



## **Statement for the Record**

### **U.S. Senate Committee on the Judiciary**

#### **"Keeping Families Together: The President's Executive Action on Immigration and the Need to Pass Comprehensive Reform"**

**December 10, 2014**

Founded in 1982, the National Immigration Forum (Forum) works to uphold America's tradition as a nation of immigrants. The Forum advocates for the value of immigrants and immigration to the nation, building support for public policies that reunite families, recognize the importance of immigration to our economy and our communities, protect refugees, encourage newcomers to become new Americans and promote equal protection under the law.

#### **Introduction**

The National Immigration Forum (the Forum) thanks the Committee for holding this important hearing on the President's executive action and the need for broad common sense immigration reform. To the extent members may distrust the President or otherwise disagree with various executive actions taken by the Administration as they relate to immigration, we urge those members to remember immigration is about people not politics. While the President's executive action will help to keep many families together, allow more people to naturalize, assist employers by expanding the pool of workers, and make our communities safer, we urge the members of the Committee not to lose focus on the on-going need to fix our broken immigration system through broad reform that includes an earned path to citizenship.

#### **Executive Action Keeps Families Together**

Too often with our current broken immigration system, families are torn apart or must wait a long time, sometimes decades, to reunite. For fiscal year 2013, Immigration and Customs Enforcement reported that it had removed nearly 368,000 persons, and is now well over 2 million for President Obama's presidency. ICE is also now funded to hold 34,000 individuals in detention at any given time. Over the course of fiscal year 2013, ICE reported that it detained more than 441,000 individuals -- an all-time high. The President's executive action will have the important effect of keeping families together.

For example, one man whose family will benefit from executive action is a 30-year old, evangelical Christian and DACA recipient, who lives in Colorado. He and his sister were brought to the U.S. from Mexico in 1990 when he was five years old and she was only six months. He was offered a full scholarship to attend college but the scholarship was taken away because he was undocumented. He was able to attend college with the support of a Christian leadership and

development scholarship and eventually graduated from college. He is currently working full time and recently bought a home.

His mother has been working in housekeeping and cleaning for the last 24 years, and she and his step-father have three U.S. citizen daughters, all under the age of 18. They will be eligible for the new Deferred Action for Parental Accountability (DAPA) program. Once receiving DAPA, they will no longer live in fear that they will be separated from their children, will have additional stability because they will no longer need to move their family every few years, and will be able to obtain a driver's licenses.

Also, Maria, a mother of four U.S. citizen children ranging in age from 6 to 15 years old, will be eligible for DAPA. Seeking work, she immigrated to the United States without papers when she was 15 years old, traveling with her boyfriend. They were soon married, and Maria gave birth to her first child. Years later, her husband grew violent and physically abusive. She never reported him to the police because she was afraid she would be deported away from her children, instead she put up with the abuse for years. When it became too terrible to bear, she took her four children and ran away, trying to get as far away from her husband as possible. She ended up in Spartanburg, South Carolina where a woman's shelter helped her hide, and then start a new life.

Over the next few years, Spartanburg became their home. They joined a multi-ethnic church community where Maria excelled in her English. They made community with people from all walks of life. Maria provided for her family by cleaning houses, and the four children grew up and thrived in the public school system where they picked up many friends and even acquired southern accents. Although they were free from the fear of abuse at home, the entire family remained in constant fear that Maria would be deported away from the family. This fear hit the youngest children especially hard. They complained of constant nightmares that after everything they had been through to get to a safe life, their mother would be taken away and they would be "given away to strangers." Maria battled constant fear and anxiety as she drove to work and school every day, knowing that any routine traffic stop could leave her children orphaned. Aware of their situation, fellow church-members prayed constantly for them and even talked about who in the church could take in some or all of the children in the event that Maria was deported.

Maria has been in the U.S. for 17 years so longer than she lived in Mexico, speaks English, pays taxes, and contributes in many ways to her community, but has no option to change her status. Executive action will allow Maria and her children to live without fear for the first time in so many years. Maria will be able to establish and grow her business in ways she was not able to, she will be able to volunteer in her children's schools and be more present as a mother, and she will be able to drive without anxiety. Everyone around Maria and her children are relieved knowing that this family can stay together and participate more fully in the community.

