

An Act

To abolish U.S. Immigration and Customs Enforcement, establish a rights-based immigration administration within the Department of Justice, create an independent immigration court, end mass civil detention, ensure legal representation in immigration proceedings, provide community repair and family reunification, prohibit racial profiling, remove qualified immunity for immigration enforcement misconduct, 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 **“Immigration Justice, Accountability, and Community Repair Act of 2026.”**

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SEC. 3. FINDINGS.

Congress finds the following:

1. Immigration is primarily a civil administrative and legal process, and must be administered consistent with the Constitution and laws of the United States.
2. Civil detention for immigration matters has been used broadly, including against individuals detained for civil violations rather than criminal convictions.
3. Oversight and accountability mechanisms for immigration enforcement have historically been insufficient to deter misconduct and ensure remedies.
4. Family separation and destabilizing enforcement practices have caused significant harm to communities, including economic instability and trauma.
5. Immigration enforcement has produced disproportionate harms to Black and Brown communities and must be aligned with civil rights law, including bans on racial profiling and racially discriminatory practices.
6. Community-based case management alternatives to detention can achieve high compliance with immigration proceedings at lower cost than detention.

SEC. 4. PURPOSES.

The purposes of this Act are:

1. To abolish the agency known as U.S. Immigration and Customs Enforcement.
2. To establish a lawful, transparent, and humane immigration administration within the Department of Justice.
3. To create an independent immigration court system and guarantee legal representation in immigration proceedings.
4. To end mass civil immigration detention and replace it with community-based compliance programs.
5. To confront racial discrimination in immigration policy through enforceable anti-profiling measures and racial impact review.
6. To provide repair and reinvestment to communities harmed by immigration enforcement, including family reunification.
7. To ensure accountability for misconduct, including elimination of qualified immunity and creation of effective civil remedies.

SEC. 5. DEFINITIONS.

In this Act:

1. **Agency** means a department, agency, or instrumentality of the United States.
2. **Civil immigration detention** means confinement or custodial holding based primarily on civil immigration status or proceedings, not a criminal sentence.
3. **Final order of removal** means an order for removal for which administrative and judicial review has been exhausted or waived.
4. **Covered immigration officer** means any Federal employee or contractor acting under color of Federal authority to enforce immigration law, including any successor personnel assigned to functions transferred under this Act.
5. **Community-based case management** means a noncustodial program providing supervision, legal orientation, referral services, and court appearance supports.
6. **Racial profiling** means any law enforcement or administrative action that relies in whole or in part on race, ethnicity, national origin, language, accent, religion, or perceived immigration status absent specific, credible, and individualized information.

SEC. 6. ABOLITION OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) **Abolition.** Effective on the Transition Date under section 22, the agency known as U.S. Immigration and Customs Enforcement (ICE) is abolished.

(b) **Repeal/Conforming.** The Secretary of Homeland Security shall, in coordination with the Attorney General, submit to Congress within 180 days a list of all statutory, regulatory, and administrative references requiring conforming amendments due to subsection (a).

(c) **No Renaming.** No component of the Federal Government may be established or funded for the purpose of recreating ICE under a different name with substantially similar authorities, structure, or mission, except as expressly authorized by this Act.

SEC. 7. ESTABLISHMENT OF THE U.S. IMMIGRATION AND CITIZENSHIP ADMINISTRATION.

(a) **Establishment.** There is established within the Department of Justice a new agency to be known as the **U.S. Immigration and Citizenship Administration (USICA)**.

(b) **Head of Agency.** USICA shall be headed by an Administrator appointed by the President, by and with the advice and consent of the Senate.

(c) **Mission.** USICA shall administer immigration services and civil compliance consistent with constitutional due process; investigate immigration-related trafficking, smuggling, and fraud; and execute removals only pursuant to final orders of removal, subject to this Act.

(d) **Deputies.** The Administrator shall appoint—

1. a Deputy Administrator for Immigration Services;
2. a Deputy Administrator for Civil Compliance and Community Programs;
3. a Deputy Administrator for Investigations (Limited Scope); and
4. a Deputy Administrator for Removal Operations (Final Orders Only).

