

November 11, 2021

President-Elect Joseph R. Biden
Vice President-Elect Kamala D. Harris
Office of the President-Elect

Re: Policy and Legal Priorities for the Biden-Harris Administration

Dear President-Elect Biden and Vice President-Elect Harris:

Congratulations on your historic victory! On behalf of the communities of color and immigrant communities that we represent, Lawyers for Civil Rights (LCR) respectfully writes to share the priorities that our client communities hope your Administration will undertake in your first 100 days.

Founded in 1968, LCR was the first of eight affiliates of the Washington-based Lawyers Committee for Civil Rights Under Law, a national organization formed at the request of President John F. Kennedy to move the civil rights movement from the streets to the courtroom. Through impact litigation, policy advocacy, and community education we safeguard the civil, social, and economic rights of our constituencies.

Our client communities are hopeful that you will prioritize the following action items:

1. Policing: Law Enforcement Must Be Comprehensively Reformed To Ensure Protection For Vulnerable Populations

As your transition team has recognized, the moment has come for our nation to deal with systemic and structural racism. A critical component of that reckoning must be comprehensive and widespread police reform that directly addresses the repeat violence between police officers and people of color. No community is immune, as we have seen in Boston with the fatal shooting of [Terrence Coleman](#). The federal government can and must play a leadership role in this effort by providing resources to local law enforcement agencies that wish to undertake voluntary reform and by increasing oversight and active investigations for those that do not. In exercising this leadership role, we urge your Administration to recognize what our work in the community has highlighted again and again: that many different – and overlapping – [vulnerable communities](#) are at risk of harm due to current policing practices. Black men and women are at particular risk, as are people with disabilities, who account for nearly half of all deadly encounters with police. Reforms, training, and oversight aimed at protecting these intersecting vulnerable communities is essential.

2. Fair Housing Protections Must Be Strengthened

Under the previous Administration, HUD issued a Final Rule (“Implementation of the Fair Housing Act’s Disparate Impact Standard”) aimed at dramatically restricting the ability of victims of housing and lending discrimination to bring administrative and legal complaints challenging disparate impact discrimination. While LCR was successful at securing a [nationwide injunction](#) barring the Rule from going into effect as planned, we urge the Biden-Harris Administration to repeal this new rule in its entirety and instead, to concentrate HUD’s efforts on investigating and prosecuting cases of discrimination brought under the Fair Housing Act.

Similarly, under the prior Administration, HUD proposed regulations regarding verification of immigration status for households receiving federal housing assistance. These onerous regulations threaten to render an estimated 100,000 individuals homeless, particularly those who lived in “mixed status” households. In the midst of the COVID-19 pandemic — as families are already struggling with housing and food insecurity — this will increase homelessness, further crowd Emergency Assistance shelters, increase health care costs, exacerbate mental illness, disrupt schooling, and lower student achievement. The Biden-Harris Administration should ensure that families in need can stay together and remain housed.

3. Immigration Policy and Enforcement Priorities Must Respect Constitutional Boundaries

The harms that have been wrought against immigrant communities by the Trump Administration are legion, but several should be top priorities for your Administration to remedy:

- *Reinstate Temporary Protected Status (TPS) for Vulnerable Communities*

TPS is a statutory humanitarian protection program that grants people work authorization for limited periods because of environmental disaster or conflict in their country of origin. There are hundreds of thousands of TPS recipients in the United States from El Salvador, Honduras, Haiti, Nicaragua, Nepal and Sudan. Many have been in the U.S. for decades and have built homes, businesses, families, and communities here. While the Trump Administration’s rescission of TPS has been put on hold because of [litigation by LCR](#) and others, the status of these residents hangs by a thread. We urge your Administration to protect TPS status and fight for a pathway to citizenship for all TPS holders.

- *Limit the Use and Scope of Expedited Removal*

The Trump Administration massively expanded Expedited Removal – a rapid deportation process without the benefit of due process and judicial oversight – to serious harmful effect. Previously, only those who had been in the U.S. for a short time and were apprehended close to the border were subject to expedited removal. Now, people residing anywhere in the U.S. who cannot prove that they have resided in the U.S. for longer than two years are subject to expedited removal. While LCR has filed [litigation](#) to curtail this expansion, the policy has thrown immigrant communities into chaos, sowing deep fear across the U.S. and making immigrants even more vulnerable to exploitation from employers or abuse from law enforcement. We urge you to reinstate the Obama-Biden Administration’s practice of limited use of Expedited Removal and to work legislatively to limit its use and add much-needed procedural safeguards.

