

April 2009

Building a Strong Economy

Empowering Communities

Keeping Families Together

PRINCIPLES FOR IMMIGRATION REFORM



CASA de Maryland

**National Capital
Immigrant Coalition**

**National Day Laborer
Organizing Network**

This report presents information from immigrant communities regarding immigration reform, and identifies their most fundamental, non-negotiable priorities, as well as their commitment to implement strategies to pass comprehensive immigration reform legislation.

CASA de Maryland, Inc.

CASA de Maryland is a community organization that was founded in 1985 by Central American refugees and North Americans. CASA was created in response to the human needs of the thousands of Central Americans arriving to the D.C. area after fleeing wars and civil strife in their countries of origin.



CASA's primary mission is to work with the community to improve the quality of life and fight for equal treatment and full access to resources and opportunities for low-income Latinos and their families. CASA also works with other low-income immigrant communities and organizations, makes its programs and activities available to them, and advocates for social, political, and economic justice for all low-income communities.

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This report was produced by The Matea Group, LLC a multidisciplinary public relations, research, communications and technology firm with the mission of empowering communities. Matea Group focuses on issues related to the Latino and immigrant community as well as Latin America - U.S. relations. The firm is located in the Washington, D.C. region.



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National Capital Immigrant Coalition

The National Capital Immigrant Coalition (NCIC) advocates, educates and mobilizes the immigrant community in the Washington metro area toward citizenship and civic participation.

Since its founding in 2002, NCIC has strived to achieve economic and social justice, prevent the erosion of civil liberties and civil rights for all immigrants and enhance immigrants' quality of life.

NCIC is led by grassroots organizations that are committed to building the leadership of immigrants and the organizations that serve them. Members of the NCIC include:

- All Souls Church
- American Friends Service Committee-DC
- Archdiocese of Washington*
- African Resource Center*
- Barbara Chambers Children's Center
- CASA de Maryland, Inc.*
- Carlos Rosario International Public School Charter
- Central American Resource Center (CARECEN)*
- Centro Nía*
- Columbia Heights/Shaw Family Support Collaborative*
- Detention Watch Network
- Guatemala Human Rights Commission USA
- Korean American Association of Maryland*
- La Unidad Latina-Gamma Epsilon Chapter
- Latin American Youth Center
- Latino Economic Development Corporation
- Latino Federation of Greater Washington
- Legal Aid Justice Center*
- Mary Center
- Mexicanos Sin Fronteras*
- National Day Laborer Organizing Network (NDLON)
- Service Employees International Union Local 32BJ*
- Tenants and Workers United*
- UNITE HERE Mid-Atlantic*
- Virginia Justice Center

*Member of the Board of Directors

The National Day Laborer Organizing Network – NDLON

The National Day Laborer Organizing Network's mission is to improve the lives of day laborers in the United States. NDLON unifies and strengthens its member organizations to be more strategic and effective in their efforts to develop leadership, mobilize day laborers in order to protect and expand their civil, labor and human rights. NDLON fosters safer and more humane environments for day laborers, both men and women, to

earn a living, contribute to society, and to integrate into the community. NDLON's vision aspires to live in a world of diverse communities where day laborers live with full rights and



responsibilities in an environment of mutual respect, peace, harmony and justice. Members of NDLO include:

- American Friends Service Committee (Newark, NJ)
- Casa Freehold (Freehold, NJ)
- CASA Latina (Seattle, WA)
- CASA de Maryland (Silver Spring, MD)
- Central American Resource Center (Los Angeles, CA)
- Centro Cultural (Cornelius, OR)
- Centro Laboral de Graton (Graton, CA)
- Centro Legal de La Raza (Oakland, CA)
- Coalition for Humane Immigrant Rights of L.A. (Los Angeles, CA)
- Centro Humanitario Para Los Trabajadores (Denver, CO)
- CRECEN/America Para Todos (Houston, TX)
- El Centro de Hospitalidad (Staten Island, NY)
- Gulfon Area Neighborhood Organization – CARECEN (Houston, TX)
- Hispanic Resource Center (Mamaroneck, NY)
- Iglesia San Pedro (Fallbrook, CA)
- Instituto de Educación Popular del Sur de California (Los Angeles, CA)
- Jornaleros Unidos de Freehold (Freehold, NJ)
- La Raza Centro Legal (San Francisco, CA)
- Malibu Community Labor Exchange (Malibu, CA)
- Neighbors' Link (Mount Kisco, NY)
- Pomona Economic opportunity Center -PEOC (Pomona, CA)
- Proyecto de los Trabajadores Latino Americanos (Brooklyn, NY)
- Tenants and Workers United (Falls Church, VA)
- The Day Worker Center at Mountain View (Mountain View, CA)
- The Hispanic Westchester Coalition (White Plains, NY)
- Tonatierra (Phoenix, AZ)
- Union Latina de Chicago (Chicago, IL)
- United Community of Westchester (NY)
- VOZ (Portland, OR)
- WeCount! (Miami, FL)
- Wind of the Spirit/Viento del Espiritu (Morristown, NJ)
- Workers Defense Project (Austin, TX)
- Workplace Project (Long Island, NY)
- Legal Aid Justice Center-Immigrant Advocacy Program (Falls Church, VA)
- Congreso de Jornaleros de Nueva Orleans (New Orleans, LA)
- Stamford Partnership (Stamford, CT)
- North Carolina Occupational Safety and Health Project (North Carolina)
- Hispanic Center of Ossining (Ossining, NY)

Each member of the NDLO network has not individually reviewed the report.

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FOREWORD

Dear President Obama:

CASA de Maryland takes this opportunity to congratulate you and herald your historic election. Both your place in history as well as your individual leadership provides Latino and immigrant communities with tremendous hope that we are entering a better phase of the experiment called the United States of America. We are honored and ready to work with you to build a strong economy, empower our communities, and protect our families.

You have inherited a housing foreclosure crisis, rising unemployment, more than 45 million people without healthcare, a growing national debt of some \$10 trillion, collapsing infrastructures in our cities and towns, a global economic slowdown that will increase instability around the world, and millions of hard working undocumented immigrants whose deportation would further destroy the national economy.

During your campaign and repeatedly since, you have emphasized that passage of a just and humane immigration reform bill is a top priority. While the need for reform is critical to immigrant families, we would like to emphasize that reform is critical to the country's economic recovery. Between 12 and 20 million undocumented people live in the United States performing critical jobs in our economy. Their deportation would clearly capsize employers across the country. However, in addition, several million of these families are homeowners or live in homes whose owners are dependent on their income. Imagine the effect of increased foreclosures due to deportations in an already weakened housing market. Immigrants are purchasers upon whom small businesses across significant swathes of the country depend. One need only visit the boarded up businesses in Iowa after raids to understand their impact on the local economy. And finally, immigrant remittances are holding up the economies of several of our neighbors. Deportation is not an option if we hope to see the economy of the United States recover. And, continued life in the shadows is antithetical to our security, economic, and foreign policy interests. Most importantly to CASA, however, it is dividing our families and weakening our communities.

We wish you success in empowering our communities and promoting real participatory democracy. The immigrant community and I look forward to working together to achieve a just and humane immigration reform.



Gustavo Torres
Executive Director
CASA de Maryland

ACKNOWLEDGMENTS

CASA would first like to recognize the African, Arab, Asian, African American and Latino day laborers, tenants, and domestic workers who participated in townhall meetings and who tirelessly organize and agitate for comprehensive immigration reform.

The creation of this report on the Principles for Immigration Reform would not have been possible without the support, insight, energy, and hard work of many organizations working in partnership with CASA de Maryland, the National Capital Immigrant Coalition and the National Day Laborer Organizing Network and their members: Tenants and Workers United in Virginia; Macehualli Work Center in Arizona; Union Latina de Chicago, Illinois; Zion Cristo Rey Lutheran Church in Chicago; Pomona Day Labor Center in California; Hispanic Resource Center in Mamaroneck, New York; Domestic Workers United of New York; Neighbors' Link of Mount Kisco, New York; Proyecto de los Trabajadores Latino Americanos in Brooklyn, New York; the Hispanic Westchester Coalition in New York; United Community of Westchester in New York; Center of Don Bosco in New York; and the Hispanic Center of Ossining in Ossining, New York.

We would also like to acknowledge the people and organizations in the D.C. Metropolitan Region; Baltimore, Maryland; Arlington, Virginia; Phoenix, Arizona; Los Angeles and Pomona, California; Chicago, Illinois; and New York City, New York that took an active role in gathering their communities to provide input, review and approve the final product as well as provide

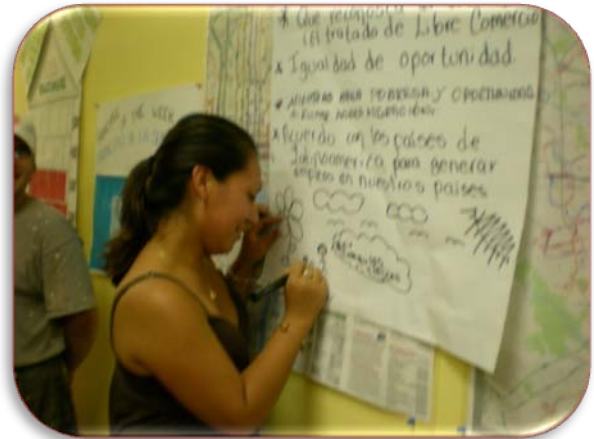
expert assistance, including: the United Church of Christ of Frederick, Maryland; Metro DC-Interfaith Sanctuary Network; Prince George's Community College International Education Center; University of Maryland; NAACP of Maryland; Jews United for Justice; DC Jobs with Justice; C-SAFE/Maryland International Corridor; Guatemalan Human Rights Commission; the National Asian Pacific American Womens' Forum; Latin American Youth Center; University of Baltimore School of Social Work; Casa/Baltimore Limay of Nicaragua; Latino Providers Network; House of Ruth; the Maryland Office of New Americans; the Office of Baltimore Mayor Sheila Dixon; In addition to these vibrant organizations and agencies, this report benefited from the information and opinions generously shared by students from Towson University, Goucher College and Loyola College in Maryland.

