

February 19, 2013

Dear Senators Schumer, Durbin, Menendez, Bennet, McCain, Graham, Rubio and Flake:

We write on behalf of New Yorkers for Real Immigration Reform, a new statewide campaign endorsed by labor, faith, grassroots and immigrant leaders and organizations from across New York State. While we are pleased that bipartisan progress on immigration reform is being made, we write to express our concerns arising from the current framework for reform. Specifically, we urge you to fight for principled immigration reform that includes an unobstructed, direct path to citizenship, strong family reunification provisions, meaningful accountability and oversight mechanisms for border and interior enforcement, protections for all workers, and due process guarantees.

**Reform must include a meaningful, unencumbered path to citizenship**

A clear and direct path to citizenship for the 11 million people living and working in the U.S. is essential. We applaud your inclusion of a path to citizenship in the principles, however, under the current proposal, it could be years – if not decades – before an individual would have the opportunity to apply to become a lawful permanent resident. Such a long and arduous path to citizenship would do little to address the immigration crisis in the U.S. and would leave the promise of comprehensive immigration reform illusory. Reform must lead to lawful permanent resident status and qualification for citizenship for all undocumented members of our communities in a reasonable period of time.

**A path to citizenship must not be contingent on enforcement “triggers”**

While managing our nation’s borders and the flow of immigration is a legitimate government interest, it is an entirely separate and distinct issue from putting the 11 million members of our communities on a path to citizenship. As such, requiring the completion of the proposed enforcement measures outlined in the bipartisan principles before any immigrant can become a lawful permanent resident is senseless and unnecessary.

We are deeply concerned with the emphasis in the principles on spending additional taxpayer dollars to increase the use of unmanned drones and hire more border enforcement agents in an effort to “secure the border,” despite overwhelming evidence that the border is under greater operational control today than it has been in decades, unauthorized border crossings are at historic lows, and border cities are among the safest in the nation.

The nearly \$18 billion in federal funds that went toward border and immigration enforcement agencies in fiscal year 2012 exceeded the total amount spent on all other federal law enforcement agencies combined, including the FBI, DEA, Secret Service, U.S. Marshals Service and Bureau of Alcohol, Tobacco, Firearms and Explosives. Even while border crossings have decreased 80% since 2000, enforcement personnel at the border has doubled in size. From 2004 to 2012, the budget for U.S. Customs and Border Protection (CBP), increased by 94%, more than quadruple the growth rate of NASA’s budget and almost ten times that of the National Institute of Health.

By emphasizing enforcement, resources won't go where they are most needed: America's ports of entry, where millions of dollars in goods enter and leave the country each day. As spending on border enforcement has soared, our nation's ports of entry have not received significant federal investment in personnel or technology for years. Facilities are outdated and understaffed. A Texas Department of Transportation assessment found that two ports were already at "operational failure". Commuters and visitors can wait up to two hours at ports in upstate New York and five hours along the southern border, causing a stranglehold on economies of border cities. Border cities are a vital component of the half a trillion dollars in trade between the United States and Mexico. In fact, one in every 24 workers in the nation depends on commerce between the two countries. Any additional resources spent at the border should invest in infrastructure and staffing at our ports of entry to better facilitate tourism and commerce.

In addition, requiring the development and implementation of an entry-exit system for temporary visa holders before individuals can apply for green cards will cause lengthy and needless delays to putting people on a meaningful path to citizenship.

In sum, the use of enforcement triggers is unworkable. Immigrants without status will not be persuaded to come forward and register if the waiting period for greencards is too long.

### **Family reunification must be the bedrock of a reform package**

While we were pleased to see that your proposal recognizes the need to strengthen American families by reducing backlogs in family visa categories, we are concerned about the lack of specificity in the proposal and request that the actual bill contain several presently-unstated elements.

