



# national network for immigrant and refugee rights

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## An Open Letter to the Members of the Senate Judiciary Committee In Support of Fair and Just Immigration Reform May 20, 2013

Dear Members of the Senate Judiciary Committee:

As we stand on the threshold of a potentially new, sweeping immigration reform bill, we write to voice our support for fair, just and humane legislation that will not only bring distressed immigrant communities “out of the shadows,” but which will stay true to the country’s values and respect for human rights and commitment to justice.

Substantial improvements must yet be made to SB 744, the Border Security, Economic Opportunity and Immigration Modernization Act. While the proposal includes some provisions that will benefit immigrant communities and future immigrants, we are extremely disappointed with both overarching themes and particular provisions that we believe will continue to undermine basic human and worker rights, foster greater racial discrimination and feed the separation and trauma of immigrant families and their communities. We fear that this bill will keep immigrants in an underclass.

We understand that this is a rare opportunity to engage sweeping immigration policies. Immigrant communities have waited years for the chance to reunite with family members, to be free from the threat of deportation after having lived, worked and raised families here for decades. They have waited for the same labor protections as their citizen co-workers and for the opportunity to become citizens and to vote.

The present proposal fails to reflect our communities’ needs and our collective concerns and aspirations for human rights, fairness and justice in U.S. immigration policy -- the promise of “equality and justice for all”. With the mark-up process underway and before the bill reaches the full Senate for consideration, we urge you to address the following:

**Substantially improve the path to citizenship.** This path should be inclusive, fair, and safe, without obstacles, undue burdens and lengthy waiting periods. 10 years in a provisional status is too long a wait to obtain a green card. The wait should be reasonable and humane and should not exceed five years, the same as DREAM eligible applicants. While work eligibility and ability to travel are important features of the current proposal, those on the path to citizenship should have access to healthcare and economic supports programs. This includes the removal of the five-year bar on access to vital healthcare and family economic support programs.

Access to the provisional status or green cards should not be dependent on a “secure border” or other trigger. Waivers for eligibility for legalization should be extended to those who have been detained or deported under overly harsh enforcement programs and procedures, and who may have been forcibly separated from their families in the U.S.

The filing fees, penalties and back taxes are simply too high and will surely deter many from even applying to the program. These costs must be made affordable for low income applicants. The continuous employment requirements are also unrealistic and would unfairly eliminate many people from eligibility. These changes would speed the integration of immigrant workers and their families and ease their anxieties about their progress towards a more stable existence here.

**Expand eligibility for legalization.** The more than 300,000 people with Temporary Protected Status (TPS) should be included in the legalization program. Many on TPS have lived in the U.S. for years, working and raising families. Finally, many more people will benefit from the program by moving the cut-off date to the date of enactment of the legislation.

**Maintain this country’s commitment to family reunification as the core principle of immigration policy.** We are concerned with the detrimental impact of the “shift” to merit-based immigration that will favor highly-skilled and educated immigrants and which will diminish the value and principle of family unity. We oppose the elimination of siblings and adult children from family visas. Moreover, we urge the expansion of eligibility to same sex couples. The processing of the visa “backlog” should be infused with sufficient funds to expedite and bring processing up-to-date as soon as possible.

**Continue the Diversity Visa program.** The elimination of this program will severely undermine the potential for immigration from African, Caribbean and other under-represented countries. Without this program, many will not be able to otherwise qualify for legal immigration to the U.S.

**End the prioritization and increase in border enforcement.** The continued build-up of a militarized environment along the U.S.-Mexico border has had a traumatic and discriminatory impact on communities living in the border region. Immigrant families have endured years of increased border and interior enforcement policies on the premise that these would lead to support for legalization; that price has been more than paid. Our border policy has tragically contributed to the deaths of thousands of migrant men, women and children while having no impact on the complex “root” factors that drive migration across the border. The proposal should not redefine and expand the Southwest border region, authorize the deployment of National Guard to the border, nor commit billions in taxpayer dollars for this flawed border strategy. Again, any stipulation that a measure of “border security” will be required to trigger progress and implementation of the legalization program should be removed.

**End the immigration detention system.** Despite some proposed reforms in the detention system, the system itself is punitive, violates human rights, and is unnecessary. The record-level number of immigrant detainees is untenable and contributes to the separation and destabilization of families and communities. We are further outraged that corporate interests have promoted the abuse-prone detention system for financial gain.

**Ensure access to full labor protections, regardless of immigration or citizenship status.** We urge an end, not an expansion of all employment verification programs, including E-verify, that undermine worker rights and increase employment vulnerability. Immigrants with employment visas should have job portability, rights equal to U.S. workers, and direct opportunities for permanent residency.

**End the reliance on temporary worker programs as soon as possible.** Business interests in securing the availability of low-cost foreign labor undermine the country's commitment to building a stable work force. We encourage the allocation of resources for education and training to provide greater opportunities, particularly for our youth and working people.

**End, not enhance or expand deportation programs** such as the Criminal Alien Program, Secure Communities and 287 (g), as well as fast-track deportations and mandatory detention. Criminal prosecutions for immigration-related conduct such as unlawful entry, driving without a license, or "identity theft" should be ended, as well as problematic immigration determinations of so-called "aggravated felonies". These unjust programs have unfairly led to detentions, deportations and separation of families. Waivers should be provided for eligibility for the legalization program.

**Restore and preserve due process rights,** to ensure equality before the law for all persons, regardless of immigration or citizenship status. Individuals must have the right to present their case in court with competent representation.

Thank you for your attention and action on our concerns and recommendations.

Sincerely,

*Organization Endorsers:*

67 Suenos

American Friends Service Committee

American Friends Service Committee, Project Voice - Cambridge MA

Alianza Mexicana

Alliance for Global Justice

Alliance of Filipinos for Immigrant Rights and Empowerment

Amigos Multicultural Services Center

AMK  
Arkansas United Community Coalition  
Asian Pacific Policy & Planning Council  
Astraea Lesbian Foundation for Justice  
Black Alliance for Just Immigration  
Canal Alliance  
CASA Latina  
Catholic Migrant Farmworker Network  
Causa Justa - Just Cause  
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ChangeLab  
Clerics of St. Viator (Viatorian Community)  
Coalicion de Derechos Humanos  
Colombo Americans in Action  
Creative Innovations, Inc  
Democratic Socialists of America  
Dominican Sisters  
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DRUM - Desis Rising Up & Moving  
Ecumenical Peace Institute/CALC  
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Filipino Advocates for Justice  
Florida Immigrant Coalition  
Food Chain Workers Alliance  
Franciscan on the Border  
Georgia Rural Urban Summit  
Grassroots Global Justice Alliance  
Greater Hartford Interfaith Coalition for Equity and Justice  
H.S. Power & Light Ministries - Latino Faith Initiative  
Haiti Action Committee  
Hawaii Immigrant Youth for Action  
Highlander Research and Education Center  
Hispanic American Association  
Hispanic Organization for Progress and Education  
Intertribal Friendship House  
IRATE - Interfaith Refugee Action Team  
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KY Legalization with Dignity Campaign  
KY May Day Coalition  
Labor Movement  
Latin America/Caribbean Committee of the Loretto Community  
Latino Advocacy

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 National Latino Farmers & Ranchers Trade Association  
 National Network for Immigrant and Refugee Rights  
 New Jersey Civil Rights Defense Committee  
 No More Deaths  
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 The Collyridian Episcopate of St. Brigid, Oregon City  
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