Participants discuss the principles for immigration reform

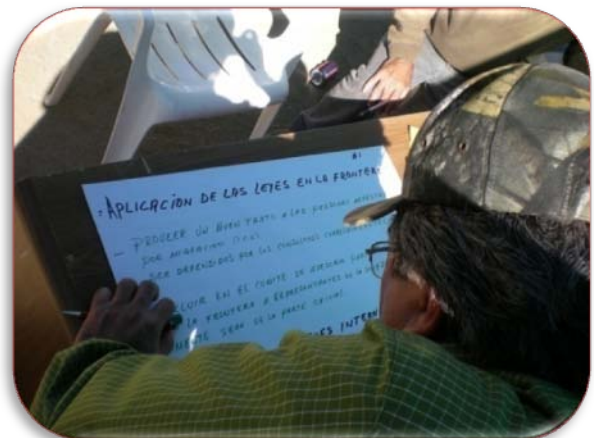


The Immigrant Organizing Committee (IOC) of the Center for Community change provided the conceptual framework for the community convenings that form the basis of this report. The Immigrant Organizing Committee is made up of organizations from across the country that directs the Fair Immigrant Reform Movement for CCC. Its members are:

- African Resource Center
- Border Network
- CASA de Maryland, Inc.
- CAUSA-Oregon's Immigrant Rights Coalition
- Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
- COFEM
- Colorado Immigrant Rights Coalition
- Florida Immigrant Coalition
- Idaho Community Action Network
- Illinois Coalition for Immigrant and Refugee Rights
- Massachusetts Immigrant & Refugee Advocacy Coalition
- Michigan Organizing Project
- Maine People's Action
- MOSES
- National Capital Immigration Coalition
- National Korean American Service and Education Consortium
- National Training and Information Center
- *Nebraska Appleseed*
- Rich Cunningham from New Labor
- New York Immigration Coalition
- Northwest Federation of Community Organizations
- One America
- Somos Un Pueblo Unido
- Sunflower Community Action
- The Gamaliel Foundation
- TN Immigrant Rights Coalition
- Voces de la Frontera
- Washington CAN!



A woman in Baltimore creates visuals for her group presentation regarding a Legalization Program



A participant writes all the comments from his group on how immigration laws should be implemented while protecting human and civil rights

METHODOLOGY

The information in this report was gathered at focus groups with immigrants and their allies conducted from October to November of 2008 throughout the country. Specifically, the objectives were to:

- Identify the most important priorities for immigration reform for both the directly affected immigrant community and their allies.
- Measure the community's commitment to engaging in actions designed to urge passage of an immigration reform bill.



A participant in Phoenix, Arizona presents the need of creating laws that integrate the immigrant community into the U.S. society.

Using the four fundamental issues addressed by the IOC: Principles for a Legalization Program, Immigration Enforcement, Integration and Public Benefits, and the Future of Immigration Reform (see Appendix for more detail)¹ - the goal was to gather groups of individuals with different backgrounds to obtain their opinions through exercises using popular education techniques. Popular education is an educational technique designed to raise the consciousness of its participants and allow them to become more aware of how an individual's personal experiences are connected to larger societal problems. In popular education, the learning experience is informed by and grows out of the personal life experiences of the participants.

Two-hour meetings were conducted in Baltimore City, Maryland; Silver Spring, Maryland; Wheaton, Maryland; Arlington, Virginia; Phoenix, Arizona; Los Angeles and Pomona, California; New York City, New York; and Chicago, Illinois. The overwhelming majority of the affected immigrant participants were Latino and West African, while the ally participants included Africans, African-Americans, Arabs, Asians, Caucasians and Latinos. Most sessions were held in Spanish, a few were held in French, while a few were held in English. An average of 36 individuals participated in each session with strong participation of both men and women. Moreover, during the focus sessions with

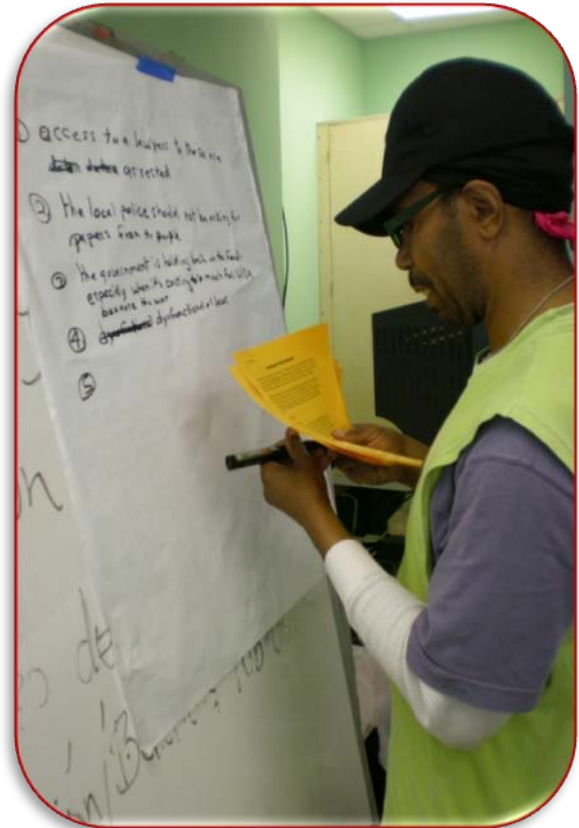
¹ Several of the FIRM papers on immigration reform principles have been amended since they were originally used for this project. Updated versions of the principles are available at www.anewdayforimmigration.org.

allies, there was a strong presence of immigration lawyers, college students and immigrant advocates. There was one session specifically for youth. Altogether, more than 350 immigrants and 33 ally organizations discussed and participated in the convening.

It is important to note that one of the sessions faced opposition by a small group of people who shouted racist slurs to the immigrants who were participating in the focus group. This particular session was held at an open-air worker center in Phoenix, Arizona.

At the end of the focus sessions, all the information was compiled and analyzed to obtain the top five priorities within each issue area.

To obtain copies of all minutes taken in each session, please contact CASA de Maryland.



A participant in Maryland explains the importance of not authorizing local police officers to check people's immigration status.

LIST OF ACRONYMS

IOC	Immigrant Organizing Committee
USCIS	United States Citizenship and Immigration Services
GDP	Gross Domestic Product
LPR	Legal Permanent Resident
ICE	Immigration and Customs Enforcement
IRCA	Immigration Reform and Control Act
DREAM Act	The Development, Relief and Education for Alien Minors Act
BIA-Recognized	A Board of Immigration Appeals recognized organization
E-Verify	Basic Pilot/Employment Eligibility Verification Program
OASDI	Social Security's <i>Old-Age, Survivors, and Disability Insurance</i> .
NAFTA	North American Free Trade Agreement
ESL	English As a Second Language



ANALYSIS ON FUNDAMENTAL PRIORITIES FOR IMMIGRATION REFORM

EXECUTIVE SUMMARY

Throughout two years of struggle and debate following the House passage of the Sensenbrenner bill (H.R. 4437), immigrants and immigration advocates were forced to respond to thousands of discrete policy proposals. Given the speed of the process, advocates at CASA often felt that they were obligated to take positions on legislation with inadequate opportunity to reflect with community activists – directly affected people – about policy positions and priorities for action. As we are now entering a new stage for immigration reform, CASA has started with a process of deep consultation with its activists and allies to garner information about the elements of a reform package that are non-negotiable principles. In short, a bill that excludes these elements will be opposed. In addition to those priorities, the rich group discussions influenced our work on other policy areas as well as demonstrated people's strong commitment to implement strategies for passage of legislation.

We would like to acknowledge the people and organizations in the D.C. Metropolitan Region; Baltimore, Maryland; Arlington, Virginia; Phoenix, Arizona; Los Angeles and Pomona, California; Chicago, Illinois; and New York City, New York that took an active role in gathering their communities to provide input, review and approve the final product as well as provide expert assistance. CASA was lucky to engage its key allies, the National Day Laborer Organizing Network (hereinafter NDLO) and the National Capital Immigrant Coalition, both coauthors of this report, in expanding the dialogue beyond its membership. Focus groups were held in

partnership with NDLO and their members: Tenants and Workers United, VA; Macehualli Work Center, AZ; Union Latina de Chicago, IL; Zion Cristo Rey Lutheran Church in Chicago, IL; Pomona Day Labor Center, CA; Hispanic Resource Center, Mamaroneck, NY; Domestic Workers United, NY; Neighbors' Link of Mount Kisco, NY; Proyecto de los Trabajadores Latino Americanos, Brooklyn, NY; Hispanic Westchester Coalition, NY; United Community of Westchester, NY; Center of Don Bosco, NY; and the Hispanic Center of Ossining, NY.