Currently, families are divided by visa waiting periods and processing delays that can last decades. Immigration reform must strengthen the family preference system and keep families together by increasing the number of visas available both overall and within each category. Our immigration system already recognizes that spouses, children, and parents deserve priority as "immediate relatives," however under the current law this only applies to US citizens. The immediate relative category should be expanded to include spouses, children, and parents of legal permanent residents as well.

In addition, the unlawful presence bars must be eliminated, so that no individuals who are eligible for an immigrant visa are punished by being separated from their family for many years. Immediate relatives should be allowed to adjust status in the United States, regardless of the manner in which they entered the country.

We are also concerned that the current proposal remains silent on the issue of LGBT couples. There are as many as 40,000 same-sex bi-national couples in the United States. Under our current system, these couples must spend months or years apart, and in some cases are forced to return to home countries where they may be subject to abuse because of their sexual orientation.

We were pleased to see President Obama has announced intentions to give same-sex partners of U.S. citizens and lawful permanent residents the ability to seek a visa in his plan for reform. We urge you to take similar steps to afford equal rights to same-sex bi-national couples under

immigration law, and allow American citizens or permanent residents to petition for a partner's legal immigration to the United States.

Family reunification also includes opening a path of return for U.S. citizens' and residents' immediate family members who have been deported.

### **Immigration reform must protect all workers**

Under the current proposal, immigrants must demonstrate work history to be eligible for immigration benefits. We are strongly opposed to such a requirement, which would discriminate against those people who work in the informal sector, as well as the elderly, disabled, and parents of minor children who are unable to work.

In addition, nearly half of all undocumented immigrants who work do so in the cash economies of the informal sector and may not be able to show a record of employment. Requiring the millions of day laborers, domestic workers and others who care for our children, the elderly and people with disabilities to document their employment will likely prevent a wide segment of those immigrants most deserving of reform to legalize their status and ultimately apply for residency and citizenship. It is imperative that members of the informal workforce – whose efforts benefit the economy in countless ways and make it possible for millions of U.S. citizens to go to work knowing that their loved ones are cared for – be given the chance to step out of the shadows and continue contributing to this country through their tireless work.

We also have concerns about your plans for implementation of an employment verification system. As you know, the current employment verification system used by the government has been found by the Government Accountability Office (GAO) to result in persistent errors that have created problems for thousands of workers who are eligible to work in the U.S. yet are identified falsely by the system as ineligible. According to the GAO, the system has problems with workers whose names are listed differently on different databases and documents, such as misspellings or the use or exclusion of initials. In such cases, the system erroneously identifies workers as “nonconfirmations” and has led employers to not hire or to fire workers who are in fact eligible to work in the U.S. In addition, the system remains vulnerable to identity theft and employer fraud. Any employment verification system must include stronger privacy protections and be less vulnerable to employer tampering. It must also have strong mechanisms for employees to monitor and correct their personal records.

With regard to your proposal to create a “workable program to meet the needs of America's agricultural industry,” we urge you to create a program that provides legal and safe options for migrant workers to come to the U.S, ensures equal rights for all workers, eliminates opportunities for abuse by unscrupulous employers and others, and leads to permanent residency within a reasonable period of time. To achieve this, we urge you to ensure that the future flow of migrant workers is considered by a federal commission charged with setting the number of visas available based on labor market conditions in particular industries and locations. Without such restrictions, unscrupulous employers will avail themselves of an unlimited pool of cheap labor, suppressing wages for all workers.

## **Reform must restore and expand due process protections to immigrants**

The current proposal fails to restore fundamental due process protections to immigrants lost in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Our laws mandate detention or deportation for many people, denying them access to a hearing before a judge, without guaranteeing legal counsel for those who cannot afford it. As a result, each year, hundreds of thousands of people, including those seeking asylum, are unnecessarily detained at great expense to taxpayers even though they pose no threat to public safety.

