

Immigration

24 June 2011

This legislative update gives a summary of developments in immigration policy in Congress, by the Obama administration, and at the state level. Topics include the DREAM Act, a bill to make the e-Verify program mandatory, comprehensive immigration reform, bills on the border, Haiti deportations and temporary protected status, unjust immigration raids, President Obama's immigration speech, and the mixed bag of immigration policy at the state level.

Federal Legislation

The DREAM Act

Sen. Dick Durbin (D-IL) and 32 other Senators reintroduced the DREAM Act (the Development, Relief, and Education for Alien Minors Act, S.952). Though it will be very tough to pass the DREAM Act in the current Congress, advocates are gearing up to promote the bill this fall. The faith community will be encouraging churches to do DREAM Sabbath events Sept. 16 – Oct. 9. Look for more information at the web site below, or at interfathimmigration.org.

- New resource page on the DREAM Act: washington.mcc.org/issues/immigration/dream
- Washington Office statement: washingtonmemo.org/2011/05/13/dream-act-reintroduced/

e-Verify

The **House Judiciary Committee** is discussing the possibility of a national mandatory e-Verify program. Among other requirements, the bill would require that every employer in the nation, including non-profit employment services, use an electronic verification system to check an applicants' immigration status before hire. The system would be implemented in phases, with most employers given two years to comply (three years for agricultural workers).

Supporters of the bill contend that a mandatory e-Verify program would create jobs for Americans. Opponents cite the bill's high cost, negative economic impact, error rates in current pilot programs, and the potential for unfair discrimination.

- Bill analysis by National Immigration Law Center: nilc.org/pubs/news-releases/nr074.htm
- Issues with e-Verify program: org2.democracynaction.org/o/5681/images/NILC_Everify_factsheet.pdf
- Webcast of hearing and witness testimonies: judiciary.house.gov/hearings/hear_06152011.html

Comprehensive Immigration Reform

On June 22, Sen. Robert Menendez and seven co-sponsors introduced the Comprehensive Immigration Reform Act of 2011, S.1258. The bill combines many enforcement measures supported by Republicans, such as a mandatory e-Verify program and heightened border security, with immigration reform proposals such guest worker programs, family reunification, AgJobs, and the DREAM Act.

While the bill faces tough opposition in the Senate and will likely be a "non-starter" in the House, Menendez has stated that he intends to use the proposal to spark a debate on immigration reform.

- News release: menendez.senate.gov/newsroom/press/

Border

Rep. Candice Miller's H.R. 1299 and Rep. Ben Quayle's H.R. 1922 would grant U.S. Customs and Border Protection unfettered access to federal lands for security activities. Both of these bills were passed out of House subcommittees on June 2.

Other border-related bills include H.R. 1505 and S. 803, which would allow the DHS to waive environmental regulations within 100-150 miles of the border for any enforcement-related activity. Similar waivers of environmental regulations have already proven devastating, while the "border security" provided has been largely ineffective.

- Earth Day 2011: The Bishop Offensive: youtube.com/watch?v=W0zHg6Wfu5g
- Border resources: washington.mcc.org/issues/environment/border

Obama Administration

Haiti Deportations

The Department of Homeland Security (DHS) has decided to continue deportations to Haiti, despite advocates' repeated concerns. Deportations to Haiti had been suspended after the 2010 earthquake, but resumed in January of this year. After an initial deportation of 27 Haitians, one deportee died in a Port-au-Prince jail of cholera-like symptoms. After the death, DHS temporarily suspended deportations. On April 1st, DHS announced that deportations would once again resume.

- Action Alert on Haiti Deportations: washington.mcc.org/haitideportations
- Haiti resources: washington.mcc.org/issues/latinamerica/haiti

Haiti TPS

In a bit of good news, the Obama administration has extended Temporary Protected Status (TPS) to Haitians who were in the United States up to one year after the earthquake (previously, those applying for TPS had to be in the U.S. prior to Jan. 12, 2010). The TPS period has also been extended for an additional 18 months, through Jan. 22, 2013.