We also have to acknowledge the active participation of organizations in the DC-Metropolitan region: the United Church of Christ of Frederick, MD; Metro DC-Interfaith Sanctuary Network; Prince George's Community College International Education Center; University of Maryland; NAACP of Maryland; Jews United for Justice; DC Jobs with Justice; C-SAFE/Maryland International Corridor; Guatemalan Human Rights Commission; the National Asian Pacific American Womens' Forum; Latin American Youth Center; University of Baltimore School of Social Work; Casa/Baltimore Limay of Nicaragua; Latino Providers Network; House of Ruth; Maryland Office of New Americans; Office of Baltimore Mayor Sheila Dixon. In addition to these vibrant organizations and agencies, this report benefited from the opinions generously shared by students from Towson University, Goucher College and Loyola College in Maryland. Given the make-up of these partner organizations, the positions discussed in this report overwhelmingly immigrants.

TOP NON-NEGOTIABLE ISSUES FOR IMMIGRATION REFORM:

Legalization Program: A legalization program must resolve the status of the undocumented, address future flows, enhance security, and include the specific provisions set forth below. Without these features, the program will not be successful, either in its implementation or in its ultimate goals. After analyzing some possible elements of a Legalization Program, participants decided that these issues were the most important to them:

- The program should attempt to address future migration flows and consider a rolling registry.
- Persons who apply for legalization but who do not ultimately qualify should not be targeted to arrest or deportation following the denial of their application.
- The burden of proof and evidentiary standards must be appropriately flexible.
- Since unauthorized persons commit a range of immigration violations that preclude their re-entry into the country and their permanent residency, there should then be a broad waiver for these offenses.
- Any program must provide derivative benefits to the immediate family members of applicants who would not themselves qualify for legalization.

Immigration Enforcement: A key element in our current immigration debate is how our nation should enforce our immigration laws and how our nation can offer legal channels for those who want to come to the U.S. safely. After analyzing some possible elements of a plan for immigration enforcement, participants decided that these issues were the most important to them:

- Seek a moratorium on raids and local enforcement of immigration laws through private enforcement and agreements.
- Repeal employers' sanctions and E-verify. Restore mainstream labor protections to all covered employees, regardless of immigration status.
- Give immigration courts discretion when dealing with criminal issues; current laws do not distinguish serious criminals from immigrants with minor convictions.
- Reform the Department of Homeland Security, and create an Ombudsman for Immigration and Customs Enforcement (ICE).
- Change visa procedures to provide more careful, individualized screening and end the use of profiling and stereotypes.

Integration and Public Benefits: Participants of the focus sessions had very vivid discussion on public benefits as well as the tools needed to better integrate immigrants into U.S. society and learn their responsibilities. They concluded that the following tools were essential in order to reach the so-called American Dream:

- USCIS should revisit the methods by which it sets application fees. In particular, it should stop burdening applicants with costs not linked to application processing.
- Health care for all regardless of immigration status.
- Re-affirm protected access to public schools at K-12 levels and explore federal protection for admission to public higher education.
- Pass the *Strengthening Communities Through English and Integration Act*, which among other things, would provide a significant increase for English education resources and integration efforts.
- Resist efforts to limit access to government information and services for LEP individuals.

Future of Immigration: Overall, participants became very emotional on this topic since they were able to express their reasons for coming to the United States and their hopes for the future to be reunited with their families. The top priorities for participants among possible elements of a future immigration program were:

- Reject any guest worker proposal that does not include the option to seek Legal Permanent Residence status.
- Provide for anyone issued a work visa the option of seeking permanent resident status and subsequent citizenship.
- Allow all spouses and children of U.S. citizens to enter without using up the number of visas available to other immigrants' family members.
- Increase funding to the U.S. Citizenship and Immigration Service so that they can more quickly process the visa applications.
- Strengthen worker protections, oversight and enforcement of labor laws.

Keep on Organizing, YES WE CAN, SI SE PUEDE!

At the end of the sessions, participants also discussed the type of activities that they were willing to do to make sure their priorities are noted and present in any reform. Participants proved to be very eager to keep on marching, engaging with non-immigrant communities to win hearts and minds, and despite the extreme uncertainty of their lives here, deeply committed to building stronger communities and a stronger country.

In general, despite an increased fear of deportation due to the intense wave of raids and sharp increased in numbers of deportations, participants, even those who might be undocumented, committed to join in massive demonstrations across the country to demand just and humane immigration reform as well as an end to raids and deportations. Given the commitment of President Barack Obama to pass a comprehensive immigration reform bill, over one thousand participants and their friends from the East Coast attended the historic Presidential Inauguration in Washington, D.C. and then held a day of action for immigrant rights. Furthermore, participants expressed their strong commitment to keep involving a range of religious, labor, women's, and other organizations in the struggle to obtain immigration reform.

INTRODUCTION: LOOKING AT THE CRISIS

In 2007, there were approximately 12 million unauthorized immigrants in the U.S. Of that number, between 25 and 40 percent entered the U.S. legally, but overstayed their visas. Many others entered the U.S. without authorization to join family members after years of waiting for visas that never arrived. Meanwhile, in the same year, the U.S. government authorized exactly 1,052,415 immigrant visas, including approximately 500,000 for family-sponsored immigrants and 162,000 for employment-based immigrants. About 320,000 others received visas for other reasons such as refugee and asylum status. Just over 600,000 people (compared to about 800,000 people in 2006) were able to adjust their immigration status and became legal permanent residents.²

As is often noted, the United States has always been a nation of immigrants. Immigration laws, however, have varied dramatically over time, from the fairly open policies of the nineteenth and early twentieth centuries to, starting in the 1920s, more restrictive policies based on national quotas and aimed at limiting immigration, especially from Asia and eastern and southern Europe.

Immigration policy in the United States today is characterized by stringent laws and weak enforcement. In 1986, the Immigration Reform and Control Act (IRCA) provided

amnesty to undocumented immigrants who had entered the country before January 1, 1982, and criminalized the hiring of undocumented workers, for the first time putting the onus on employers. But the law was not heavily enforced and did little to deter employers from hiring undocumented immigrants.

After the terrorist attacks of September 11, 2001, the federal government restructured the immigration bureaucracy, replacing the enforcement branch of Immigration and Naturalization Service, which was part of the Justice Department, with Immigration and Customs Enforcement, a branch of the newly formed Department of Homeland Security. This change, which combined an antiterrorism mandate with responsibility to control U.S.-bound migration, resulted in increased resources for border patrols and surveillance. Since current policies create substantial impediments to legal migration. As a result, they encourage immigrants to enter the United States illegally. And once they are in the United States, immigrants are more likely to stay, since getting into the country is now more expensive and risky.

In 2005 and 2006, the U.S. Congress witnessed a wave of anti-immigrant proposals, including a bill sponsored by Representative James Sensenbrenner (R-WI) that would have criminalized all undocumented immigrants. In a historic act, millions of immigrants and their allies marched across the nation to protest such extreme measures. Thanks to the unity

² Department of Homeland Security. Yearbook of Immigration Statistics for 2007
<http://www.dhs.gov/ximgtn/statistics/publications/LPR07.shtm> (accessed on November 2008)

shown through these marches, none of these anti-immigrant bills became law.

Subsequently, 2007 showed a different scenario in Congress. The overhaul of immigration policy proposed in 2007 would have provided a means for legalization of unauthorized immigrants. It also would have eliminated the system that prioritized family unification for one based on points that reflected skills, English proficiency, family ties, and U.S. economic needs. It would have established a larger guest worker program as well as increased border security. Employers would have been held responsible for verifying workers' legal status. But despite a major push by the Bush administration and support from major figures in both political parties, the proposal did not withstand political furor or questions over how effective it would have been in controlling immigration or disciplining employers.

With the failure of reform legislation in Congress in 2007, state and local governments have increasingly attempted to create their own policies to handle immigrants—in some cases going out of their way to welcome immigrants, in others seeking to be more restrictive. Despite the fact that some of these policies have been found unconstitutional, this trend is likely to continue.

The failures of U.S. immigration policy affect national security, economic growth, and foreign relations. The current policy concentrates almost solely on the U.S.-Mexico border, despite the fact that many people enter without inspection across the

U.S.-Canada border and that nearly half of unauthorized workers in the United States enter legally through other ports and overstay their visas. It also fails to address the fact that, with an aging population, the United States will need more workers to fill and keep jobs. Despite the current economic downturn, in the long run, this labor shortage will only become more acute in the coming decades, as baby boomers retire. To maintain GDP growth, a sizable number of migrant workers will be needed across all skill levels.



Finally, the failures of U.S. immigration policy have become a foreign policy problem. In the United States, immigration is largely considered a domestic policy issue. But given the profound impact that U.S. immigration policy has on many Latin American nations, for instance, it is naturally considered a vital issue in their relations with the United States. The tenor of recent immigration debates, the high number of raids that have divided families, and the failure to pass meaningful immigration reform have hurt U.S. standing worldwide, as many nations (including those without large populations in the United States) perceive current laws as discriminatory and

unfair toward their citizens. Moreover, U.S. foreign policy in relation to some countries has contributed to the large number of immigrants from those countries into the United States; for example, millions of Mexicans immigrate to the U.S. to escape the economic turmoil created in significant part by NAFTA;³ the large wave of Salvadorans, Guatemalans and Nicaraguans in the 1980s coming to the U.S. was a product of wars in Central America, which were openly financed by the United States; support for military and “drug eradication” policies in Colombia is currently contributing to internal population displacement within Colombia as well as an increase of Colombian immigrants into the United States; among many other occurrences.

