an individual who—

“(A) is under 21 years of age or over 60
years of age;

“(B) is pregnant;

“(C) identifies as lesbian, gay, bisexual,
transgender, or intersex;

“(D) is victim or witness of a crime;

“(E) has filed a nonfrivolous civil rights
claim in Federal or State court;

“(F) has a serious mental or physical ill-
ness or disability;

“(G) has been determined by an asylum of-
ficer in an interview conducted under section
235(b)(1)(B) to have a credible fear of persecu-
tion or a reasonable fear of persecution under
section 208.31 or 241.8(e) of title 8, Code of
Federal Regulations (as in effect on the date of
the enactment of the New Way Forward Act);

“(H) has limited English language prof-
ciency and is not provided access to appro-
priate and meaningful language services in a
timely fashion; or

“(I) has been determined by an immigra-
tion judge or the Secretary of Homeland Secu-
rity to be experiencing severe trauma or to be
a survivor of torture or gender-based violence,
based on information obtained during intake,
from the alien’s attorney or legal service pro-
vider, or through credible self-reporting.

“(c) SUBSEQUENT DETERMINATIONS.—An alien who
is detained under this section shall be provided with a de
novo custody determination hearing under this subsection
every 60 days, as well as upon showing of a change in
circumstances or good cause for a de novo custody deter-
mination hearing.”; and

(2) by striking subsection (e) and inserting the
following:

“(e) RELEASE UPON AN ORDER GRANTING RELIEF
FROM REMOVAL.—In the case of an alien with respect to
whom an immigration judge has entered an order termi-
nating removal proceedings or an order providing for relief
from removal, including an order granting asylum, or pro-
viding for withholding, deferral, or cancellation of removal,
which order is pending appeal, the Secretary of Homeland
Security shall immediately release the alien upon entry of
the order, and may impose only reasonable conditions on
the alien’s release from custody.

“(f) ALTERNATIVES TO DETENTION.—

“(1) IN GENERAL.—The Secretary of Homeland
Security shall establish programs that provide alter-
 natives to detaining aliens, which shall offer a con-
tinuum of supervision mechanisms and options, in-
cluding community-based supervision programs and
community support. The Secretary may contract
with nongovernmental community-based organiza-
tions to provide programs, which may include case
management services, appearance assistance serv-
dies, and screenings of aliens who have been de-
tained.

“(2) INDIVIDUALIZED DETERMINATION RE-
QUIRED.—In determining whether to order an alien
to participate in a program under this subsection,
the Secretary, or the immigration judge, as appro-
priate shall make an individualized determination to
determine the appropriate level of supervision for the
alien. Participation in a program under this sub-
section may not be ordered for an alien for whom it is determined that release on reasonable bond or recognizance will reasonably assure the appearance of the alien as required and the safety of any other person and the community.”.

(b) Probable Cause Hearing.—Section 287(a) of the Immigration and Nationality Act (8 U.S.C. 1357(a)) is amended by striking the matter preceding paragraph (3) and inserting the following:

“(a) Any officer or employee of the Department of Homeland Security authorized under regulations prescribed by the Secretary of Homeland Security shall have power without warrant—

“(1) to interrogate any alien or person believed to be an alien as to the person’s right to be or to remain in the United States, provided that such interrogation is not based on the person’s race, ethnicity, national origin, religion, sexual orientation, color, spoken language, or English language proficiency; and

“(2) to arrest any alien who in the officer or employee’s presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of
aliens, or to arrest any alien in the United States, if—

“(A) the officer or employee has probable cause to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest;

“(B) the officer or employee has reason to believe that the person would knowingly and willfully fail to appear in immigration court in response to a properly served notice to appear; and

“(C) not later than 48 hours after being taken into custody, the arrested alien is provided with a hearing before an immigration judge to determine whether there is probable cause as required by this section, including probable cause to believe that the person would have knowingly and willfully failed to appear as required under subparagraph (B), which burden to establish probable cause shall be on the Government.”.