(e) **Prohibited Practices.** USICA and any covered immigration officer may not engage in—

1. generalized community sweeps;
2. workplace raids not supported by individualized judicial warrants; or
3. enforcement actions based on protected characteristics or generalized suspicion.

SEC. 8. TRANSFER OF FUNCTIONS; TERMINATION OF DETENTION CONTRACTS.

(a) **Transfer.** Not later than 12 months after enactment, all civil immigration enforcement and compliance functions previously performed by ICE are transferred to USICA, except functions expressly retained by U.S. Customs and Border Protection (CBP) at ports of entry.

(b) **Detention Contracts.**

1. **Termination.** Not later than 6 months after enactment, the Federal Government shall terminate private civil immigration detention contracts, including intergovernmental service agreements used primarily for civil immigration detention.
2. **Wind-Down.** The Attorney General may maintain limited short-term holding capacity only as necessary to meet the strict standards in section 12, and subject to judicial review and reporting.

SEC. 9. INDEPENDENT IMMIGRATION COURT.

(a) **Establishment.** There is established an independent court of record to be known as the **United States Immigration Court**, constituted as an Article I court.

(b) **Independence.** The Court shall not be housed within the Department of Justice and shall be administratively independent.

(c) **Judges.** Immigration Judges shall be appointed for terms, qualifications, and removal protections established by this Act to ensure decisional independence.

(d) **Appeals.** There shall be an appellate division within the Court.

(e) **Rules and Transparency.** The Court shall issue publicly available procedural rules and publish statistics on processing times and outcomes.

SEC. 10. RIGHT TO COUNSEL IN IMMIGRATION PROCEEDINGS.

(a) **Guaranteed Representation.** Any person in immigration proceedings shall be provided legal representation at Government expense if the person cannot afford counsel.

(b) **Priority Populations.** Counsel shall be ensured immediately for—

1. minors;
2. asylum seekers;
3. individuals with disabilities, serious medical conditions, or trauma-related vulnerabilities; and
4. individuals in any form of custody.

(c) **Implementation.** The Attorney General shall establish a Federal defender-style program or grant-funded system sufficient to meet the needs of subsection (a).

SEC. 11. CIVIL COMPLIANCE AND COMMUNITY-BASED CASE MANAGEMENT.

(a) **Program Required.** USICA shall operate nationwide community-based case management as the primary method for ensuring appearance and compliance in civil immigration proceedings.

(b) **Services.** Programs shall include—

1. court date reminders;
2. legal orientation;
3. assistance with address updates;
4. referrals to community services; and
5. transportation support where necessary.

(c) **Metrics.** USICA shall measure program performance, including appearance rates, participant outcomes, and cost per participant.

SEC. 12. DETENTION AS A LAST RESORT; STANDARDS AND JUDICIAL REVIEW.

(a) **Last Resort Standard.** Civil immigration detention may be used only when a judge of the United States Immigration Court finds by clear and convincing evidence that—

1. no less restrictive alternative can reasonably ensure appearance; and
2. the individual poses a specific, articulable, and substantial danger to public safety.

(b) **Time Limits.** No civil immigration detention may exceed 30 days without a renewed judicial finding under subsection (a).

(c) **Conditions and Medical Care.** Any permitted holding must comply with enforceable standards for medical care, access to counsel, and humane treatment.

(d) **Prohibition on Mass Detention.** Detention shall not be used as a general deterrent or as punishment.

SEC. 13. EMPLOYER ACCOUNTABILITY AND LABOR EXPLOITATION ENFORCEMENT.

(a) **Employer Enforcement Bureau.** USICA shall establish a bureau dedicated to employer audits and labor exploitation enforcement in coordination with the Department of Labor.

(b) **Penalties.** Congress authorizes enhanced civil and criminal penalties for employers and labor brokers who—

1. knowingly exploit unauthorized labor;
2. engage in wage theft or forced labor; or
3. repeatedly violate hiring and labor laws.

(c) **Worker Protection.** Individuals who report wage theft, forced labor, or trafficking may receive temporary protected status and cooperation-based relief, subject to standards established by the Attorney General.

SEC. 14. TRAFFICKING, SMUGGLING, AND IMMIGRATION FRAUD INVESTIGATIONS.