Indeed, history provides many examples of immigration policies, successful and failed. A policy framework that has no basis in real immigrants’ lives, economic conditions here and abroad, and U.S. foreign policy is bound to fail. This report documents conclusions about policy reforms that are based on the real lives of immigrants.

³ Public Citizen
<http://www.citizen.org/trade/nafta/> (Accessed on February 2009)

LEGALIZATION PROGRAM

Legalization is based on the principle that people who have established new lives in the United States and contribute to our economy and community should have access to procedures that permit them to adjust their immigration status. Eligibility, past and proposed, has turned on many factors. The Immigration Reform and Control Act (IRCA) of 1986 turned primarily on length of time in the United States. Some past programs and proposals, such as IRCA's Special Agricultural Worker program provided status based on occupation (farm labor) and the Agricultural Job Opportunity, Benefits, and Security Act of 2003 would have done the same. Others, such as the Nicaraguan and Central American Relief Act (NACARA) and the Haitian Refugee Immigration Fairness Act (HRIFA) allowed

thousands of immigrants to gain legal status, based on their country of origin.⁴

Immigrant advocates have generally supported the broadest legalization program possible and have argued that breadth will be necessary for the program to have any success under the principle that a program that leaves large swathes of the undocumented population in the shadows will be a failure.

After an extensive discussion of elements of a legalization program, participants established non negotiable priorities that should be part of the next comprehensive bill, discussed in the next section.

Top Non-Negotiable Priorities for the Legalization Program

1. The program should attempt to address future migration flows.
2. Persons who apply but who do not ultimately qualify should not be subject to arrest or deportation.
3. The burden of proof and evidentiary standards must be appropriately flexible.
4. Since unauthorized persons commit a range of immigration violations that preclude their re-entry into the country and their permanent residency there should then be a broad waiver for these offenses.
5. Any program must provide derivative benefits to the immediate family members of applicants. These are family members who would not themselves qualify for legalization.

⁴ FIRM Factsheet on Legalization

ANALYSIS:

Participants agreed that a legalization program must include the specific provisions set forth below and that without these features, would fail either in its implementation or in its ultimate goals.

Future migration flows: Participants felt that legalization without a plan to address future migration flows would fail. In looking at possible plans, participants supported a rolling registry, for example, that would automatically move forward the “entry” date that triggers lawful permanent residence. Currently, “registry” is a provision of Immigration Naturalization Act (§249) that enables certain unauthorized immigrants in the United States to acquire lawful permanent resident status. It grants the Attorney General the discretionary authority to create a record of lawful admission for permanent residence for an alien who lacks such a record, has continuously resided in the United States since before January 1, 1972, and meets other specified requirements. Participants strongly supported moving up the registry date since it was set to entry in or before 1972 more than twenty years ago, in 1986.

During discussions on this topic, participants believed that unauthorized immigrants who have been in the country for at least ten years and have good moral character should be able to adjust their immigration status. Moreover, participants felt that children should be able to adjust their immigration status within five years of being in the country if they have not joined gangs or committed any criminal acts. Participants made reference to the DREAM

Act as a way to legalize young people as soon as possible so they can be more productive members in our society.

Confidentiality: Persons who apply but who do not ultimately qualify should not be subject to arrest or deportation based on information provided during the application process. Confidentiality should be preserved, except in cases that raise criminal issues that are not associated with working or undocumented status. Participants strongly believe that confidentiality is key so that the people can feel safe coming out of the shadows.



Domestic workers participating in the project express that immigrants with good moral character who have been in the U.S. for 10 years should be granted Legalization

Participants expressed that there is deep fear in their communities caused by raids and local and state police officers acting as immigration agents and that people are afraid to leave their homes or provide personal information to anyone. Accordingly, participants insisted that trusted non-profits and worker centers must

be places where immigrants can apply for legalization.

Proof and evidentiary standards must be sufficiently generous: Participants expressed concern that living in the shadows undermines their capacity to present a good paper trail to evidence the satisfaction of eligibility criteria like length of time in the country or in a particular job. A more stringent standard, “clear and convincing evidence,” would exclude many bona fide applicants. In addition, the kinds of documentation that will suffice must be broader than official government documents. For instance, a very significant number of hard working undocumented individuals such as day laborers and domestic workers do not generally receive pay stubs or invoices for their work hence it would be very difficult to provide proof of employment. Moreover, providing proof of residence is another very difficult task since undocumented people tend to live with friends and close relatives without a written lease in their names and without obtaining rental receipts.

Waiver of violations: Since unauthorized persons commit a range of immigration violations that preclude their re-entry into the country and their permanent residency there should then be a broad waiver for these offenses. A legalization program should make some grounds of inadmissibility inapplicable, allow others to be waived on a discretionary basis, and maintain a limited few as non-waivable. Refugees, for example, are not subject to the public charge, documentation, and labor certification grounds of inadmissibility.

Participants agreed that those who have committed criminal offenses should not be granted the adjustment of their immigration status. Moreover, some of them thought that those who commit domestic violence offenses should be placed in a special rehabilitation program before being forgiven for such offenses. However, participants felt that many criminal charges are sufficiently low-level or really simply an indication of being undocumented (such as use of a false social security number) that they should not exclude participation in the program.

Because such a program would require discretion, participants strongly felt that there should be an appeal process to contest any final decision and improve fairness and transparency.

Benefits to immediate family members: Any program must provide derivative benefits to the immediate family members of applicants. These are family members who would not themselves qualify for legalization. The Immigration Act of 1990⁵ created a “family unity” program, allowing the spouses and unmarried children of legalization beneficiaries to stay in the United States and work legally until they received a family-based visa. Once IRCA beneficiaries became lawful permanent residents, they began to petition for second preference visas, leading to the current multi-year backlogs in this preference category. A similarly disruptive scenario would be avoided with a derivative benefit provision. Derivative benefits should not address the ability of the beneficiary to support the family member (“public charge”). This requirement would effectively

⁵ Pub. L. No. 101-649, 104 Stat. 4978 (enacted on Nov. 29, 1990).

bar those most in need of legalization and would constitute a barrier to family unity based only on income.

Participants agreed that keeping families together was of primary importance. They felt that it is inhumane to separate children from their parents and believe that they need to be close to their loved ones to make sure that everyone will grow to be good world citizens.

Other important issues raised during the legalization discussions were the importance of including credible charitable agencies into the comprehensive immigration reform bill. These organizations can play a crucial role in public education, outreach, convincing applicants to come forward, preparing strong applications, and liaising with the government. Agencies authorized and funded to provide direct legal services as part of the legalization program should be tax-exempt, and attorney-driven or BIA-recognized agencies. This will create an incentive for legitimate non-profits to apply to the Board of Immigration Appeals for legal “recognition” and staff “accreditation” so that they can legally provide legal assistance. A coordinated effort should be instituted to create charitable legal capacity in places where it does not exist or needs to be increased.

Participants also expressed their fear of people who fraudulently act as immigration lawyers; therefore, funding should not be

available to unqualified individuals or even nonprofit agencies that are not authorized to practice immigration law. Moreover, participants felt that those unauthorized individuals practicing immigration law should be severely fined.

Other concerns that were mentioned were ensuring that a legalization program recognizes same-sex partners and incorporates international human rights principles. Particularly mentioned was a provision that eliminates the immunity of any diplomat who breaks the law by practicing any form of modern slavery on their employees and/or engaging in human trafficking.

Finally, given its size and complexity, participants agreed that a legalization program will require a separate core of specially trained adjudicators. A program that attempted to operate through existing systems would worsen the backlog and customer service problems that plague DHS.



Participants in Baltimore, Maryland discuss the future of immigration reform

IMMIGRATION ENFORCEMENT

We cannot fix our immigration system with an “enforcement-only approach” and by continuing to enforce dysfunctional laws. Comprehensive immigration reform must revise border and interior enforcement policies and create effective accountability mechanisms to protect human and civil rights.

Immigration enforcement policies should focus on policies that ensure due process, respect workers and their families, as well as our core constitutional values. The recent build-up of immigration enforcement activities by the federal government has increasingly put families at risk of separation, economic hardship, and psychological trauma. Our enforcement

strategies should instead focus on those who are inflicting harm on immigrants, such as employers who exploit their workers and smugglers who abandon border-crossers to die in the desert.

After an extensive discussion on the principles of immigration enforcement, participants identified the following non-negotiable priorities that should be part of the next Comprehensive Immigration Reform bill:

Top Non-Negotiable Priorities for Immigration Enforcement

1. Seek a moratorium on raids and local enforcement of immigration laws through private enforcement and agreements.
2. Repeal employers' sanctions and e-verify. Restore mainstream labor protections to all covered employees, regardless of immigration status.
3. Give immigration courts discretion; current laws do not distinguish serious criminals from immigrants with minor convictions.
4. Reform the Department of Homeland Security, and create an Ombudsman for the Immigration and Customs Enforcement (ICE).
5. Changes in visa procedures to provide more careful, individualized screening and end use of profiling and stereotypes.