Immigration enforcement, including detention and immigration court procedures, must adhere to fundamental due process and human rights standards. Judicial discretion, judicial review, and a fair day in court are essential to ensure that immigration law upholds American value of due process. Immigration judges must be allowed to review all orders of deportation and consider positive factors in an immigrant's life that may warrant an exercise of discretion.

Immigration reform must also ensure individuals who cannot afford their own attorneys have access to government-appointed counsel. Studies have shown that individuals who are represented by attorneys in immigration court proceedings are far more likely to be successful than those who are not represented. The stakes for immigrants in removal proceedings are extremely high, as a removal order can lead to permanent separation from family members and loved ones and in some cases forces immigrants to return to violent and dangerous conditions in their countries of origin.

We believe the measures outlined above will help to move our nation toward a rational, humane and effective policy that honors American values and meets our economic and social needs. We look forward to working with you to ensure that the long overdue reform of our immigration system recognizes the vital contributions immigrants make to this country and promotes dignity and respect for immigrants and their families.

Thank you for your continued efforts.

Sincerely,

New Yorkers for Immigration Reform (NYRIR) Campaign members:

1199SEIU, New York, NY

Afrique Entente Inc., New York, NY

Albanian Islamic Cultural Center, Staten Island, NY

Al-Ihsan Academy, Queens, NY

Al-Iman School, Queens, NY

American Civil Liberties Union, New York, NY

Arab American Association of New York, Brooklyn, NY

Arab American Family Support Center, New York, NY

Bend the Arc: A Jewish Partnership for Justice, New York, NY

Black Immigration Network, New York, NY

Brockport Ecumenical Outreach Committee, Brockport, NY

Brooklyn Alliance, Brooklyn, NY  
Brooklyn Community Board 14, Brooklyn, NY  
CAMBA Legal Services, Brooklyn, NY  
Central American Refugee Center (CARECEN), Hempstead, NY  
Center for Family Representation, New York, NY  
Center for Popular Democracy  
Center for the Study of Brooklyn, Brooklyn, NY  
Central New York Coalition for Immigration Reform, New York  
CHHAYA Community Development Corporation, Queens, NY  
Chinese Progressive Association (CPA), New York, NY  
Church World Service  
Coalition for Economic Justice, Buffalo, NY  
Committee of Interns and Residents – SEIU, New York, NY  
Concerned Democratic Coalition (CDC), New York, NY  
Connect NY, New York, NY  
CORO, New York, NY  
Council of African Imams, New York, NY  
Council of Jewish Organizations (COJO) of Flatbush, Brooklyn, NY  
Council of Peoples Organization (COPO), Brooklyn, NY  
Churches to Save and Heal (CUSH), Brooklyn, NY  
Domestic Workers United  
Downtown United Presbyterian Church, Justice Committee, Rochester, NY  
DREAM Action Coalition  
East Brooklyn Community High School, Brooklyn, NY  
Ecuadorian Integration, New York, NY  
Emerald Isle Immigration Center, Queens, NY  
Gamaliel  
Greater Brooklyn Health Coalition, Brooklyn, NY  
Greater New York Labor-Religion Coalition, New York  
Greater Rochester Coalition for Immigration Justice, Rochester, NY  
Gyro King, New York, NY  
Haitian Americans United for Progress, Inc. (HAUP), Cambria Heights, NY  
The Hispanic Coalition, Duanesburg, NY  
Hotel Trades Council, New York, NY  
Hudson Valley Community Coalition, Cross River, NY  
Immigration Equality Action Fund  
Industrial Areas Foundation, New York  
The Interfaith Alliance of Rochester, Rochester, NY  
International Union UAW Reg 9A, New York  
Islamic Center of Long Island, Westbury, NY  
Islamic Leadership School, Bronx, NY  
Jacob A. Riis Neighborhood Settlement, Queens, NY  
Jamaica Muslim Center, Queens, NY  
Jewish Association Serving the Aging (JASA), New York, NY  
Jewish Community Relations Council (JCRC), New York, NY  
Judson Memorial Church, New York, NY