- *Remedy The Disastrous Impacts of Family Separation*

One of the most public — and most cruel — outgrowths of the previous Administration’s immigration policy was the forced separation of children from their parents. We met with parents in Boston, whose children were detained in Texas or Chicago for months. We also met with parents in Honduras who had already been deported without their children and had no idea where they were. There is no way to overstate the pain and devastation caused by this practice, and through litigation we are seeking reparatory payments and a [mental health fund](#) for the families destroyed by the forced separation policy. We ask that your Administration take all available steps to reunite those families still separated and to provide for the sustained health and well-being of those damaged by this horrific practice.

- *Reform ICE*

The Biden-Harris Administration should reconceptualize immigration enforcement more broadly, particularly during the COVID-19 pandemic. As a federal judge recently recognized in [one of LCR's cases](#) concerning the fate of detainees in an immigration detention facility run by Bristol County Sheriff Thomas Hodgson:

“I have been struck by the fact that the great bulk of these [] detainees — not all but most — would have been admitted to bail on terms were they American citizens facing criminal charges ... If this small cohort is at all reflective of the nearly thirty thousand detainees in ICE custody across the nation,

it would appear we are spending millions of our national treasure to lock up thousands of people who might better be released on strict bail conditions without impairing the safety of our citizens or the operations of our government.” *Savino v. Souza*, 459 F. Supp. 3d 317, 322 (D. Mass. 2020).

Immigration detention centers are full to, or beyond, capacity and detention periods can last for years. This is particularly troubling when, as we have seen, carceral facilities and detention centers are most susceptible to outbreaks of disease, putting everyone at risk. As such, we urge your Administration to examine the current state of detention in immigration facilities and move in a direction that reduces such significant reliance on detention.

At the same time, many other harmful ICE enforcement policies should be ended. In particular, the practice of [ICE courthouse arrests](#) — which threatens the integrity of our judicial system and chill victims and witnesses from coming forward — should cease.

- *Reverse The Harmful “Public Charge” Rule*

The novel “public charge” rule, which creates a wealth test for individuals applying for immigration relief, continues to [chill immigrant families](#) from seeking out lifesaving benefits, even in the midst of a global pandemic. We urge the Biden-Harris Administration to make the repeal of the “public charge” rule a top immigration priority.

4. Education Policy Must Reflect An Equity Lens

As the current pandemic has starkly highlighted, racial and ethnic disparities are deeply embedded in our nation’s educational systems. We urge your Administration to appoint a Secretary of Education with a proven track record that reflects a commitment to serving the complex needs of students of color, English Language Learners, students with disabilities, and low-income students. We also urge your Administration to roll back school discipline guidance issued under the Trump Administration; prioritize programs that prevent students of color from being pushed out of the classroom and that diversify the teaching workforce; and ensure that [student information is not shared with law enforcement or federal immigration officials](#).

5. Voting Rights Must Be Enforced And Restored

The most recent election season vividly highlighted once again the critical importance of voting rights in our nation. We hope that your Administration will work to enforce and restore equal voting opportunity for all. This should take many different forms: from

appointing an Attorney General with a strong civil rights background who can reinvigorate enforcement of the Voting Rights Act (VRA); to working for legislative strengthening of the VRA to restore provisions gutted by the U.S. Supreme Court in *Shelby County v. Holder*, 570 U.S. 529 (2013).

6. Small Minority- and Women-Owned Businesses Must Be Supported

Small businesses are the backbone of our economy and help close the wealth gap, particularly in communities of color. The current pandemic has been devastating to these businesses, however, and strong federal leadership is necessary to ensure their continued vitality. On behalf of the many [small minority- and women-owned businesses we represent](#), LCR urges the Biden-Harris Administration to adopt a multi-pronged approach to this crisis, including implementing:

- Automatic forgiveness for any outstanding or future rounds of Paycheck Protection Program (PPP) loans under \$150,000;
- Small business grants focused on minority-owned, immigrant-owned, and women-owned micro-businesses that do not have substantial payroll and thus cannot take advantage of the PPP model; and
- Expanded Pandemic Unemployment Assistance for self-employed, independent contractors, and gig workers that allow business owners to safely close their business in the event of future lockdowns without having to decide whether to dangerously stay open or feed their families.

7. The Integrity Of Census 2020 Must Be Protected

Under the prior Administration, a Presidential Memorandum was issued purporting to exclude undocumented immigrants from the congressional apportionment base. The Memorandum breaks with centuries of precedent and poses immense dignitary and apportionment harms to our communities. The exclusion of these individuals will impact immigrant-rich, urban communities for a decade, forcing the redrawing of congressional, state, and local boundaries in a manner that will dilute the political representation of people of color. We urge your Administration to withdraw the Memorandum in its entirety and to call upon Congress to provide the U.S. Census Bureau with relief of its statutory deadlines, so that the Bureau can spend the necessary time tabulating the data collected to deliver a thorough and accurate count to your Administration.



As you move from the campaign trail to the White House, LCR urges you to keep these priorities in mind.

Respectfully submitted,

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Cc: Agency Review Teams
Massachusetts Congressional Delegation