According to the Urban Institute, there are approximately five million U.S. children with at least one undocumented parent

ANALYSIS:

Participants agreed that a key element in our current immigration debate is how our nation should enforce our immigration laws and how our nation can offer legal channels for those who want to come to the U.S. safely. After some possible principles for immigration enforcement, participants decided that these issues were the most important to them:

Seek a moratorium on raids and local enforcement of immigration laws through private enforcement and agreements: In recent years, Immigration and Customs Enforcement has intensified immigration enforcement activities by conducting several large-scale worksite raids across the country. In fact, every year DHS arrests more than 1.6 million immigrants; the vast majority of them along or near the Southwest border with Mexico.⁶

⁶ U.S. Immigration and Customs Enforcement, "Detention and Removal Operations: Alternatives to Detention." Factsheet.

The fact is that state and local enforcement of immigration laws has not resulted in a reduced pattern of migration at the national level. The only significant indicator of the impact of local enforcement is how it has driven immigrants further underground or created internal displacement of immigrants as they are forced to move to other places where local enforcement and community raids is not rampant. All of the more than 350 participants of this study unanimously agreed that raids and local enforcement of immigration laws has to stop in order to achieve safe and vibrant communities.

Moreover, since the majority of children of undocumented parents are U.S. citizens, participants have questioned the state in which children are left after their undocumented parents are arrested and then deported. Participants stated that ICE needs to ensure that children are protected during raid operations. They should assume that there will always be children affected whenever adults are arrested in worksite enforcement operations, and should develop a consistent policy for parents' release. Furthermore, participants agreed that women, particularly if they are pregnant and have good moral character, should never be deported in order to protect the family.

In relation to unauthorized children who are involved with gang activities, participants explained that instead of deporting them to their home country, it would be much better to place them in a rehabilitation program for youth.

Washington, DC: U.S. Department of Homeland Security, March 2007. <http://www.ice.gov/pi/news/factsheets/061704detFS2.htm> (accessed on November 2008)

Repeal employers' sanctions and E-verify. Restore mainstream labor protections to all covered employees, regardless of immigration status:

Repealing employer sanctions would remove much of the leverage that unscrupulous employers have over undocumented workers who may fear retaliation if they complain about poor conditions or mistreatment. Moreover, policies such as E-verify and Social Security No-Match Letters increase abuse and discrimination by employers and infringe on the privacy of all citizens and residents of the U.S. Indeed, American workers would be better served by labor law enforcement as a means of raising wages, resolving labor disputes, and enhancing quality of life, than they are by immigration enforcement efforts.



Participants discuss the problems that they are facing in their communities due to the lack of procedures to adjust people's immigration statuses

Participants agreed that offering undocumented workers a path to citizenship

would enable them to work legally and eliminate their vulnerability to employer sanctions and the exploitation that they engender. The testimonies provided by the many participants were heartbreaking, yet represent the hundreds of thousands of workers that confront dreadful working conditions in the U.S. due to their immigration status. Workers who participated in this study demanded a path to legalization in order to obtain decent working conditions and in order to play a more active role in revitalizing their communities.

Give immigration courts discretion; laws do not distinguish serious criminals from immigrants with minor convictions:

Participants felt that this was a very important issue in order to have a workable, real and transparent process since current laws do not distinguish between serious criminals and immigrants with minor convictions who have served their time and become productive heads of families and members of society. Our laws need to be changed to restore to immigration courts the discretion they once had to review the immigrant's work history, family situation, ties to the community, and other circumstances, and grant relief if appropriate.

Reform the Department of Homeland Security, and create an Ombudsman for Immigration and Customs Enforcement:

Participants greeted the idea of having an Ombudsman with a lot of excitement. They felt that public hearings should be conducted regarding DHS accountability and ICE procedures should be reviewed to protect human and civil rights by an independent agency run by an

Ombudsman. Participants expressed that though local non-profits, churches and worker centers are available for help during an immigration raid or other actions against immigrant communities, there is a need for a main national office that can defend hard working immigrants from being mistreated by employers, the local police (as currently happens in, for example, Phoenix, AZ), and ICE. Moreover, participants felt that the office of the Ombudsman could establish a standing commission on immigration and labor markets to recommend annual visa quotas on the basis of U.S. labor market needs.

Furthermore, participants firmly stated their disagreement with placing undocumented immigrants in general prison cells and felt that an Ombudsman's office could also be a vehicle for addressing abuses in detention facilities. An ombudsman could assure access to counsel, advise detainees of their right to confer with their country's consular office, and their right of access to telephones. Participants also felt that the confidentiality of telephone conversations in detention should be ensured.

Those immigrants that are detained should still be treated in a humane fashion. They should receive adequate medical attention, spiritual counsel, and access to legal representation, among other things. DHS should fully implement its detention standards and closely monitor compliance, particularly among private facilities with which it has contracted to house detainees. Whenever possible, DHS should also release detainees to the custody of their families or find other alternatives to detention since they are not criminals. In fact, participants strongly suggested setting

up a time limit for detention without deportation, or enforce current limits. Participants emphasized that refugees have additional rights under international agreements and should not be subject to ongoing detention.

Change visa procedures to provide more careful, individualized screening and end the use of profiling and stereotypes: The key to gaining control of unauthorized immigration is by offering legal channels for those who want to come to the U.S. safely. Such channels must include detailed but fair screening to keep out individuals who would pose harm to our country, based on current, accurate, individualized information. We must avoid suspicion based on group profiles or stereotypes, such as those used against Arabs in the aftermath of the 9-11 attacks.

Participants felt that it is very important to individualize each immigration case by also taking into account the reasons why people feel the need to migrate. In most focus sessions, participants recalled the wars in Central America in the 1980s that led to massive immigration into the U.S. as well as the current wars in Iraq and Afghanistan that are also causing people to migrate. In essence, the decision to migrate is not one taken lightly. Immigrants must have a very strong motivation indeed if they leave their families and home communities to come to another, unfamiliar country where they would need to learn a new language and new ways of life; work irregular, physically demanding jobs (often for low pay and under dangerous conditions); and to live in constant fear of immigration authorities, police, and hostile local residents.

Moreover, participants stated that the numerous socio-economic contributions of immigrants in the United States should lead us to find adequate avenues for the overwhelming majority of immigrants. These are hard working people who are eager to collaborate to create policies and practices that can make a real difference in their ability to support their families, choose their futures, and contribute more fully to society and the economy.

Other important issues raised during the immigration enforcement section were related to the construction of a fence in the U.S./Mexican border. Participants felt that such a wall was racist towards the people from the Caribbean, Mexico, Central, and South America and that Latin American governments should be actively involved against the wall. Participants specifically mentioned that the Border Security Advisory Committee must include not only representatives of DHS and local law enforcement but also members of the community and civil society to make their decisions as fair and transparent as possible.

In the end, participants felt that smart technology should be used instead of actually building a wall and highlighted that the purpose of such investment should be to protect the nation and work against drug trafficking and other illegal activities but not

to harass low income people who are trying to make ends meet by working in the U.S.

Finally, a theme that was present throughout the sessions was the protection of human rights. The U.S. should adopt an immigration policy that comports with international human rights obligations as well as the obligations based in the U.S. Constitution.

U.S. / Mexican Border



INTEGRATION AND PUBLIC BENEFITS

Our country lacks a policy of immigrant integration. The task of helping immigrants learn about their rights and responsibilities and move into U.S. culture is left to state and local communities and the private sector, including not-for-profit service providers and ethnic associations. For instance, how do we help immigrants to learn English and become U.S. citizens so they can be integrated into our society as efficiently and quickly as possible? And frequently, despite contributing funds into safety net programs through tax payments, most classes of immigrants are precluded from consideration and are often denied social services such as preventive health

care and the use of social security benefits upon retirement.

The next bill on comprehensive immigration reform can provide an opportunity to debate how our federal government can best assist immigrants in making the most of their talent and energy to contribute to society and how the government can provide the resources that immigrants deserve to empower their communities.

Participants decided on the following top priorities on the issue of Integration and Public Benefits:

Top Non-Negotiable Priorities for Integration and Public Benefits

1. USCIS should revisit the methods by which it sets application fees. In particular, it should stop burdening applicants with costs not linked to application processing.
2. Health care for all regardless of immigration status.
3. Re-affirm the protected access to public schools at K-12 levels and explore federal language that protects admission to public higher education.
4. Pass the *Strengthening Communities Through English and Integration Act*, which among other things, would provide a significant increase to English education resources and integration efforts.
5. Resist efforts to limit access to government information and services for LEP individuals.

ANALYSIS:

Participants of the focus sessions had very vivid discussions regarding the tools needed to better integrate immigrants into U.S. society. They concluded that the following tools were essential in order to support their families and communities:



Participants in New York carefully listen to an update on immigration reform

USCIS should revisit the methods by which it sets application fees. In particular, it should stop burdening applicants with costs not linked to application processing: Over the past several years, U.S. Citizenship and Immigration Services (USCIS) has imposed a series of changes that have made citizenship less accessible. The most dramatic of these changes was a steep fee increase for naturalization and other immigration applications that took effect on July 30, 2007. The cost to file a citizenship application rose from \$400 to \$675.⁷

⁷ FIRM factsheet on integration and public benefits.

