

**A COMMONSENSE SOLUTION FOR IMMIGRATION
REFORM MUST BE ENACTED THIS YEAR**

Presented at

“The Border Security, Economic Opportunity, and Immigration Modernization Act,
S.744”

Submitted to
U.S. Senate Judiciary Committee

Submitted by
Janet Murguía
President and CEO
National Council of La Raza

April 22, 2013

Chairman Leahy and Ranking Member Grassley, thank you for holding this hearing on immigration reform legislation. I appreciate the opportunity to appear again before the Committee on this critically important issue to the Latino community.

I am the President and CEO of the National Council of La Raza (NCLR), the largest national Hispanic civil rights and advocacy organization in the United States, an American institution recognized in the book *Forces for Good* as one of the highest impact nonprofits in the nation. We represent some 300 Affiliates—local, community-based organizations in 41 states, the District of Columbia, and Puerto Rico—that provide education, health, housing, workforce development, and other services to millions of Americans and immigrants annually.

NCLR has a long legacy of engaging in immigration, evidenced through our work in the Hispanic community and in Washington, DC. We helped shape the Immigration Reform and Control Act of 1986, the Immigration Act of 1990 to preserve family-based immigration, and the Nicaraguan Adjustment and Central American Relief Act (NACARA). We also led four successful efforts to restore safety net systems that promote immigrant integration. We have worked with Presidents Ronald Reagan, George H. W. Bush, Bill Clinton, and George W. Bush to achieve the best results possible for our community and for the country. We know that working with both parties is the only way to get things done.

Fixing our broken immigration system is in the best interest of our country. That is why it is so important to acknowledge the work of the bipartisan group of senators who last week reached a critically important breakthrough in the push for immigration reform with the introduction of S. 744, the “Border Security, Economic Opportunity, and Immigration Modernization Act of 2013.” The distinguished senators who worked on this bill have shown extraordinary perseverance, thoughtfulness and courage in their months-long effort to bring about a solution to a national concern too long neglected. Their unity and ability to work together to find common ground in the face of an increasingly polarized political atmosphere should be a model for addressing our country’s challenges. Senate bill 744 is a significant milestone and presents a historic opportunity to deliver a commonsense solution for the country this year.

As I noted in my previous testimony, NCLR’s principles for immigration reform are very clear that reform should (1) restore the rule of law by creating a roadmap to legalization and citizenship for the 11 million aspiring Americans, and include smart enforcement that improves safety, supports legal immigration channels, and prevents discrimination; (2) preserve the rule of law by creating workable legal immigration channels that reunite families, strengthen our economy, and protect workers’ rights; and (3) strengthen the fabric of our society by adopting proactive measures that advance the successful integration of new immigrants. While Senate bill 744 is not perfect, it has provisions that will give our country the tools to achieve a 21st Century immigration system—one that helps ensure immigration to the United States is orderly and legal, promotes economic growth, sustains our families, and protects workers and honest employers, if it is implemented in a way that is consistent with our nation’s values.

The Time is Now

There are three potent threads aligning that make this moment different and the opportunity for reform stronger: the moral, economic, and political imperatives for immigration reform.

- The moral imperative for reform has been made clear for years, with a wide ranging set of organizations raising awareness about the untold damage our broken immigration system has had on immigrants and families, a plight that found its most potent symbol recently in the courageous activism of DREAMers. And the magnitude of that devastation is much larger, as the lives and fate of immigrants are fundamentally interwoven with those of citizens and impacts how those who are deemed to be immigrants are treated.
- The economic imperative for reform has been gaining strength particularly in the last couple of years, with the consequences of deportation policies, state anti-immigrant laws, and an outdated legal immigration system, affecting more industries. Simultaneously, more and more studies show the economic benefit to our country of implementing legalization, promoting citizenship, and bringing in the best and brightest talent from around the globe.
- Election Day made the political imperative crystal clear. Adding to the strong participation by African American voters, according to the exit polls, Asian American and Pacific Islander voters were 3% of the electorate and Latinos were 10%. Latinos were decisive in Nevada, Colorado, and Florida, and an essential part of the winning coalition in places like Pennsylvania and Wisconsin, as were Asian American voters in Minnesota and Virginia.

These three imperatives, and the conditions that created them, have brought together the multi-sector voices and constituencies on the left and right of the debate necessary to help immigration reform become a reality. We understand that failure to achieve reform will mean a continued erosion of the family unit, working rights, community wellbeing, and civil rights protections that start with the vulnerable undocumented community and reverberate well beyond. For example, hundreds of thousands of U.S. citizens and lawful permanent residents have been separated from family members. This is untenable. We can do better, and have an opportunity to do so. The time to take action is now.