These are just two representative stories of families who stand to benefit from executive action but who still need Congress to pass immigration reform to obtain a permanent solution to their problem.

### **Executive Action Allows More Immigrants to Naturalize**

Today, there are approximately 8.8 million people eligible to apply for naturalization, but many do not because they are unable to afford the high \$680 fee. However, now as part of the President's executive action, individuals will be able to pay for their naturalization application with a credit card, making the fee more accessible.

For example, Maria is an employee at a hotel in San Diego that works with the Forum's New American Workforce program which works with businesses to assist their eligible immigrant employees with the citizenship process. Maria has been a legal permanent resident since 2001 but has not applied for citizenship due to the high \$680 application fee. She has all her paper work filled out and is ready to apply. She currently does not have a credit card, but plans to obtain one in order to apply for naturalization once the USCIS implements the ability to pay the fee by credit card.

In addition, Eileen McKee, the Welcome Center Director at Westchester Community College, believes this change will help the students they serve. Westchester Community College is located in Westchester, New York and enrolls approximately 13,000 full and part-time college students and an additional 11,000 continuing education students.

Westchester Community College provides accessible, high quality and affordable education to meet the needs of its diverse community. Westchester Community College is committed to student success, academic excellence, workforce development, economic development and lifelong learning.

One of the college's most notable investments in diversity is its Gateway Center, which opened in 2010. The Gateway Center provides targeted programs for motivated immigrant and international students, who study side-by-side with U.S. born students, gaining the education they need for meaningful careers while building intercultural understanding. It houses the college's business programs, Professional Development Center, modern language programs, International Student Services, English Language Institute, Community College Consortium for Immigrant Education Volunteer Center, and Gateway to Entrepreneurship programs. Each year, about 5,000 students from over 90 countries take classes in the College's English Language Institute.

Since 2010 when Eileen became the Director of the Welcome Center, she has seen 250 people go through citizenship preparation classes with individuals being approved for citizenship at a 96% rate. She knows some do not apply because they cannot afford the \$680 application fee. Eileen believes the new option to pay with a credit card will open up additional avenues for people to pay and encourage people to enroll in their citizenship preparation classes. She also expects that executive action will result in more people enrolling in their English as a second language classes once they obtain work authorization.

The Forum supports efforts like these that will help to increase the number of people naturalizing because it will produce citizens who are fully invested and able to participate in and contribute to all aspects of life in the U.S.

### **Executive Action Will Help Employers**

Executive action will allow some businesses to hire the workers they need and ensure they are not undermined by unscrupulous competitors who exploit undocumented workers. The rights of American workers are undermined when there are so many unauthorized workers in the workforce fearful of deportation; unscrupulous employers are able to use this fear to limit the rights and undercut the wages of all workers. We hear regularly from business executives that they have jobs that go unfulfilled or are jobs that only immigrants apply for.

One of these business executives is Marty Bailey, the President of Manufacturing at American Apparel, an American clothing manufacturer, distributor and retailer based in California with 6,000 employees in the Los Angeles area. In 2009 as the result of an ICE audit, American Apparel

was forced to let 1,800 workers go. Many of American Apparel's immigrant labor force see apparel work as a career, and their skills are therefore, invaluable and hard to find. Marty believes the President's executive action will open up doors for American Apparel to fill some difficult positions. Marty Bailey and American Apparel hope that Congress will act to put in place the permanent reforms our broken immigration system so desperately needs.

In addition, a human resources director at a hotel in San Diego believes that executive action will help the hotel with finding employees for hard-to-fill vacant positions particularly in housekeeping. The director noted that they had three to six vacancies for over a year for room attendants whose responsibilities are to clean hotel rooms. They need more eligible workers for those jobs and have had undocumented immigrants apply for those positions who have had to withdraw their applications.