In New York City, MCC is working to help Haitians apply for TPS, which gives them the right to live and work in the U.S. While many Haitians are eligible for this status, the application process can be difficult and intimidating.

- Article: www.mcc.org/stories/news/reaching-haitian-immigrants

President's Immigration Speech in El Paso

In May, President Obama traveled to El Paso, TX to give a speech on his immigration reform goals. Though the President continues to encourage Congress to pass immigration reform, his speech once again emphasized border security. Rather than challenging the premise that we can solve our nation's immigration problems through increased enforcement, President Obama continues to reinforce that premise with his words and actions.

Additionally, the president argued that any changes in current immigration policy must come from Congress. In fact, there is actually much the President can do to prevent families from being separated. For instance, the administration can direct Immigration and Customs Enforcement (ICE) to make liberal use of alternatives to deportation in cases where families would be separated and where the individual in question has good moral character and would otherwise be eligible for a visa. In fact, in June, there was some movement in this direction, in the form of an ICE Memo on prosecutorial discretion (see below).

- Interfaith letter: washingtonmemo.org/2011/05/10/interfaith-immigration-statement-on-the-presidents-speech/

Immigration Raids

Although the Obama administration has repeatedly promised to focus immigration deportation efforts on criminals, thousands of individuals and families with no criminal history continue to be detained and deported. Many recent immigration raids have swept up primarily those with no criminal history, separating children from their families and leaving communities in a state of shock.

- Raid summaries: washingtonmemo.org/2011/02/10/immigration-raids-shock-communities/
- Interfaith letter: washingtonmemo.files.wordpress.com/2011/02/ice-raids-faith-resonse-letter_w_sigs.pdf

ICE Prosecutorial Discretion Memo

ICE recently released a memo on "Prosecutorial Discretion" – factors that should influence a deportation decision. While it remains to be seen how the agency will implement the new directives, they do include many positive factors immigration advocates have been pushing for, such as consideration for immigrants who came to the U.S. as young children, parents with dependent children, and the pursuit of education.

- ICE memo: www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf

State-level Immigration Policy

- New resource page on state-level policy: washington.mcc.org/issues/immigration/states

Immigration Enforcement laws

Since Arizona's controversial immigration enforcement law passed in 2010, many other states around the country have been considering similar legislation. Enforcement laws have been passed in Indiana, Georgia and Alabama. Alabama's new law has been described as harsher than even Arizona's policy. Among other disturbing practices, it requires that police stop anyone they suspect of being an undocumented immigrant, and that public schools report the number of undocumented immigrant children enrolled.

Anabaptist leaders have been outspoken against state-level policies that tear apart families and communities. Advocacy by Mennonite Church USA representatives opposing Indiana's enforcement-driven bill contributed to the effort to mitigate some of the worst parts of that bill.

- MCUSA opposition to Indiana bill:
 - www.mennoniteusa.org/Home/News/tabid/65/EntryID/481/Default.aspx
 - washingtonmemo.org/2011/03/07/mc-usa-leaders-stand-against-indiana-immigration-bill/

Positive State-Level Policies

Some state-level legislation has been positive, with states such as Maryland, Colorado and New York passing legislation that would allow undocumented immigrants increased access to an affordable college education. Many states have also seen compacts form between religious leaders, business owners, and civil society urging a federal, comprehensive, just approach to immigration reform.

Some states are starting to resist the federal Secure Communities program, which has contributed greatly to family separation and prosecution of non-criminal immigrants. Illinois, New York and Massachusetts have all informed DHS that they will not participate; Colorado and California are also considering resistance.

Visit washington.mcc.org/issues/immigration/states to find advocacy resources for your state.

Other Articles and Resources

- Summer 2011 Washington Memo: *Members of One Family: U.S. Immigration Policy*: washingtonmemo.org/newsletter/
- Welcome Jesus, the Stranger: washingtonmemo.org/2011/05/24/welcome-jesus-the-stranger/
- A Culture of Unwelcome: www.thirdway.com/wv/?Page=6016_A+Culture+of+Unwelcome