A Roadmap to Citizenship

Our country places a high regard on the successful integration of immigrants into the socio-economic fabric of the nation. And we must remember that the American public puts a special premium on citizenship, because citizenship signifies fully embracing our country and accepting the contract that all of our ancestors at some point made: to be fully American. The American people want to see immigrants all in—not partially in, not in a special status, but in the same boat as everyone else.

We believe Senate bill 744 recognizes the importance of that process of integration, and seeks to strike a balance that can reflect our national principles and priorities. And it also recognizes the fact that, if we are serious about restoring the rule of law, it is essential that we acknowledge that no healthy society can tolerate the existence of a subclass of people outside the scope and

protection of the law. Those living in the shadows are easily exploited by employers, thus lowering the wages and labor standards for all workers and undercutting businesses that play by the rules. They are afraid to report crimes that they may experience or witness, undermining public safety.

In addition, the lives of undocumented immigrants are inextricably linked with ours. Most of them are long-term U.S. residents; they work hard, pay taxes, and otherwise abide by our laws. They provide for U.S. citizen spouses and children; they are our fellow churchgoers and children's playmates. Some of them came to this country as children, and this is the only country they know and consider home. Many have contributed to the revitalization of the cities where they live, and are providing the services the aging Baby Boom generation requires.

The notion that we are going to hunt down and deport 11 million people is a fantasy, and one the American public neither buys nor supports. So the question then is, what do we do? The majority of Americans support an earned legalization with a roadmap to citizenship as an essential component of immigration reform—and Senate bill 744 offers that possibility.

It is a steep road, one that includes some conditions many civil rights and social justice organizations, including my own, have concerns about. But we are willing to give our support to Senate bill 744, as we pledge to improve it, because we know that the interests of our country are best served by creating that roadmap to legality and to citizenship for this population of immigrants, just like there was for every other group of immigrants before them. We know this roadmap can also help us prevent having a subclass of workers who are expected to support the rest of us in our pursuit of the American Dream without having access to it themselves.

With implementation in mind, we do want to express our concern to the Committee that the process of moving from unlawful status to potential citizenship may be too long and too costly for many who have been working and raising families in the U.S. It is also a significant concern that as these individuals move forward through the legalization process, they will not only be assessed multiple fees and fines, they will be required to pay taxes to fund critical services that ensure health, well-being and productivity without having access to them. As NCLR has testified, the ultimate goal of any public benefits system should be to provide the support that enables American families—including immigrant families—to become self-sustaining. However, the irony in the treatment of immigrants under S. 744 is that the rules in place may actually make it harder for them to do so.

The benefits to our country of allowing these immigrants to earn legalization are significant, both economically and socially. No longer could unscrupulous employers pit undocumented workers against other workers. Legalization is also the only way to reduce the ability of unscrupulous employers from exploiting them or threatening to deport them for reporting labor law violations, thereby endangering wages and working conditions for all workers.

And bringing stability through earned legality to this population would mean opportunity for deepening roots, as well as higher earnings and therefore higher tax revenue—which studies have estimated would add billions of dollars just in the next 10 years alone. Legalized immigrants would be able to invest and spend more as they would be able to work towards their dreams—starting a business, buying a home for their families, helping their children succeed.

In short, the legislation proposes a tough but reachable path for those who are willing to contribute and be vested in the future of our country. It should be noted that the success not just of the legalization program, but of reform itself, will be determined by how many undocumented immigrants who are law-abiding aside from their immigration status, are able to go through the process. If the legalization program is made more difficult, or imposes conditions designed to prevent people from applying, or provisions that exclude people with a legitimate claim, then reform will fail to achieve restoration of the rule of law, one of its fundamental goals.

Family Unity

Keeping families together and strong is a core principle and a fundamental value of American life. In every religion, in every culture, in every wave of immigrants that have come to this country, the family unit has been critical both to the survival of immigrants in a strange land, and to their success in adapting and contributing to their newly adopted nation. It also promotes the economic stability of immigrants and their integration into our country, and we must continue our historic commitment to this idea.

We are glad that the bipartisan legislation seeks to address the unnecessary separation of families who are kept apart by extraordinarily long wait times for certain family visas. Millions of close family members of U.S. citizens and permanent residents are stuck waiting outside the U.S. for visas to become available; many wait for more than two decades. It is also important to remember that the family is not only a social unit, but a powerful economic engine. Close relatives are able to make vital contributions to the U.S. economy as productive workers and entrepreneurs. By clearing out the backlogs in the family and employment based categories and removing the limitation on the number of visas that are requested by legal permanent residents who apply for their spouses and minor children, the legislation would help promote the economic stability of immigrant families and their integration into our country.