USCIS justified this increase by citing its status as an agency exclusively funded by application fees, and its need to cover the additional costs of modernizing its operations—many of which have nothing to do with application processing.

Participants expressed their distress of having to pay high fees to process their applications. Those with large families even mentioned that they had to work hard for months just to be able to collect all the money needed to process their applications. There were some participants that even mentioned that they have not become U.S. citizens due to high costs of application fees. Discussion participants felt that Congress should appropriate funding to USCIS, otherwise the agency will continue to burden applicants with both high fees and long backlogs.

Health care for all regardless of immigration status: A substantial body of evidence shows that health insurance coverage is integral to peoples' health, their productivity level, and their educational and career achievement. Most workers and their families who are not offered coverage through jobs are left with the consequences of being uninsured in the United States: poor access to the health care system, lack of preventive health care services, and the enormous stress of knowing that the lack of coverage could result in crushing financial debt. Discussion participants expressed that all people living in the United States, including immigrants regardless of their status, should receive quality, affordable health care coverage and services.

Participants believe that healthcare coverage should focus on preventive care such as cancer screenings for everyone and that all employment-based insurance should cover all workers, regardless of immigration status.

Re-affirm the protected access to public schools at K-12 levels and explore federal protection for admission to public higher education: While most Americans believe that our future prosperity depends on our young people, undocumented immigrant students who consider this country their home are repeatedly denied the opportunity to realize their full potential. The U.S. Supreme Court's 1982 decision in *Plyler v. Doe* guarantees access to elementary and secondary education regardless of immigration status. Only North Carolina expressly bars undocumented students at the postsecondary level.⁸ Nevertheless, because undocumented students are ineligible for federal financial assistance and are not eligible for in-state tuition rates in most states, they often lack access to colleges and universities.

Participants stated that in addition to its importance for immigrant families, U.S. economic interests rely on an educated work force. Hence, it is important to re-affirm the protected access to public schools for undocumented children as well as to pass an improved version of the DREAM Act, which would allow such students to obtain conditional status, and eventually earn permanent resident status,

and clearly restore to states the option to extend in-state tuition to all eligible students, regardless of immigration status, by repealing section 505 of the Immigration & Nationality Act.⁹

Pass the *Strengthening Communities Through English and Integration Act*, which among other things, would provide a significant increase to English education resources and integration efforts: Learning English is one of the keys to success for immigrants making new lives in the United States. Participants clearly stated that if immigrants wanted to get good jobs, navigate through our economy, and participate in our culture and government, they will need to speak, read, and write English. Indeed, participants explained that they can easily double their earnings if they learn the language since dominating the language provided the capacity to negotiate salaries with their employer, understand directions at work easily, and not be tricked into signing documents at work that they don't understand.

Participants stated the need to support The *Strengthening Communities Through English and Integration Act*, introduced in July 2008 by Sen. Hillary Clinton and Rep. Mike Honda, as a strong step in the right direction. The bill would increase funding for many of the relevant federal streams that underwrite local ESL programs. This would include at least \$250 million per year for "Integrated English Literacy and Civics Education programs." The bill also charges the Office of Citizenship within U.S. Citizenship and Immigration Services with leading national integration policy, including

⁸ Pabón, Maria "Reflections on Educating Latino and Latina Undocumented Children."

<http://law.shu.edu/journals/lawreview/library/vol35/35-4/lopez.pdf> (accessed December 2008)

⁹ <http://www.nilc.org/immlawpolicy/DREAM/dream-basicinfo-2009-02-19.pdf> (accessed Feb 09)

assisting state and local integration panels. This proposal is indeed an investment in the future of our economy and community.

Resist efforts to limit access to government information and services for LEP individuals: Specifically, Congress should reject any legislation that would prohibit access to government information and services for non English speakers. Unfortunately, certain members of Congress have consistently sought to designate English as the “official language” of the U.S., and to deny provision of government services in other languages.¹⁰ At the federal level, these proposals take the form of bills to rescind President Clinton’s Executive Order 13166, which mandated that federal agencies pursue effective methods for providing information and services to LEP (limited English proficient) individuals.¹¹ Dozens of municipalities and counties who have sought to crack down on undocumented immigrants considered (and in some cases passed) ordinances declaring English as that community’s “official language,” and have required that all government functions there be conducted in English.

Participants prioritized resistance to such efforts. They explained that the reason why many immigrants have difficulty in learning the language is primarily due to lack of time since many of them work two to four jobs seven days a week. Also, immigrants who arrive to the U.S. as adults have more

difficulty learning a new language than young people.

During the discussion, participants also stated that being able to communicate and understand how procedures and transactions are done in the United States is vital not only for immigrants, but also for the general society; after all we are all part of the same community.

Participants write their priorities for a legalization program, which includes No Deportations



¹⁰ American Elections Act of 2009.

<http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.764>: (accessed Dec 08)

¹¹ U.S. Department of Justice.

<http://www.usdoj.gov/crt/cor/Pubs/eolep.php> (accessed January 09)

FUTURE OF IMMIGRATION REFORM

New immigrants will be necessary into the future to ensure continued economic growth in the United States. Experts estimate that native-born workforce growth will stagnate or decrease at least across the next 20 years as waves of baby boomers retire and birthrates slow. In fact, for every ten workers who retire, there are only three to seven to replace them, creating a shortage of skilled men and women who are trained to keep complex machines operating.¹² Without new immigrant workers, economic growth will retard with even more significant slowdowns experienced in industries dominated by younger workforces.

Similarly, as the United States experiences

the mass retirement of baby boomers, new workers are needed to shore-up the United States' Social Security funds and ensure that resources are in the fund for current and future retirees. Furthermore, in order for a comprehensive immigration reform program to be more than just a short-term solution, it needs to be coupled with reform that addresses the root causes of undocumented immigration to the United States.

The different focus sessions discussed to a great extent the issue of the Future of Immigration and concluded that their top non-negotiable priorities were:

Top Non-negotiable Priorities for the Future of Immigration

1. Reject any guest worker proposal that does not include the option to seek Legal Permanent Residence status.
2. Provide for anyone issued a work visa the option of seeking permanent resident status and subsequent citizenship.
3. Allow all spouses and children of U.S. citizens to enter without using up the number of visas available to other immigrants' family members.
4. Increase the funding to the U.S. Customs and Immigration Service so that they can more quickly process the visa applications.
5. Strengthen worker protections, oversight and enforcement of labor laws.

¹² Council of Competitiveness's Compete 2.0 Skills report: <http://www.compete.org/images/uploads/File/PDF%20Files/Thrive.%20The%20Skills%20Imperative%20-%20FINAL%20PDF.PDF> (accessed Jan 09)

ANALYSIS:

Overall, participants became very emotional discussing this topic since it touched so deeply their own reasons for immigrating to the United States and their hopes for a future reunion with their families. There was a great mix in terms of how long participants had been in the U.S. including people who came to the U.S. during the 1980s due to the wars in Central America to more recent arrivals from Haiti who described that they were feeling political chaos and acute poverty in their nation. Participants from different parts of Africa and Asia also shared their experience as refugees and how difficult it had been to obtain their refugee status and bring their families with them. There were also people who have only been in the U.S. for less than five years due to the lack of living wage jobs in their homeland; they openly blamed economic agreements such as NAFTA for exporting extremely low-wage labor to developing nations.

Reject any guest worker proposal that does not include the option to seek Legal Permanent Residence status:

The U.S. deserves an immigration system that protects all workers within our borders—both native-born and foreign—and at same time guarantees the safety of our nation without compromising our fundamental civil rights and civil liberties. Unfortunately, the U.S. experience with guest-worker programs has not gone well; in fact, discussion participants described it as a type of modern-day slavery. The programs have been limited only through hard-line numeric restrictions on visas, while placing a significant amount of the

remaining control in the hands the employers.

Workers typically labor in extreme isolation with only an underfunded network of non-profits available to inform them about their rights. Because complete control of the workers' immigration status remains in the hands of employers, these workers are most at risk of abuse. Guest workers are buffeted by a tight circle of employer collusion and visa numeric restrictions from transferring to a less abusive employer.



Workers presenting their priorities on immigration reform

Participants eloquently echoed that our failed immigration policies have encouraged employers to use guest worker programs to lower labor standards and working conditions for all workers within our borders. Participants expressed that they have seen employers turn tens of thousands of permanent, well-paying jobs in the United States into temporary jobs through the use of various guest worker programs. The temporary guest worker jobs come with few or no benefits and lower wages. Consequently, participants stressed the

importance of rejecting guest worker proposals and offering instead an alternative for a path towards citizenship, where immigrants can bring their families and feel that they are treated as human beings.

Provide for anyone issued a work visa the option of seeking permanent resident status and subsequent citizenship:

Again, participants felt that it was a priority to make sure that any comprehensive immigration reform includes a path towards citizenship and not just a way to obtain cheap labor.

Allow all spouses and children of U.S. citizens to enter without using up the number of visas available to other immigrants' family members:

In order for immigration reform to be comprehensive, it must include changes to the family preference system so that families might be re-united in a more timely manner. Updating our family immigration laws will reduce the pressure for family members to migrate outside of legal channels. Participants discussed the fact that our immigrant quota system has not been updated in more than a decade despite increased demand. A workable way to accomplish the needed update is by exempting "immediate relatives" from the family-sponsored immigrant cap.¹³

Participants, stressed that the definition of immediate relative might be expanded to include the spouses and minor children of legal permanent residents. This would free up visas in the limited family preference system so they could be re-allocated to the

remaining categories of family-sponsored immigrants. With these extra visas, there would be much progress in reducing the long backlog now experienced by these categories of immigrants.