(e) MANDATORY DETENTION REPEALED.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—
(1) in section 235(b)(1)(B)(ii)—
   (A) by striking “shall” and inserting “may”; and
   (B) by inserting before the period at the end the following: “pursuant to the custody review procedures set forth in section 236”;
(2) by striking section 235(b)(1)(B)(iii)(IV);
(3) in section 235(b)(2)(A)—
   (A) by striking “shall” and inserting “may”; and
   (B) by inserting before the period at the end the following: “pursuant to the custody review procedures set forth in section 236”;
(4) by striking section 236A;
(5) in section 238(a)(2), by striking “pursuant to section 236(c)”; and
(6) in section 506(a)(2)—
   (A) by striking the paragraph heading and inserting the following: “RELEASE HEARING FOR ALIENS DETAINED”; and
   (B) in subparagraph (A)—
      (i) in the matter preceding clause (i), by striking “lawfully admitted for permanent residence”; and
      (ii) by striking clause (i); and
(iii) by redesignating clauses (ii) and

(iii) as clauses (i) and (ii), respectively.

(d) ALIENS ORDERED REMOVED.—Section 241(a) of
the Immigration and Nationality Act (8 U.S.C. 1231(a))
is amended—

(1) in paragraph (1), by striking “90 days”
each place it appears and inserting “60 days”;

(2) by striking paragraph (2) and inserting the
following:

“(2) INITIAL CUSTODY REDETERMINATION
HEARING.—

“(A) IN GENERAL.—Not later than 72
hours after the entry of a final administrative
order of removal, the alien ordered removed
shall be provided with a custody redetermination
hearing before an immigration judge.

“(B) PRESUMPTION OF DETENTION.—For
purposes of the hearing under subparagraph
(A), the alien shall be detained during the re-
moval period unless the alien can show, by a
preponderance of the evidence, that the alien’s
removal is not reasonably foreseeable and that
the alien does not pose a risk to the safety of
any individual or to the community.”;

(3) in paragraph (3)—
(A) in the paragraph heading, by striking “90-DAY” and inserting “60-DAY”; and

(B) in the matter preceding subparagraph (A), by striking “the alien, pending removal, shall be subject to supervision under” and inserting the following: “except as provided in paragraph (7), any alien who has been detained during the removal period shall be released from custody, pending removal, subject to individualized supervision requirements in accordance with”;

(4) by striking paragraph (6); and

(5) by striking paragraph (7) and inserting the following:

“(7) SUBSEQUENT CUSTODY REDETERMINATION HEARINGS.—

“(A) IN GENERAL.—The Government may request a subsequent redetermination hearing before an immigration judge seeking continued detention for an alien ordered to be detained pursuant to paragraph (2) who has not been removed within the removal period.

“(B) STANDARD.—An alien may only be detained after the removal period upon a showing by the Government that—
“(i) the alien’s removal is reasonably foreseeable; and

“(ii) the alien poses a risk to the safety of an individual or the community, which may only be established based on credible and individualized information that establishes objective risk factors, and may not be established based only on the fact that the alien has been charged with or is suspected of a crime.

“(C) Period of Detention.—An alien may not be detained pursuant to an order under this paragraph for longer than a 60-day period. The Government may seek subsequent redetermination hearings under this paragraph in order to continue detaining an alien beyond each such 60-day period.”.

TITLE II—STATUTE OF LIMITATIONS

SEC. 201. TIME FOR COMMENCING REMOVAL PROCEEDINGS.

Section 239(d) of the Immigration and Nationality Act (8 U.S.C. 1229(d)) is amended by adding at the end the following:
“(3)(A) Notwithstanding paragraph (2), any removal proceeding against an alien previously admitted to the United States for being within a class of deportable aliens described in section 237(a)(2), or within a class of inadmissible aliens described in section 212(a)(2), shall not be entertained unless commenced not later than the date that is five years after the date on which the alien became deportable or inadmissible.

“(B) This paragraph shall apply to any removal proceeding resulting in an order of removal before the date of the enactment of the New Way Forward Act as if in effect on the date on which the removal proceeding was commenced.”.

TITLE III—LIMIT CRIMINAL-SYSTEM-TO-REMOVAL PIPELINE

SEC. 301. CRIMINAL OFFENSES AND IMMIGRATION LAWS.

(a) INADMISSIBILITY BASED ON CRIMINAL AND RELATED GROUNDS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (I) as subparagraphs (A) through (H), respectively.
(b) Deportability Based on Criminal Offenses.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking clauses (i) and (ii);

(B) by redesignating clauses (iii) through (vi) as clauses (i) through (iv), respectively; and

(C) in clause (iv), as so redesignated, by striking “Clauses (i), (ii), and (iii)” and inserting “Clauses (i) and (ii)”;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively.

SEC. 302. DEFINITIONS.