(a) **Limited Scope Investigations.** USICA investigations authority shall focus on—

1. human trafficking;
2. smuggling networks;
3. document and identity fraud operations; and
4. organized immigration fraud schemes.

(b) **Oversight.** All investigative operations shall be subject to DOJ standards, judicial warrant requirements, and civil rights audits.

SEC. 15. REMOVAL OPERATIONS LIMITED TO FINAL ORDERS AND PRIORITIES.

(a) **Final Orders Only.** USICA may execute removals only pursuant to a final order of removal.

(b) **Priorities.** USICA shall prioritize removal enforcement in the following order:

1. individuals convicted of violent felonies;
2. individuals convicted of trafficking, smuggling, or serious fraud;
3. repeat serious offenders with multiple final orders and documented noncompliance.

(c) **Family Unity Considerations.** In any discretionary decision authorized by law, USICA shall consider family unity and community ties, consistent with due process.

SEC. 16. CIVIL RIGHTS, ANTI-PROFILING, AND RACIAL IMPACT REVIEW.

(a) **Ban on Racial Profiling.** Racial profiling is prohibited in all immigration-related operations.

(b) **Penalties.** Violations shall result in discipline, referral for prosecution where applicable, and civil liability under section 17.

(c) **Racial Impact Review.** USICA and the United States Immigration Court shall conduct racial impact reviews for major policies, regulations, and enforcement initiatives prior to implementation, and publish summaries.

SEC. 17. ACCOUNTABILITY; QUALIFIED IMMUNITY ELIMINATED; REMEDIES.

(a) **Qualified Immunity Eliminated.** Qualified immunity shall not be a defense for a covered immigration officer in any civil action arising from conduct under color of Federal immigration authority.

(b) **Cause of Action.** Any person whose constitutional or statutory rights are violated by a covered immigration officer may bring a civil action for damages and equitable relief in Federal court.

(c) **Supervisor and Policy Liability.** Liability may attach to supervisors and policymakers for knowingly authorizing, directing, or failing to prevent unlawful practices.

(d) **Special Review of Deaths and Abuse.** The Attorney General shall establish a special unit to reopen and review cases involving deaths, serious injury, abuse, or unlawful detention connected to prior civil immigration detention systems, and refer matters for prosecution as appropriate.

SEC. 18. INSPECTOR GENERAL, OMBUDSMAN, AND TRANSPARENCY REPORTING.

(a) **Inspector General.** There is established an Inspector General for Immigration Administration with subpoena authority.

(b) **Ombudsman.** There is established a public Immigration Ombudsman office to assist families, receive complaints, and recommend corrective action.

(c) **Reporting.** USICA shall publish at least annually—

1. detention usage and length;
2. removals by category and priority;
3. court processing times;
4. misconduct investigations and outcomes;
5. demographic impacts and racial disparity analyses.

SEC. 19. COMMUNITY REPAIR AND REINVESTMENT GRANTS.

(a) **Grant Program.** The Attorney General shall establish a Community Repair and Reinvestment Grants Program funded by amounts reallocated under section 21.

(b) **Allowable Uses.** Funds may be used for—

1. housing stabilization;
2. legal aid;
3. mental health care;
4. workforce development;
5. trauma-informed family support; and
6. community-based service coordination.

(c) **Local Administration.** Priority shall be given to locally governed programs and demonstrated community need.

SEC. 20. FEDERAL FAMILY REUNIFICATION PROGRAM.

(a) **Establishment.** USICA shall establish a Federal Family Reunification Program to reunite families separated by removal.

(b) **Authorities.** The Program may provide—

1. expedited parole review;
2. reopening or reconsideration pathways where legally permissible;
3. visa processing prioritization; and
4. humanitarian waivers consistent with law.

(c) **Reporting.** USICA shall report annually on reunifications completed and pending.

SEC. 21. FUNDING; BUDGET REALIGNMENT; TRANSFER OF APPROPRIATIONS; LIMITATION ON USE OF FUNDS.

(a) Transfer and Availability of Prior ICE Appropriations. Notwithstanding any other provision of law, amounts appropriated for fiscal year 2026 or any subsequent fiscal year for U.S. Immigration and Customs Enforcement (ICE), including amounts appropriated for detention, transportation, removal operations, enforcement activities, contracts, grants, or administrative expenses, shall, on the Transition Date, be transferred to the Department of Justice and shall remain available, without fiscal year limitation, to carry out this Act.

