



Statement Submitted to the House Judiciary Committee Hearing on “America’s Immigration System: Opportunities for Legal Immigration and Enforcement of Laws against Illegal Immigration.”

February 5, 2013

The Arab American Institute applauds the efforts that President Obama and members of Congress have taken to address fundamental immigration reform, including the holding of this timely hearing today. A thoughtful discussion of comprehensive immigration reform (CIR) is long overdue and we are pleased to be part of it.

Arab Americans are a diverse community of immigrants and the descendants of immigrants, three and one-half million strong, who have come from throughout the Arab world. Indeed, our community’s history illustrates how the immigrant experience has shaped the United States, as we are part of the American success story. And as we reflect on reform efforts, we trust that the fundamental issue of family reunification will remain a cornerstone of our immigration policy. Toward that goal, we believe that while any discussion of immigration reform will undoubtedly emphasize border security, a pathway to citizenship for the nearly 11 million undocumented immigrants living and working in the US should not be contingent upon border issues. This approach will inevitably leave millions of immigrants in limbo status, prolonging their wait, and often their separation from family members.

We are heartened by the commitment demonstrated thus far to address the needs of individuals who through no fault of their own entered the US illegally as children and now face deportation as young adults. We were delighted that the President took steps last year to defer action against these young people. It is important to us that the proposals offered by the President and the Senate have addressed this matter directly and expect that House efforts will do the same.

Understanding the impact of a number of initiatives linked to our national security that have been added to our already overburdened and inefficient immigration system over the last decade, Arab Americans believe that real immigration reform must include the termination of measures that base their enforcement actions on race, religion, or national origin. The recent

framework released by the bipartisan Senate group included provisions calling for the strengthening of prohibitions against racial profiling and inappropriate use of force at the borders. As the House prepares to draft legislation, we ask you to join the Senate in calling for immigration policy reforms that ban racial profiling and will safeguard the civil rights and civil liberties of all immigrant communities. Our Constitution and our nation demand no less.

The violation of human rights by some of these enforcement initiatives has been well-documented and is of grave concern to us. Specifically, reform efforts and legislative language must include provisions that address the serious problems with Secure Communities, the Criminal Alien Program (CAP), and the Department of Homeland Security's 287(g) program. These programs tangle local police in immigration enforcement and have led to arrests based merely on minor infractions which undermine community trust in local enforcement, thus compromising public safety and incentivizing racial profiling.

The Secure Communities program, launched in 2008, allows local and state police to check the fingerprints of detainees against the FBI and DHS databases in order to screen for immigration status and prior immigration violations. Such policies, however, have created incentives for the police to make pre-textual arrests based on racial profiling and other impermissible bases so that immigration status could be checked. The Criminal Alien Program, administered by Immigration and Customs Enforcement (ICE), was created to screen inmates and at-large criminals to identify non-citizens with serious criminal histories to place into deportation proceedings. As a result of CAP, however, individuals are often detained by ICE and deported before they have been convicted of a crime or have had the opportunity to seek legal counsel. Finally, the 287(g) program enacted by Congress in 1996, which authorizes state, county, and local law enforcement agencies to enforce federal immigration law pursuant to agreements signed with ICE, has been deemed by the Government Accountability Office (GAO) as lacking certain controls related to potential misuses of the program. Numerous studies evaluating the nationwide impact of 287(g) programs, conducted by the federal government as well as academic and advocacy groups, have raised concerns about certain jurisdictions, not adhering to ICE's guidelines.

Though it has not been explicitly mentioned in proposals on immigration reform, the National Security Entry-Exit Registration System (NSEERS) should be part of the conversation as well. NSEERS permitted the government to systematically target Arabs, Middle Easterners, South Asians, and Muslims from 25 designated countries for enhanced scrutiny. Though the program was suspended in 2011, countless remain in legal limbo as a result of deemed arbitrary NSEERS violations. NSEERS served as a clear example of discriminatory and arbitrary racial profiling and we call for its full termination.

These are but a few of the important concerns you will hear about today from various witness testimony and organizations submitting statements. We look forward to working with members and staff of the House Judiciary Committee to ensure that 2013 will serve as a year of meaningful and fair immigration reform, and we thank you for your efforts.