(a) Aggravated Felony.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) in the matter preceding subparagraph (A), by striking “means—” and inserting “means a felony, for which a term of imprisonment of not less than 5 years was imposed, that is—”;

(2) in subparagraph (F), by striking “for which the term of imprisonment at least one year”;

(3) in subparagraph (G), by striking “for which” and all that follows through “year”;
(4) in subparagraph (J), by striking “, for which a sentence of one year imprisonment or more may be imposed”;

(5) in subparagraph (P)—

(A) by striking “(i)”; and

(B) by striking “and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 12 months”;

(6) in subparagraph (R), by striking “for which the term of imprisonment is at least one year”;

(7) in subparagraph (S), by striking “, for which the term of imprisonment is at least one year”; and

(8) by striking the last sentence.

(b) CONVICTION.—Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended—

(1) in subparagraph (A), by striking “court” and all that follows through “to be imposed.” and inserting the following: “court. An adjudication or judgment of guilt that has been dismissed, expunged, sealed, deferred, annulled, invalidated, withheld, or vacated, or where a court has issued a judicial recommendation against removal, or an order of
probation without entry of judgment or any similar
disposition, shall not be considered a conviction for
purposes of this Act. No judgment on appeal or
within the time to file direct appeal shall be deemed
a ‘conviction’ for the purposes of this Act.”; and

(2) in subparagraph (B)—

(A) by inserting “only” after “deemed to include”; and

(B) by striking “or confinement” and all
that follows through the period at the end and
inserting “ordered by a court of law. Any such
reference shall not be deemed to include any
suspension of the imposition or execution of
that imprisonment or sentence in whole or in
part.”.

(e) PARTICULARLY SERIOUS CRIME.—Section
208(b)(2)(B)(i) of the Immigration and Nationality Act
(8 U.S.C. 1158)(b)(2)(B)(i)) is amended to read as fol-

ows:

“(i) CONVICTION OF AGGRAVATED
FELONY.—For purposes of clause (ii) of
subparagraph (A), section 241(b)(3)(B), or
any other provision of this Act, only an
alien who has been convicted of an aggra-
vated felony for which a term of imprison-
ment of not less than five years was im-
posed shall be considered to have been con-
victed of a particularly serious crime.”.

(d) APPLICABILITY.—The amendments made by this
section shall apply to—

(1) admissions and conduct occurring before,
on, or after the date of the enactment of this Act;
and

(2) convictions and sentences entered before,
on, or after the date of the enactment of this Act.

TITLE IV—RESTORE JUDICIAL
DISCRETION AND END RE-
MOVAL WITHOUT DUE PROC-
ESS

SEC. 401. IMMIGRATION PROCEDURAL CHANGES.

(a) DECISION AND BURDEN OF PROOF.—Section

240(c)(1)(A) of the Immigration and Nationality Act (8
U.S.C. 1229(c)(1)(A)) is amended by inserting after the
period at the end the following: “Notwithstanding any
other provision of law, an immigration judge may grant
any relief or deferral from removal, including withholding
of removal, to any individual who is otherwise eligible for
such relief but for a prior criminal conviction, or the com-
mission of or a finding of the commission of other conduct
described in section 212(a)(2), 237(a)(2), or 237(a)(3), if
the immigration judge finds such an exercise of discretion appropriate in pursuit of humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.”

(b) Removal of Aliens Who Are Not Permanent Residents.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) by striking subsection (b); and

(2) by redesignating the first subsection (e) as subsection (b).

(c) Reinstatement of Removal Orders Against Aliens Illegally Reentering.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(d) Special Rules Relating to Continuous Residence or Physical Presence.—Section 240A(d) of the Immigration and Nationality Act (8 U.S.C.1229b(d)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.
(e) Judicial Review of Orders of Removal.—

Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by striking subsection (a)(2)(C).

Title V—Prohibition Against Performance of Immigration Officer Functions by State and Local Officers and Employees

Sec. 501. Local Enforcement.

(a) In General.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended to read as follows:

“(g)(1) The officers and employees of any State, or any political subdivision of a State, are prohibited from performing the function of an immigration officer in relation to the investigation, apprehension, transport, or detention of aliens in the United States or otherwise assist in the performance of such functions.

“(2) Civil immigration warrants shall not be made available to the officers or employees of any State, or any political subdivision of a State, through the National Crime Information Center database or its incorporated criminal history databases. Federal, State, and local law enforcement officials are prohibited from entering into the National Crime Information Center database or its incor-
porated criminal history databases information that relates to an alien’s immigration status, the existence of a prior removal, deportation, or voluntary departure order entered against an alien, or any allegations of civil violations of the immigration laws. Any information described in this paragraph that is in the National Crime Information Center database shall be removed from such database not later than 90 days after the enactment of the New Way Forward Act.”.