Unfortunately, there are also provisions in the legislation that weaken our country's historic commitment to family unity. This proposal eliminates the ability of U.S. citizens to petition for their siblings and reduces the ability of U.S. citizens to petition for their adult married children who are more than 30 years old. Maintaining a commitment to "family values" requires the recognition that a rapidly changing society and economy requires an equally dynamic definition of family. Families in our country today come in all shapes and sizes and include not only siblings pooling their resources together to buy a home or start a business but also adult children taking care of their elderly parents. And it is ironic that same sex couples increasingly have been gaining appropriate recognition in our society, except in our immigration law.

Future Flow of Workers

Unlike previous immigration reforms, which have tightened enforcement but failed to establish effective legal avenues that respond to the needs of our economy and protect the American workforce, this bill has a series of provisions offering the opportunity for future workers to eventually pursue legal permanent residency and then citizenship. This is the best way to prevent the nation from having another debate in the future about legalizing yet another group of

workers who live and work unlawfully in the U.S. It is imperative that our legal immigration system keep pace with our economy and our changing society.

As such, the sponsors of the bipartisan senate bill took into account the needs of both our country and its workers, from the fields all the way to Silicon Valley, by providing multiple ways for immigrant workers to enter the U.S. through safe and legal channels to meet legitimate workforce needs across sectors of our economy. The proposed legislation includes provisions that are complex and need further analysis. However, it appears it would create a 21st century process intended to be responsive to U.S. labor needs in a regulated, orderly fashion—while breaking precedent by providing labor rights and protections. We strongly believe that immigrant workers should have the same rights and responsibilities as other U.S. workers, including whistleblower protections and back-pay owed to them for their labor.

Immigrant Integration

Americans hold immigrant integration in high regard and want to see immigrants pledge allegiance to our country. So we are very pleased to see that the bipartisan legislation also includes many measures designed to achieve the successful integration of immigrants into American society. Its provisions would help enhance social cohesion among neighbors and coworkers in communities across the United States. The legislation would prohibit the use of race and ethnicity in federal law enforcement activities and requires data collection and new regulations to ensure a prohibition of racial profiling is implemented effectively. It also establishes an Office of New Americans, a New Americans taskforce and includes additional initiatives to help immigrants learn English, American civics and integrate into local communities. From financial counseling to English and civics courses, there is a dramatic need for increased resources and collaboration across government agencies to achieve the full integration of immigrants. And immigrants want to learn English and make greater contributions to the nation—I know it, because my organization and our hundreds of Affiliates help immigrants on this journey every day of the week. We applaud the effort to strengthen that process. The sponsors of this legislation recognize that, as in the turn of the 20th century, the integration of immigrants needs to be accelerated by both the public and private sectors and it funds a public-private partnership to acquire the skills needed to work and integrate into the economic and social mainstream.

Conclusion

I want to reiterate that Senate Bill 744 provides you an incredible opportunity to restore and preserve the rule of law, and to do so in a way that honors our country's values and strengthens our economy.

We acknowledge that compromises will have to be made by all parties. Significant concessions have already been made in this legislation, many that cut deeply into the interests of the Hispanic community. If each of us was looking at only individual pieces of this bill from our own parochial perspective, there is much we would be forced to oppose. But just as we are asking others to set aside some of their preferences to advance our nation's interests, we recognize that

all of us have to accept some compromises to advance our common goal of producing a bill that reflects a strong, effective, and sustainable immigration policy for the 21st Century.

A bright line will soon emerge between those who seek to preserve a status quo, which serves no one except those who profit from a broken system, and those who are working in good faith to reach compromise and deliver a solution the country desperately needs. Put in stark terms, those who oppose progress are not just advocates for doing nothing, in essence, they are advocating for worse than nothing. Opponents of progress are supporting the continued existence of a subclass of 11 million people living outside the scope and protection of the law and an enforcement regime that separates families, turns a blind eye to racial profiling and the detention and even deportation of U.S. citizens and lawful residents. They would do nothing to address the growing gap between on the one hand, the family values of a 21st century society and the economic needs of a 21st Century economy and on the other, a legal immigration system that has remained unchanged for nearly three decades. They are opposing improved labor law enforcement, leveling the field for American workers, and laying the foundation for the accelerated integration of today's immigrants and those yet to arrive. In short, they offer the same feeble failed policies that may advance their political interests but don't produce real results, or they hold out for dystopian ends that cannot be achieved.

This bright line will be burnt indelibly in the minds of Latino voters. Those who created the game-changing moment for this debate in November, and the additional 14.4 million U.S. born and raised prospective Hispanic voters that will join the electorate between now and 2028. Our community will be engaged and watching closely to ensure that the legalization process is real, enforcement is accountable, and families and workers are protected.