While executive action provides some assistance to businesses in filling their jobs, it does not address persistent labor shortages in agricultural, service and other industries. America's economy and demographic shifts demand more workers, while our economic ties to other countries provide the economy with reserves of willing workers desiring nothing more than honest work and honest pay. However, there are very few visas available for immigrants to come here and work if they don't have specific skills. Meanwhile, our economy has been absorbing millions of undocumented workers. Only Congress can enact commonsense immigration reform that will fully and permanently address our nation's economic and workforce needs.

### **Executive Action Will Make Our Communities Safer**

Executive action will make our communities safer, fostering trust between law enforcement and immigrant communities and helping law enforcement focus on true threats. Recently, 7 police chiefs and sheriffs submitted a letter to the members of this Committee making the points outlined below.

Executive action will aid effective community policing efforts. All too often, immigrants resist calling authorities or otherwise cooperating with law enforcement out of fear that their cooperation may lead to being caught and removed from the country. Undocumented immigrants may be afraid to call authorities when criminal activity is happening in their neighborhoods, when they are victims or witnesses of crime, or when someone is sick or injured and needs an ambulance. For law enforcement officers charged with public safety, this situation creates a breeding ground for criminal enterprises and undermines safe communities. By bringing otherwise law-abiding immigrants out of the shadows and reassuring them that their cooperation with law enforcement will not separate them from lives and families in the United States, executive action builds trust, roots out crime, and improves public safety within our communities.

Executive action will allow law enforcement agencies to redirect their efforts away from otherwise law-abiding undocumented members of the community and towards truly dangerous criminals. By further prioritizing the removal of dangerous criminals over those with longstanding ties to the community who do not threaten national security or public safety, executive action allows law enforcement to focus on confronting the real threats to our communities, including criminal organizations and gangs. While executive action provides some benefits, it does not replace the need to pass legislation with permanent reforms to our immigration system.

The letter is attached as Attachment A.

## **Congress Needs to Pass Broad Immigration Reform**

The current conversation around immigration reform is different. In the past two years, an alliance of conservative faith, law enforcement and business leadership has come together to forge a new consensus on immigrants and America. In 2013, the National Immigration Forum launched the Bibles, Badges and Business for Immigration Reform Network (BBB) to achieve the goal of broad immigration reform. In the past two years, targeting key states through a combination of field events, media coverage and direct advocacy BBB and its partners have had more than 700 meetings with Members of Congress and their staffs and held more than 500 events in key congressional districts across 40 states in the past year.

The American people want – and deserve – better immigration policy. [Dozens of national polls over the last year](#) show overwhelming support for solutions that include, in addition to smart enforcement, functioning legal channels for future immigrant workers and families. The polls also show broad support for tough but fair rules allowing undocumented immigrants to remain in the U.S. to live and work and – provided they get right with the law – eventually have an opportunity to apply for earned U.S. citizenship.

Any look at the nation’s immigration policy reveals a system greatly in need of reform. Outdated policies keep American families separated from loved ones in other countries. Employers, faced with an insufficient pool of legal workers, increasingly rely on hard-working but unauthorized workers. Immigrants trekking through remote desert territory to gain entry to the U.S. die from the heat and lack of water. Our enforcement personnel, who should be focused on security threats and criminals, instead are chasing farmworkers, nannies, mothers and fathers. The frustration of the American people grows as politicians remain unable to solve the problem.

Reform should meet the following principles:

- **It Must Restore the Rule of Law and Enhance Security:** Enforcement only works when the law is realistic and enforceable. A comprehensive overhaul will make our immigration laws more realistic, permitting an intelligent enforcement regime that should include smart inspections and screening practices aimed to keep out those who intend to harm us, fair proceedings, efficient processing, and strategies that focus on detecting and deterring terrorists and cracking down on criminal smugglers and law breaking employers. Such a system will better enable the nation to know who is already here and who is coming in the future, and will bring our system back into line with our tradition as a nation of immigrants and a nation of laws.
- **It Must Give Undocumented Workers a Chance to Get Right by the Law:** It does not make sense to try to arrest, jail, and deport 12 million people who have integrated into our workplaces and communities. If we let these immigrants get on the right side of the law, they will. When they do, we will be able to run background and security checks on them. If no problems are uncovered, those with clean records should be allowed to continue working and living here.
- **It Must Reunite Families:** Immigration reform will not succeed if public policy does not recognize one of the main factors driving migration: family unity. Outdated laws and bureaucratic delays have undermined this cornerstone of our legal immigration system. Those waiting in line should have their admission expedited, and those admitted on work visas should be able to keep their nuclear families intact. Reform should also ensure that in the future, more legal opportunities are provided for the immigration of close family

members, so they are not forced to wait years and even decades to reunite with loved ones living in the U.S.

