

END EXTREME PUNISHMENT FOR MINOR OFFENSES

Urge Congress to change current reactionary immigration laws that go too far, undermine our system of justice, and do nothing to solve the problem of a broken immigration system and undocumented immigration. Under these laws, the most minor crime can now trigger the most terrible immigration consequences, including deporting longtime legal immigrants, regardless of individual circumstances. We must stop imposing punishments that don't fit the crime, denying people their day in court and tying judges' hands.

BACKGROUND: THE AGGRAVATED FELONY DEFINITION

The government classifies certain criminal convictions under immigration law as "aggravated felonies." This classification is one of the most powerful legal tools that the government uses against a noncitizen because it triggers the harshest immigration penalties. Common sense should mean that an aggravated felony must be a very bad crime. But because of overly-aggressive use of this classification by the government, an immigrant's crime doesn't have to be either aggravated or a felony to be designated an "aggravated felony." If the government decides that someone's crime is an "aggravated felony":

- The person will face almost certain deportation, regardless of individual circumstances;
- The government will permanently bar the person from ever returning lawfully to the U.S.;
- Unless the person has a green card, the government will deny an "aggravated felon" a hearing in any court and deport her/him under special "expedited removal" procedures;
- Even if a person has a green card and gets a hearing before an immigration judge, the judge's power is severely limited to simply ordering an "aggravated felon" deported. The judge cannot consider individual circumstances, regardless of how long the person has been in this country, how long ago or how minor her/his offense was, and the consequences to deportation to the person or her/his family;
- The person will be detained, sometimes for years until she/he is deported;
- The power of the federal courts to oversee and correct the actions of the government is severely limited when the person has been classified as an aggravated felon.

THE PROBLEM: MINOR MISDEMEANORS = AGGRAVATED FELONIES

Before 1996, only the most serious crimes could be defined as "aggravated felonies" under immigration law. However, in 1996, the government significantly expanded what crimes could fall under this definition to include even minor misdemeanor offenses (sometimes 20 years old) that are neither "aggravated" nor "felonies. It also changed the rules so that these changes reached back in time to apply to all crimes, no matter when they were committed. Changing the rules in the middle of the game is un-American and violates basic notions of justice. Given this change, untold numbers of immigrants have been made deportable for convictions that were not a basis for deportation when they were committed. The government uses this expanded version of the law very aggressively to classify as many immigrants as possible as "aggravated felons." Consequently, the government has deported thousands of immigrants without the due process that they deserve and that is the cornerstone of the American justice system.

<p>THE SOLUTION: Congress must narrow the "aggravated felony" definition under immigration law so that it reflects common sense, proportionality, and the American system of justice and not mandate life exile for an overly broad range of offenses nor target minor violations of the law.</p>
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DID YOU KNOW?

- In 2006, the majority of all individuals classified as aggravated felons were deported without a hearing, with low-level government clerks, not judges, making the determination.
- In the last 15 years, about 300,000 non-citizens were ordered deported from the U.S. after they had been categorized as "aggravated felons."