(b) Use of Transferred Funds. Amounts transferred under subsection (a) shall be available for the following purposes:

1. Establishment and operation of the U.S. Immigration and Citizenship Administration (USICA).
2. Establishment and operation of the United States Immigration Court established under section 9.
3. Implementation of the right to counsel program under section 10, including Federal defender services and legal aid grant programs.
4. Implementation of community-based case management programs under section 11.
5. Establishment and operation of oversight entities, including the Inspector General and Ombudsman offices under section 18.
6. Implementation of employer accountability enforcement under section 13.
7. Implementation of trafficking, smuggling, and fraud investigations under section 14.
8. Implementation of removal operations under section 15, consistent with final order limitations.
9. Implementation of community repair and reinvestment grants under section 19.
10. Implementation of the Federal Family Reunification Program under section 20.

(c) Prohibition on New Appropriations Requirement. It is the intent of Congress that the programs and authorities established under this Act be implemented through the transfer and reallocation of existing ICE appropriations and resources, and not through new discretionary spending, except as otherwise specifically authorized by Act of Congress.

(d) Emergency Reprogramming Authority During Transition. During the 12-month transition period beginning on the date of enactment of this Act, the Attorney General may, notwithstanding any other provision of law, reprogram and transfer funds previously

appropriated to ICE into accounts of the Department of Justice necessary to carry out this Act, including accounts for personnel, procurement, training, grants, and court administration.

Such reprogramming shall be subject to the following requirements:

1. Written notification to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate not later than 15 days prior to any transfer or reprogramming.
2. Publication of a summary report of each transfer on a publicly accessible website not later than 30 days after completion of the transfer.
3. Quarterly consolidated reporting to Congress describing all reprogramming actions conducted under this subsection.

(e) Restriction on Use of Funds for Civil Immigration Detention Contracts. No funds transferred under this Act may be used to enter into, renew, or extend any contract, agreement, or intergovernmental service agreement for civil immigration detention, except as necessary to comply with section 12 and only for short-term holding capacity authorized by a judge of the United States Immigration Court.

(f) Prohibition on Reconstitution of ICE. No funds appropriated or otherwise made available under this Act or any other Act may be used to establish, fund, support, or operate any agency, program, task force, or enforcement unit substantially similar to ICE as it existed prior to abolition under section 6, except as expressly authorized under this Act.

(g) Authorization of Appropriations. There are authorized to be appropriated such sums as may be necessary to carry out this Act; provided that such authorization shall be secondary to the transfer and reallocation of funds under subsection (a), and shall not be construed as a requirement for additional appropriations.

(h) Budget Neutrality Certification. Not later than 180 days after enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a certification describing the extent to which the implementation of this Act has been funded through transfers and reallocations of prior ICE appropriations, and the projected fiscal impact over the succeeding 10 fiscal years.

SEC. 22. IMPLEMENTATION TIMELINE; TRANSITION; SEVERABILITY.

(a) Transition Date. The “Transition Date” shall be 12 months after enactment, unless extended once for not more than 6 months by the Attorney General with written notice to Congress.

(b) Personnel Transition. Personnel may be transferred to USICA only after training on civil rights, due process, anti-profiling, and the limits imposed by this Act.

(c) Severability. If any provision of this Act is held invalid, the remainder shall not be affected.

SEC. 23. PREEMPTION OF INCONSISTENT LAW.

(a) Supersession. The provisions of this Act supersede any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and any other Federal law, regulation, policy, or practice to the extent such provision is inconsistent with this Act.

(b) Expedited Removal and Mandatory Detention. Any authority under section 235(b) or section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1225(b), 1226(c)), or any successor provision, that permits removal or detention inconsistent with this Act is hereby rendered inoperative.

(c) Judicial Review Preserved. No provision of Federal law may be construed to restrict judicial review of claims arising under this Act.

SEC. 24. EFFECTIVE DATES.

(a) Sections 6, 7, 9, 10, 16, and 17 shall take effect upon enactment.

(b) Sections 8, 11, 12, 13, 14, 15, 19, and 20 shall take effect no later than the Transition Date.