Justice for Our Neighbors-NY Annual Conference of the United Methodist Church, Hempstead, NY  
Kids for College, New York  
Kings County Hospital Center (K.C.H.C.), Bronx, NY  
La Fuente, New York, NY  
La Union, Bronx, NY  
Latino Commission on AIDS, New York, NY  
LatinoJustice PRLDEF, New York, NY  
Liuna Local 78, New York, NY  
Long Island Immigrant Students Advocates (LIISA), Long Island, NY  
Long Island Wins, Old Westbury, NY  
Make the Road New York, New York  
Metro New York Health Care for All Campaign, New York, NY  
Metropolitan Council on Jewish Poverty, New York, NY  
Metropolitan Council on Housing, New York, NY  
Midwood Development Corporation (MDC), Brooklyn, NY  
Migrant Support Services of Wayne County, Sodus, NY  
MinKwon Center for Community Action, Queens, NY  
Miraj Islamic School, New York, NY  
Mothers on the Move, Bronx, NY  
Muslim Consultative Network, New York, NY  
Muslim Women's Institute for Research and Development, Bronx, NY  
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund  
National & New York Labor Council for Latin American Advancement (LCLAA)  
National Alliance on Mental Illness (NAMI) East Flatbush, Brooklyn, NY  
Neighborhood Economic Development Advocacy Project (NEDAP), New York, NY  
New York Board of Rabbis, New York  
New York Immigration Coalition, New York  
New York Chapter of the American Immigration Lawyers Association (AILA), New York  
New York Civil Liberties Union (NYCLU), New York  
New York Legal Assistance Group (NYLAG)- Immigrant Protection Unit, New York  
Northern Manhattan Coalition for Immigrant Rights, New York, NY  
Northern Manhattan Improvement Coalition, New York, NY  
New York State AFL-CIO, New York  
New York State Civic Engagement Table (NYSCEC), New York  
New York State Federation of Hispanic Chambers of Commerce, New York  
New York State Immigrant Action Fund, New York  
New York State Interfaith Network, New York  
Oscar Romero Church, Rochester, NY  
Out4Immigration, New York  
Pan African Unity Dialogue and Caribbean Research Center at Medgar Evers College, Brooklyn, NY  
Progressive States Network  
PSC/CUNY AFT #2334, New York, NY  
Queens Community House (QCH), Queens, NY  
Razi School, Queens, NY

Rockland Immigration Coalition, Rockland County, NY  
Rochester Committee on Latin America, Rochester, NY  
Russian-Speaking Community Council of Manhattan and the Bronx, New York, NY  
Sanctuary for Families, New York  
SEIU Local 32BJ, New York  
Sisters of Charity, New York, NY  
Sisters of Mercy, Buffalo, NY  
South Asian Americans Leading Together (SAALT)  
South Asian International Film Festival (SAIFF), New York, NY  
Tenement Museum, New York, NY  
The Black Institute, New York, NY  
The Door, New York, NY  
The International Youth Association (TIYA), New York, NY  
Tompkins County Immigrant Rights Coalition, Ithaca, NY  
Trinity Lutheran Church, New York, NY  
Transport Workers Union (TWU) Local 100, New York  
United Jewish Appeal Federation  
Urban Assembly High School, New York, NY  
Urban Justice Center (UJC), New York, NY  
Wayne Action for Racial Equality, Sodus, NY  
We Are All Brooklyn, Brooklyn, NY  
Westchester Hispanic Coalition, Westchester, NY  
Women Supporting Women Ministry, Inc., New York  
Working Families Party (WFP), New York  
Worker Institute at Cornell University, Ithaca, NY  
Worker Justice Center of New York, Albany, NY  
Young Women's Christian Association (YWCA) of New York, New York  
YouthBridge- New York, New York, NY  
9/11 Tribute Center, New York, NY  
92nd Street Young Men's and Young Women's Hebrew Association, New York, NY