

# Immigration

October 28, 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 and the Dream Sabbath, e-Verify, bills on the border, and state legislation.

## Obama Administration

### August 18 Announcement

On August 18, the Obama administration announced that the Department of Homeland Security will work with the Department of Justice to review the cases of over 300,000 immigrants in deportation proceedings and will likely stop the deportation of persons with no criminal histories ([White House blog post](#)). Those who receive “administrative relief” would be eligible for work permits. While a positive step, the new policy will only help those already in deportation proceedings.

As of this writing, the DHS/DOJ committee to review cases has not been set up and individuals continue to be deported. This is causing deep confusion and frustration in many communities, as hopes were raised that family members and DREAM students would not be deported. There is also concern that some may try to put themselves into deportation proceedings in the hopes of receiving a work permit.

MCC Washington Office staff continue to work with other faith-based advocates to urge the administration to proceed with implementation of this announced policy and to stop separating families.

[American Immigration Lawyers Association August 18 Resource](#)

## Federal Legislation

### The DREAM Act and the Dream Sabbath

Faith communities around the country held over 450 **DREAM Sabbath** vigils and events between September 16 and October 9, including at least two Mennonite churches: Emmanuel Mennonite Church (Gainesville, FL) and Portland Mennonite Church (Portland, OR).

The Dream Act (S 592/HR 1842) provides eligible immigrant students with a pathway to citizenship for those who earn a higher education degree in a U.S. institution or for those who serve in the U.S. Armed Forces for 2 years. Should this bill pass, immigrants brought to the U.S. when they were very young will be provided with increased economic opportunity, freedom to pursue higher education, and earned legalization.

[Dream Sabbath press release](#) | [Resource page on the DREAM Act](#) | [Washington Office Dream Act statement](#)

## e-Verify

The **House Judiciary Committee** approved the [Legal Workforce Act \(H.R.2885\)](#) on September 21. 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. Its fate in the House is uncertain due to opposition from the agriculture industry and some Tea Party Republicans.

[Webcast of House Judiciary Committee Markup Hearing and Testimonies](#)  
[Legal Workforce Act Summary](#) | [Legal Workforce Act Concerns](#)

The author of the Legal Workforce Act, Rep. Lamar Smith (R-TX) also sponsored a companion bill called the [American Specialty Agriculture Act \(H.R.2847\)](#) that is currently under review by a House subcommittee. The American Specialty Agriculture Act (ASAA) would replace the current H-2A guest worker visa program with a new H-2C program. The bill would cap H-2C visas at 500,000 a year and would not allow families to accompany workers into the U.S. Supporters of the bill claim that the process will run smoother and provide farmers with needed workers, while ensuring jobs for American citizens. However, those opposed claim that important labor protections and human rights safeguards would be eliminated and that the visa application process will prevent farm workers from arriving to the fields on time for harvest.

[Webcast of House Judiciary Committee Markup Hearing and Testimonies](#)

## Border

[HR 1505 \(National Security and Federal Lands Protection Act\)](#) passed out of the Committee on Natural Resources on October 5. This bill, from Rep. Rob Bishop, is targeted at giving border patrol greater access on public lands (which Customs and Border Patrol has said it does not need), but it would give unprecedented authority to the Department of Homeland Security (DHS). The law would give DHS the ability to waive laws along all land borders of federal lands within 100 miles of the north or south border for border protection activities. The more than 30 laws waived are mostly environmental regulations, but also involve public health and Native American lands. Although it is not likely the bill will pass as stand-alone legislation, there is concern it – or a similar proposal – could be attached as an amendment to bills in the House and Senate.

[Border resource page](#) | Article: [A Lawless Border](#)

## State-level Immigration Policy

- [Resource page on state-level policy](#)

## Alabama

On October 11, the 11<sup>th</sup> U.S. Circuit Court of Appeals temporarily blocked part of Alabama's controversial anti-immigration law, [H.B. 56](#). This comes after a federal judge upheld most provisions of the law in September. The Court of Appeals halted a provision that would mandate public schools to determine and report the number of undocumented immigrant children and a provision that required immigrants to carry a special identification card. Troubling provisions that remain in force include: requiring police to stop anyone they suspect of being an undocumented immigrant; making it a felony for undocumented immigrants to contract with any government entity; and allowing immigrants to be detained if there is reasonable suspicion that they are undocumented.

## California

After signing a law in June to provide eligible undocumented immigrant college students access to private funding, on October 8, Governor Brown signed AB 131, granting those same students access to state financial aid for public universities and community colleges. Named the "[California Dream Act](#)," California's legislation serves as an important precedent for future state and federal Dream Act legislation decisions.

## MCC Articles and Resources

### Washington Memo: *Members of One Family*

The Summer 2011 issue of the Washington Memo, [Members of One Family: U.S. Immigration Policy](#), provides information and advocacy resources, as well as worship materials and a first person story of a mother facing deportation. Printed copies are available upon request ([talexander@mcc.org](mailto:talexander@mcc.org), 202/544-6564 x113).

**New Resource:** [Mennonite Central Committee U.S. Immigration Education Program](#) website

### Other articles and resources

- [Mennonite Church USA convention workshop presentations](#)
- [A Lawless Border](#)
- [A Thousand Paper Cranes](#)
- [9/11 Sermon](#)