Furthermore, few people realize how much immigrants struggle with family reunification. The sad truth is, after many years of separation, immigrant families can be dysfunctional and may experience abuse and neglect, spousal abuse, youth mental health and substance abuse issues, etc. Discussion participants emphasized that people with these issues are definitely not bad or criminal, they are just ordinary people struggling with extraordinary circumstances. Therefore, participants highly recommended that significant federal appropriations be dedicated to public-private partnerships that provide immigrants with linguistically and culturally competent family counseling, parenting classes and youth mental health services.

Increase the funding to the U.S. Citizenship and Immigration Service so that they can more quickly process the visa applications:

As explained in the previous section on Integration and Public Benefits, participants expressed the need of funding USCIS so they have all the tools needed to quickly, accurately and efficiently process all applications. Participants found that it was not acceptable to have an agency that was mainly based on the fees it charges to applicants.

Strengthen worker protections, oversight and enforcement of labor laws: While ICE performs raids in workplaces in search of unauthorized immigrant workers, the federal government has practically abandoned

¹³ FIRM factsheet on Future of Immigration

punishing irresponsible employers for violating wage, workplace safety and child labor laws. Participants stated that immigrant workers who are undocumented often report that employers threaten to call immigration enforcement authorities as a way to keep exploiting them. Moreover, participants explained how workers typically avoid wage enforcement agencies because they are unsure whether their information will be provided to ICE.

Participants discussed throughout the focus sessions the need to educate the public about the immigrant community; a community of men, women, and children who wake up every morning like the rest of society to do their best in order to support their families. Human rights and labor rights should be guaranteed for every decent human being that is doing his/her best to bring back a strong economy and empower their communities. Additionally, participants also discussed that the category of asylum seekers should be

broadened with fewer restrictions, with more generosity for people fleeing war (in the case of Iraq and Afghanistan) and internal conflicts (in the case of, for example, Afro-Colombians).

Participants also argued about the need to address the connection between foreign and economic policies and immigration. Migration is not an individual decision. Immigrants are leaving their home land in response to social, economic and political realities in their home country. NAFTA, for instance, was sold to the American public as the magic formula that would improve the U.S. economy at the same time it would raise up the impoverished Mexican economy. The time has come to look at the failures of this type of trade agreement before we engage in more and lower the economic prospects of all workers affected who desperately come to the United States to escape poverty.

KEEP ON ORGANIZING? YES WE CAN!

When discussion participants were asked whether they were willing to participate in actions to obtain immigration reform, despite the risk of immigration enforcement, they stated overwhelmingly YES!

“Since September 11 there have been dramatic changes towards immigrants in this nation. But if we don’t organize our community, if we don’t educate the American public about our desire to make this nation strong and a home for justice and equality for all, then we don’t deserve freedom and peace” said one immigrant participant.

For the immigration debate to end successfully, participants emphasized the need to develop new strategies, utilizing and creating new resources and shifting the political discourse towards unity. In fact, immigrants are vital contributors to U.S. economic health and growth. Financial indicators demonstrate that the purchasing power of Latinos, currently the largest unauthorized immigration group, has grown to 700 billion dollars and is likely to increase to a trillion dollars by 2010.¹⁴ During the focus sessions, participants wondered how high those trillion dollars would climb up if all undocumented workers were able to come out of the shadows.



There are numerous studies that show how immigrants are a critical part of the U.S. workforce and contribute to productivity growth and technological advancement. According to the Department of Labor, immigrants make up 15% of all workers and even larger shares of certain occupations such as construction, food services and health care. The Social Security Administration states that immigrants improve the solvency of pay-as-you-go entitlement programs such as Social Security and Medicare. For example, the 2007 OASDI Trustees Report indicates that an additional 100,000 net immigrants per

¹⁴ University of Denver Latino Center for Community Engagement. “The State of Latinos in 2008,” http://www.fundacionaztecaamerica.org/agenda/atina2008/AL_Final.pdf (Accessed Dec. 08)

year would increase the long-range actuarial balance by about 0.07% of taxable payroll.¹⁵

Certainly, immigrants, like President Obama and the rest of the American people, understand that strengthening our economy is a priority. Participants argued convincingly that to achieve that recovery, we must tackle immigration reform since a change in the federal policy on immigration is essential to solving the labor needs of the country, fortifying a diminished consumer economy, and ensuring that the housing and foreclosure crises do not get even worse.

Continuing the struggle for justice, immigrant communities and their allies committed to gathering in Washington, DC and across the country to continue the campaign in Congress and the streets for passage of immigration reform.

¹⁵ <http://www.ssa.gov/OACT/TR/TR07/index.html>
(Accessed on January 09)

Appendix



Issue Memo: Legalization Program

Abbreviated Version for Focus Sessions

A legalization program must resolve the status of the undocumented, address future flows, enhance security, and include the specific provisions set forth below. Without these features, the program will not be successful, either in its implementation or in its ultimate goals

The following recommendations are given:

1. The program should attempt to address future migration flows.
2. Any “good moral character” requirement, identity and security clearance procedures should be easy to understand and should have a method of efficient implementation that does not leave applicants in limbo for years waiting for name checks and other clearances.
3. Persons who apply but who do not ultimately qualify should not be subject to arrest or deportation. Applicant information should be kept confidential. Confidentiality should be preserved, except in cases that raise criminal issues that are not associated with working or undocumented status.
4. Credible charitable agencies should be supported and written into the bill. Agencies authorized and funded to provide direct legal services as part of the legalization program should be attorney-driven, tax-exempt agencies. Funding should not be available to unqualified notaries or even nonprofit agencies that are not authorized to practice immigration law. A coordinated effort should be instituted to create charitable legal capacity in places where it does not exist or needs to be increased.
5. Any program must include adequate funding for outreach, which should be widely available to immigrant rights groups, attorney driven agencies and other community-based organizations. This funding should not be used exclusively for Spanish-speaking persons.
6. There should be more than six months between passage of the bill and the program’s implementation. Similarly, the actual application or registration period should be longer than one year.
7. Given its size and complexity, a legalization program will require a separate core of specially trained adjudicators, similar to the asylum corps. A program that attempted to operate

through existing systems would worsen the backlog and customer service problems that plague DHS. An operationally distinct program within DHS will cost money. Given the likelihood of low filings at its outset, a significant appropriation will be needed to support it

8. Any program must provide derivative benefits to the immediate family members of applicants. These are family members who would not themselves qualify for legalization.

9. The burden of proof and evidentiary standards must be sufficiently generous. Eligibility criteria like length of time in the country or in a particular job, combined with the fact that undocumented do not typically generate a significant paper trail, argues for a generous standard. In addition, the kinds of documentation that will suffice must be broader than official government documents.

10. A two-step legalization program – conditional residence, then non-conditional permanent residence – is inefficient and unnecessary, provided the first step includes rigorous adjudication standards and background checks.

11. The bill must define its operative terms as clearly as possible.

12. Finally, as stated, undocumented persons commit a range of immigration violations that preclude their re-entry into the country and their permanent residency. Without a broad waiver for these offenses, a program would not succeed in its primary purpose.

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Issue Memo: Immigration Enforcement

Abbreviated Version for Focus Sessions

We cannot fix our immigration system with an “enforcement-only approach” and by continuing to enforce dysfunctional laws. Comprehensive Immigration Reform must include the revision of current border and interior enforcement policies and allow the creation of effective accountability mechanisms to protect human and civil rights.

Immigration enforcement policies should focus on policies that ensure due process, respect workers and their families, as well as our core constitutional values. Our enforcement strategies should focus on those who are inflicting harm on immigrants, such as employers who exploit their workers and smugglers who abandon border-crossers to die in the desert, rather than targeting the people who are facing these harms.

RECOMMENDATIONS

Border enforcement

The past few decades have clearly shown that cracking down on the border alone will not restore order. The key to gaining control over the border is to offer legal channels for those who want to come here to do so safely. Among the recommendations:

- Changes in visa procedures to provide more careful, individualized screening and end use of profiling and stereotypes.
- Rather than building an expensive fence, the U.S. could instead use “smart” technology like motion detectors to identify border crossers. Such technology, however, has proved flawed in its early trials, and still does nothing to channel would-be migrants toward safe, legal means of entry.
- Provide more humane treatment to the border crossers it apprehends by improving detention conditions, including providing adequate medical care, religious counsel, and legal assistance.
- Repeal or modify the Secure Fence Act, taking into consideration its economic consequences and its relationship to future immigration.
- Ensure that the Border Security Advisory Committee includes not only representatives of DHS and local law enforcement but also members of the community and civil society.

