



## 2023 BILL CHANGES

# THE NEW WAY FORWARD ACT

The New Way Forward Act removes some of the most harmful provisions from immigration law that result in racially motivated enforcement practices, extended incarceration in immigration detention centers, and unjust deportations.

The New Way Forward Act was first introduced in the 116th Congress and was reintroduced in the 117th. It continues to be an important alternative framework for a new immigration system. As we prepare for re-introduction in the 118th Congress, we have made some important technical fixes to the bill to keep in line with the growing vision of our movement. These changes are important to keep up with the changing landscape of the criminal and immigration systems but they are entirely within the spirit of the bill. **We have outlined these improvements below:**

- In the last couple years, along with more immigrants being detained in physical prisons, we have seen an exponential growth in the “e-carceration” of individuals and families under ICE’s “Alternatives to Detention” (ATD) program. To date, more than 370,000 immigrants are being surveilled under the harmful program that involves the use of ankle monitors, check-ins, GPS tracking, and home confinement to restrict freedom. In considering ICE’s increased use of ATDs - which have not decreased the use of physical detention - and [the program’s negative impact on the mental and physical health of those monitored](#), we have updated the ATD program created by New Way Forward to make it more supportive and inclusive and ensure that immigrants can access the services they need to thrive. The new language mirrors language from the Dignity for Detained Immigrants Act to create a community-based support program *outside of ICE* that provides immigrants with language-appropriate access to social services, medical and mental health services, and other resources. It also prohibits the use of ankle monitors and other electronic surveillance, prohibits charging immigrants a fee for participation, and prioritizes the use of release on bond or recognizance before requiring participation.
- Pardons and sentence modifications: The criminal legal system has caused immeasurable harm to Black and Brown people in communities across the country. There has been a nationwide movement to modify and vacate sentences to remedy some of these harms. In addition to these legislative efforts, governors and even the president have used pardons to assist those impacted by unjust policing, prosecution and incarceration in the criminal legal system. Unfortunately, because of current law or ICE’s misinterpretation of law, many immigrants remain subject to deportation based on the pardoned or vacated offense. The New Way Forward Act already included language to bring immigration law in line with a state’s final disposition of a criminal case and to ensure the efficacy of state-level criminal justice reform efforts for immigrants. We have included additional language to clarify that any person who receives a pardon or sentence modification will not face the same harsh immigration consequences based on the underlying conduct that has been pardoned or vacated. This technical change will ensure that pardons and vacatur have their intended effect of alleviating collateral harm imposed by the immigration system.