(b) Prohibiting Coordination for Enforcement of Immigration Laws.—

(1) Prohibiting State and Local Law Enforcement Arrest and Detention of Aliens.—
Section 439 of the Antiterrorism and Effective Death Penalty Act of 1996 (8 U.S.C. 1252e) is repealed.

(2) Communication.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is repealed.


SEC. 502. NATIONAL CRIME INFORMATION CENTER.

Section 534(f) of title 28, United States Code, is amended—
(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) Civil immigration warrants shall not be made available to the officers or employees of any State, or any political subdivision of a State, through the National Crime Information Center database or its incorporated criminal history databases. Federal, State, and local law enforcement officials are prohibited from entering into the National Crime Information Center database or its incorporated criminal history databases information that relates to an alien’s immigration status, the existence of a prior removal, deportation, or voluntary departure order entered against an alien, or any allegations of civil violations of the immigration laws. Any information described in this paragraph that is in the National Crime Information Center database shall be removed from such database not later than 90 days after the enactment of the New Way Forward Act.”.
TITLE VI—DECRIMINALIZE MIGRATION

SEC. 601. REPEALING MIGRATION CRIMINAL LAWS.

(a) Criminal Penalties for Entry at Improper Time or Place.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is repealed.

(b) Criminal Penalties for Reentry.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is repealed.

TITLE VII—RIGHT TO COME HOME

SEC. 701. RECONSIDERING AND REOPENING IMMIGRATION CASES.

(a) In General.—Notwithstanding any other provision of law, the Attorney General—

(1) shall grant a motion to reconsider or reopen proceedings pursuant to paragraph (6) or (7) of section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)) with respect to any alien who—

(A) on or after April 24, 1996—

(i) was ordered removed, deported, or excluded; or

(ii) departed the United States pursuant to a grant of voluntary departure under section 240B of the Immigration
and Nationality Act (8 U.S.C. 1229c) (regardless of whether or not the alien was ordered removed, deported, or excluded); and

(B) demonstrates that the alien—

(i) would not have been considered inadmissible, excludable, or deportable under the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) if this Act, and the amendments made by this Act, had been in effect on the date on which such order was issued or the voluntary departure took place; or

(ii) would have been eligible to apply for relief from removal, deportation, or exclusion under such laws if this Act, and the amendments made by this Act, had been in effect on the date on which such order was issued or the voluntary departure took place; and

(2) shall deem an alien who makes the demonstration under paragraph (1)(B) as not having been removed, deported, excluded, or departed, and as not having failed to depart under a voluntary de-
parture order, for all purposes under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) PREVIOUSLY FILED APPLICATION; PREVIOUS MOTIONS TO REOPEN OR RECONSIDER.—The Attorney General may not reject or deny a motion to reconsider or reopen under subsection (a) because—

(1) the alien did not include a copy of any previously filed application for relief; or

(2) the alien had previously filed a motion to reopen or reconsider.

c) DEADLINE.—The deadline described in paragraphs (6)(B) and (7)(C)(i) of section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)) shall not apply to a motion to reopen or reconsider under this section.

d) TRANSPORTATION.—The Secretary of Homeland Security shall provide transportation for aliens eligible for reopening or reconsideration of their proceedings under this section, at Government expense, to return to the United States for further immigration proceedings and shall admit or parole the alien into the United States.

e) PHYSICAL PRESENCE REQUIREMENT.—For the purpose of applications filed subsequent to reopening under this section pursuant to section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b), or any
other application for relief under the immigration laws (as
defined in section 101(a)(17) of the Immigration and Na-
tionality Act (8 U.S.C. 1101(a)(17))), removal, deporta-
tion, exclusion, or voluntary departure shall not be consid-
ered to toll any physical presence requirement.

(f) JUDICIAL REVIEW.—Notwithstanding any other
provision of the Immigration and National Act (8 U.S.C.
1101 et seq.), any denial of a motion to reopen or recons-
sider submitted pursuant to this section is subject to de-
novo judicial review in a Federal district court having ju-
risdiction over the applicant’s residence or, in the case of
an applicant who was removed from the United States,
the last known residential address of the applicant in the
United States.
LEAVE NO ONE BEHIND
MURAL PROJECT