Interior Enforcement

Department of Homeland Security has also accelerated the pace of enforcement in the nation’s interior, focusing on undocumented workers and immigrants with criminal convictions. The

increased number of operations has resulted in a surge in detainees. The detention conditions that these aliens have to suffer are deteriorating to the point that Congress is considering legislation to force to administration to adhere to basic minimum standards for medical treatment. There have also been numerous reports that immigrants are being mistreated and even tortured in detention facilities, although no legal challenges have been filed. Among the recommendations:

- Current laws do not distinguish serious criminals from immigrants with minor convictions who have served their time and become productive heads of families and members of society. Our laws need to be changed back to give immigration courts the discretion they once had to review the immigrant's work history, family situation, ties to the community, and other circumstances, and grant relief if appropriate.
- Those immigrants we choose to target should receive adequate medical attention, spiritual counsel, and access to legal representation, among other things. DHS should fully implement its detention standards and closely monitor compliance, particularly among private facilities with which it has contracted to house detainees. Whenever possible, DHS should also release detainees to the custody of their families or find other alternatives to detention. Such a change should also include revision of the "mandatory detention" provisions of IIRAIRA.
- Eliminate the practice of placing information on civil immigration detainees in the National Crime Information Center database and remove those names that have been entered in the past.
- The U.S. should adopt an immigration policy that comports with international human rights obligations, including the use and conditions of immigration detention. Refugees have additional rights under the Refugee Convention and should not be subject to ongoing detention.
- Seek a moratorium on the raids and the local enforcement of immigration laws through private enforcement and agreements. The state and local enforcement of immigration laws has not resulted in a reduced pattern of migration at the national level. The only significant indicator of the impact of local enforcement is how it has driven immigrants further underground or created a semblance of internal displacement of immigrants as they are forced to move to other places where local enforcement and community raids is not rampant.
- Reform the Department of Homeland Security, and create an Ombudsman for the Immigration and Customs Enforcement (ICE). Conduct intensive hearings on DHS Accountability and Reform. Review the findings of the Commission on ICE Misconduct as basis for reforming ICE.

Employment Verification

Among the recommendations:

- Repeal employer sanctions and restore mainstream labor protections to all covered employees, regardless of immigration status.
- Even without legislation, DHS should reallocate the resources it devotes to worksite enforcement to genuine and more pressing national security priorities.
- The new president should also reevaluate the cost of implementing employer sanctions, including Electronic-Verification and the Bush Executive Order.



Issue Memo: Integration & Public Benefits

Abbreviated Version for Focus Sessions

The U.S. lacks any overall policy on immigrant integration. The task of helping immigrants learn about and move into U.S. culture is left to state and local communities and the private sector, including not-for-profit service providers and ethnic associations. But our national debate on immigration reform offers an opportunity to consider how our federal government can best assist immigrants in making the most of their talent and energy to contribute to our society.

RECOMMENDATIONS

Citizenship

Our nation needs to tear down the barriers to citizenship and make citizenship accessible again. Removing these barriers could also be achieved mostly through administrative action. Legislation would still be necessary to provide adequate funding and to clarify how U.S. Citizenship and Immigration Service (USCIS) should proceed now and in the future. The following recommendations are given:

- Pass the *Citizenship Promotion Act*, which among other things, would clarify that USCIS should not operate as a solely fee-funded agency and authorizes a national citizenship promotion campaign that advertises the benefits of citizenship and funds local community efforts to assist immigrants with applications and citizenship classes.
- Perform closer oversight of USCIS to ensure that it is setting fees at fair, accessible levels, has adequate resources to perform timely processing of applications, and not imposing unreasonable burdens on applicants.
- USCIS should also work with the FBI to resolve long-standing name check issues

English Acquisition

Approximately 24 million Americans, including 19.5 million foreign-born and 4.5 million native-born U.S. residents, speak English less than “very well.” Learning English is one of the keys to success for immigrants making new lives in the U.S., yet current federal funding levels for programs under the federal Adult Education and Family Literacy Act are less than \$500 million per year. The following recommendations are given:

- Pass the *Strengthening Communities Through English and Integration Act*, which among other things, would provide a significant increase to English education resources and integration efforts.

- Resist efforts to limit access to government information and services for Limited English Proficient individuals.

Health Care

All people living in the United States, including immigrants, should receive quality, affordable health care and coverage. The following recommendations are given:

- Include immigrants, regardless of status, in any universal health care system
- Employment-based coverage reform proposals must include all workers, regardless of immigration status.
- Individual mandates must make immigrants, regardless of status, eligible for low-income waivers.
- Repeal the provisions of 1996's PRWORA that unfairly restrict legal permanent residents from accessing federal Medicaid and SCHIP.
- Invest in programs that result in diversity in health care professions, including members of immigrant communities and bilingual providers.
- Require insurance companies and public health coverage programs to pay for interpretation services for patients.

Safety Net Benefit Eligibility

Immigrants, documented and undocumented, are restricted from receiving most public benefits. Under federal law, many lawfully residing immigrants are barred from receiving federally-funded public benefits for five years after they enter the country. Undocumented immigrants are barred from receiving nearly all federally-funded benefits. State eligibility rules for some benefits are even more restrictive than federal rules, shutting other immigrants out of these programs. The following recommendations are given:

- Eliminate the five-year bar and other barriers to immigrant eligibility for public benefits.
- Make immigrants who receive immigration status through legalization and visa programs eligible for public benefits.

Civic Participation

At a time when voter turnout and participation are increasingly important, immigrant and minority communities are unduly targeted, sometimes even blocked, at the ballot box. Our policies should eliminate barriers to full participation by protecting the right to vote in order to cultivate a robust democracy. The following recommendations are given:

- Enact legislation barring requirements that voters present photo ID before they can vote.
- Enact "same-day registration" legislation that would require states to let people register on the same day that a federal election is held to encourage more people to vote.
- Make permanent provisions of the Voting Rights Act to decrease the threshold levels to allow for further language access for limited-English proficient voters.
- Pass legislation that increases penalties for knowingly misinforming voters about the time, date, or manner of conducting an election or their capacity to vote in an election.

Education

If the U.S. truly wants to address the achievement gaps that exist for English language learners and the high dropout rates for immigrant youth, adequate funding to teach and support limited English proficient students must be allocated. The following recommendations are given:

- Pass the *DREAM Act*.
- Provide funding for local school districts to develop and implement dual language programs.
- Re-affirm the protected access to public schools at K-12 levels and explore federal language that protects admission to public higher education.
- Require states to work with public colleges and universities to accurately define undocumented status so that appropriate access can be offered to all immigrant students, including those who have become undocumented after their visas have expired.



Issue Memo: Future Immigration

Abbreviated Version for Focus Sessions

New immigrants will be necessary into the future to ensure continued economic growth. Experts estimate that the native-born workforce will stagnant or decrease at least across the next 20 years as waves of baby boomers retire and birthrates slow. Without new immigrant workers, the economic growth will retard with even more significant slowdowns experienced in industries dominated by younger workforces. Similarly, as the United States experiences the mass retirement of baby boomers, new workers are needed to shore-up America's social security funds and ensure that resources are in the fund for current and future retirees.

In order for a comprehensive immigration reform program to be more than just a short-term solution, it needs to be coupled with a comprehensive reformation of our nation's immigration system that addresses the root causes of undocumented immigration to the United States. Without such a reform, we will simply be facing the same issue again in two decades time.

RECOMMENDATIONS

Reform the Employment-Based Immigration System

In order for true immigration reform to be able to handle future immigration rather than perpetuating existing problems, Congress must fix our immigration system so that it is flexible and able cope with the needs of our nation. The first step is to build into our immigration system a system to more reliably provide labor to American industries. At present, there are only 140,000 employment-based visas available; spouses and children of visa recipients count against this cap and account for half the allotted visas. Because of country quotas for these visas, many are not given out. The following recommendations are given:

- Create flexibility in the number of permanent visas so that they are able to reflect the needs of the market and keep families together.
- Recapture unused visas from previous years.
- Exempt spouses and children from the visa quotas.
- Provide for anyone issued a work visa the option of seeking permanent resident status and subsequent citizenship
- Strengthen worker protections, oversight and enforcement of labor laws.
- Reject any guest worker proposal that does not include these elements, in particular the option to seek Legal Permanent Residence status.

- Increase appropriations for job training and retraining for native workers.
- Coordinate the activities of U.S. Citizenship and Immigration Service and the Department of Labor to provide accurate statistics on immigration and employment so that Congress can legislate visa numbers that reflect the actual needs of American business.
- Significantly rework the Employment Service programming to create meaningful networking and job referrals.
- Develop more efficient systems for adjudicating visa petitions, including FBI background checks, to eliminate the administrative backlog.

Reform the Family Based Immigration System

By creating family based immigration, our immigration laws reflect our priority in maintaining family unity; however the numbers of visas available for family immigration has not kept up with the demand and results in long periods of family separation. About 480,000 family visas are available in any given year and 254,000 of those are allocated for immediate relatives. In addition, our nation caps immigration from any given country at 25,600 per year further adding to the delays in availability of visas. These quotas are the result of decades old legislation and add to the influx of undocumented immigration by preventing immigrants from having a legal path into the United States. The government can take action to fix this problem and help families stay together. The following recommendations are given:

- Allow all spouses and children of U.S. citizens to enter without using up the number of visas available to other immigrants' family members.
- Allow family members who have waited a maximum amount of time, such as five years, to immigrant immediately without any further wait.
- If all the visas available in a certain category are not used, assign them to other families at the end of the year.
- Children who, because of the long wait, are about to lose their chance to get a visa because of their age or because they are marrying should be protected.
- Do not eliminate any of the current categories of family members that can apply for visas.
- Do not accept a system that gives preferences to family members that are higher educated or wealthier.
- Increase the funding to the U.S. Citizenship and Immigration Service so that they can more quickly process the visa applications.