- **It Must Promote Citizenship and Civic Participation and Help Local Communities:** Immigration to America works because newcomers are encouraged to become new Americans. It is time to renew our nation's commitment to the full integration of newcomers by providing adult immigrants with quality English instruction, promoting and preparing them for citizenship, and providing them with opportunities to move up the economic ladder. The system should also offer support to local communities working to welcome newcomers.

### **Conclusion**

There is no doubt that the President's executive action will help some immigrants and employers, albeit only temporarily for most. While there is disagreement on whether the President should have acted, there should be no disagreement that the actions taken are no substitute for Congress passing broad immigration reform legislation. We urge this Committee, and all members of Congress to pass the necessary reforms to make our immigration system functional, workable and humane. Our immigration problem is a national problem deserving of a national, comprehensive solution.

# Attachment A

December 9, 2014

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Grassley:

We, the undersigned law enforcement officers and police department, recognize the need for commonsense reforms to remedy deficiencies in our broken immigration system. Although not a permanent fix, the recent executive reforms on immigration will make it easier for law enforcement to carry out our duties – encouraging immigrants to come out of the shadows and supporting community policing efforts. While no substitute for legislative action, the package of executive reforms is an important first step in improving the security of our borders, keeping families together, supporting businesses and workers, and promoting the safety of our communities.

By further prioritizing the removal of dangerous criminals over those with longstanding ties to the community who do not threaten national security or public safety, the executive reforms allow law enforcement to focus on confronting the real threats to our communities, including criminal organizations and gangs. Additionally, in ending the Secure Communities program and replacing it with the Priority Enforcement Program, the executive reforms will improve our relationship with our communities so that we are not being asked to hold people who the Department of Homeland Security does not have probable cause to remove.

The executive reforms also ease the burden on otherwise law-abiding immigrants and mixed families residing in the United States, extending deferred action to qualifying parents of U.S. citizens and legal permanent residents, as well as additional people brought to the U.S. as children. These changes will promote family unity while aiding community policing.

The current immigration system separates families and undermines trust and cooperation between police agencies and immigrant communities that is essential to community-oriented policing. All too often, immigrants resist calling authorities or otherwise cooperating with law enforcement out of fear that their cooperation may lead to being caught and removed from the country. Undocumented immigrants may be afraid to call authorities when criminal activity is happening in their neighborhoods, when they are victims or witnesses of crime, or when someone is sick or injured and needs an ambulance. For law enforcement officers charged with public safety, this situation creates the conditions for criminal enterprises which grow and undermine safe communities. By bringing otherwise law-abiding immigrants out of the shadows and reassuring them that their cooperation with law enforcement will not separate them from their lives and families in the United States, the executive reforms build trust, root out crime, and improve public safety within our communities.



While the executive reforms improve a broken immigration system, they can achieve only a fraction of what can be accomplished by broad congressional action. We continue to recognize that what our broken system truly needs is a permanent legislative solution and urge Congress to enact comprehensive immigration reform legislation.

Sincerely,

Chief Richard Biehl  
Dayton Police Department  
Dayton, Ohio

Chief Chris Burbank  
Salt Lake City Police Department  
Salt Lake City, Utah

Sheriff Paul H. Fitzgerald  
Story County Sheriff's Office  
Nevada, Iowa

Chief J. Thomas Manger  
Montgomery County Police Department  
Gaithersburg, Maryland

Sheriff William McCarthy  
Polk County Sheriff's Office  
Polk County, Iowa

Chief Ron Teachman  
City of South Bend Police Department  
South Bend, Indiana

Chief Michael Tupper  
Marshalltown Police Department  
Marshalltown, Iowa

City of Madison Police Department  
Madison, Wisconsin

\*signatories updated 12/10/2014