



Five Things that the Biden Administration Can Do Immediately to Address DHS Retaliation Against Organizers and Protesters

Under the Trump Administration, the Department of Homeland Security (DHS) has [systematically retaliated](#) against immigrant rights organizers, leaders, and journalists. From surveilling protests against family separation, arresting and deploying drones on Black Lives Matter and uprising protesters, to deporting immigrant activists who speak out about ICE abuse, DHS has weaponized immigration enforcement to punish those who speak out against injustice. This is not an isolated problem, but part of a broader history of [government suppression of social movements and dissent](#) through incarceration, deportation, and mass surveillance.

The survival of our social movements and the right to organize is at stake. Immigrant organizers and leaders have been at the forefront of various movements for human rights, labor rights, police accountability, environmental justice, and need protection from retaliation.

Here are five actions that the Biden Administration can immediately take to put an end to DHS retaliation and begin addressing past harm:

- **Ensure civil, labor, and human rights organizers and activists are protected under any prosecutorial discretion guidance.** DHS and DOJ should consider a person's public service as an immigrant rights, civil rights, labor rights organizer or activist as a strong positive equity and *presume* the person merits prosecutorial discretion (including release from detention and immigration benefits).
- **Bring home immigrant activists and organizers whom DHS targeted and deported because they engaged in protest, reported abuse, and other civil rights activity.** The Biden administration must prioritize returning home immigrant rights organizers as part of a larger prosecutorial discretion policy of assisting in the return of individuals who were unjustly deported. The Biden Administration should create a

process that expedites the returns of the many organizers and activists such as [Jesus “Beto” Lopez](#), [Jean Montrevil](#), [Claudio Rojas](#), and [Delmer Ramirez Palmer](#) who experienced retaliatory deportation under the Trump Administration.

- **Conduct headquarter-level review of all requests for prosecutorial discretion involving immigrant organizers and others at risk of or experiencing First Amendment retaliation.** Headquarter-level review is a necessary step because it is a conflict of interest for ICE field offices who committed the retaliation and civil rights abuses to also make determinations about discretionary relief related to the same conduct. This should include a mechanism by which individuals may seek immediate intervention in cases of imminent deportation.
- **Automatically grant the request for prosecutorial discretion from any investigatory government body such as U.S. Congress, Department of Labor, Department of Justice, EEOC, and other comparable local, state, and international agencies.** The Biden Administration should instruct DHS to grant the prosecutorial discretion requests of other government entities pursuing civil, labor, and human rights interests that have reviewed the equities in individual cases and recommend a grant of discretion. This is a necessary step in ensuring that DHS is not siloed in its approach to enforcement, but instead is responding to a full range of relevant interests in relation to protecting immigrant, civil, labor, and human rights. The Biden Administration should issue guidance expanding U visa certifications and deferred action to address retaliatory actions from DHS agents, police, and private actors.
- **End mass surveillance of immigrant activists, organizers, and protests generally.** DHS has used intrusive modern tech tools and boots on the ground to engage in widespread surveillance of immigrant activists, immigrant-led organizations, and protests across the country. The Biden Administration must end the practice of surveilling immigrant rights organizers and protests generally, and must end the procurement of technologies that make mass surveillance possible.

Signees:

ACLU Foundations of California
Adelante Alabama Worker Center
Advancement Project, National Office
American Friends Service Committee
Black Alliance for Just Immigration
Black And Brown United In Action
Brazilian Women's Group
Capital Area Immigrants' Rights (CAIR) Coalition
Carolina Migrant Network
Center for Popular Democracy
Centro de Trabajadores Unidos (United Worker’s Center)
Chispa
Church World Service
Cleveland Jobs with Justice

Comite TPS Massachusetts
Comunidad Colectiva
Connecticut Shoreline Indivisible
Detention Watch Network
Disciples Refugee & Immigration Ministries
Dolores Street Community Services
Dominican Development Center
Faith in Public Life
Familia: Trans Queer Liberation Movement
Families for Freedom
Farmworker Justice
Fight for the Future
Georgia Latino Alliance for Human Rights
Government Accountability Project
Government Information Watch
Grassroots Leadership
IJAM- Immigrant Justice Advocacy Movement
Illinois Coalition for Immigrant and Refugee Rights
Immigrant and Non-Citizen Rights Clinic, CUNY School of Law
Immigrant Defense Project
Immigrant Justice Network
Immigrant Law Center of Minnesota
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Jewish Activists for Immigration Justice of Western MA
Juntos
Justice at Work
La Resistencia
Legal Aid Justice Center
Long Beach Immigrant Rights Coalition
Louisiana Advocates for Immigrants in Detention
Matahari Women Workers' Center
Migrant Justice / Justicia Migrante
Minnesota Interfaith Coalition on Immigration
National Coalition Against Censorship
National Council of Asian Pacific Americans
National Day Laborer Organizing Network
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild (NIPNLG)
New Sanctuary Coalition
New York Immigration Coalition
Northwest Immigrant Rights Project
NYU Immigrant Rights Clinic
Ohio Immigrant Alliance

OneAmerica
Open MIC (Open Media & Information Companies Initiative)
Organized Communities Against Deportations
Project South
Public Counsel
Puente Human Rights Movement
Restore The Fourth
Sanctuary DMV
SC Appleseed Legal Justice Center
Siembra NC
Sisters of Mercy of the Americas Justice Team
South East Immigrant Rights Network
SPLC Action Fund
The Advocates for Human Rights
TN Immigrant and Refugee Rights Coalition
Transformations CDC
UndocuBlack Network
Unitarian Universalist Association
Unitarian Universalist Service Committee
United We Dream
Vecindarios901
WeCount!
Welcome Project