

ARAB AMERICAN INSTITUTE & NATIONAL NETWORK FOR ARAB AMERICAN COMMUNITIES

COMPREHENSIVE IMMIGRATION REFORM

Background

America's current immigration system is broken. Immigrants and citizens alike have experienced fractured families, and countless hardworking individuals have been forced to live in the shadows. Comprehensive immigration reform, aimed at making the system fair and easily understood, is the only way to address these problems.

The Arab American community applauds the efforts that President Obama and Members of Congress have taken to address fundamental immigration reform. A thoughtful discussion of comprehensive immigration reform (CIR) is long overdue and we are pleased to be part of it.

Protecting the rights of immigrants must remain a priority without compromising our right to control who enters the country, to enforce the integrity of our borders, and to formulate immigration policy. The Arab American community has been impacted by increased and heavy-handed immigration enforcement policies within the last 10 years, often in ways that have been at odds with American values of equal protection and individual rights. Though our government can determine immigration status and enforce immigration laws, the enforcement of these laws must be performed humanely, within the scope of the Constitution, and prioritize due process and equal protection.

The Problem

As we reflect on reform efforts, the fundamental issue of family reunification must remain a cornerstone of our immigration policy. Toward that goal, we believe that while any discussion of immigration reform will undoubtedly emphasize border security, a pathway to citizenship for nearly 11 million undocumented immigrants living and working in the US should not be contingent upon border issues alone. This approach would inevitably leave millions of immigrants in limbo status, prolonging their wait, and often their separation from family members.

We are heartened by the commitment demonstrated thus far to address the needs of individuals who through no fault of their own entered the US illegally as children and now face deportation as young adults. The President took positive steps last year to defer action against these young people. It is important to us that the President and the Senate have addressed this matter directly.

Recommendations

- *Restore Due Process Rights.* The administration should: 1) restrict expedited removal, 2) create an independent body which monitors the expedited removal process, with a particular focus on asylum seekers, and 3) restore Matter of Lozada - guaranteeing an immigrant the constitutional right to effective counsel in a removal proceeding.
- *Racial justice.* Reform efforts and legislative language must include provisions that address the serious problems with Secure Communities, the Criminal Alien Program (CAP), and the Department of Homeland Security's 287(g) program. These programs tangle local police in immigration enforcement and have led to arrests based on minor infractions which undermine community trust in local enforcement, thus compromising public safety and incentivizing racial profiling. Real immigration reform must include the elimination of ineffective initiatives such as NSEERS (National Security Entry-Exit Registration System) that base actions on race, religion, or national origin. We urge DHS to provide explicit relief or eligibility for benefits to individuals through its new rule regarding the termination of NSEERS. Questions remain, however, about the residual effects for certain individuals, including those who complied with NSEERS, but were then placed in deportation (removal) proceedings or have a pending immigration application, those who never complied with NSEERS, and those who may have registered improperly. We urge the administration and DHS to use this rule to grant relief to these individuals who pose no threat to national security.

The Senate immigration bill (S. 744) includes a section on profiling and prohibits racial profiling by federal law enforcement on the basis of race and ethnicity. While we appreciate efforts made by lawmakers to address this issue in the context of immigration reform, the language in the bill doesn't go far enough and fails to prohibit profiling on the basis of one's religion or national origin. Furthermore, during the markup of S. 744 in the Judiciary Committee, an amendment introduced by Lindsey Graham (R-SC) which was adopted calls for additional security screening of applicants from certain countries or regions that pose national security concerns. The Graham amendment requires the Department of Homeland Security to conduct additional security screening on applicants for legal residency if they are or were previously a citizen or long-term resident of certain countries or regions that pose national security concerns. This language casts sweeping suspicion on individuals based on their country or region of origin. This method of screening systemizes profiling and poses a serious threat to the civil and human rights of many of the people that S. 744 attempts to help.

- *DREAM Act.* The DREAM Act must be included in any comprehensive immigration reform bill that would provide an expedited path to citizenship for individuals who are undocumented through no fault of their own.
- *E-Verify.* The administration must limit its reliance on federal databases storing immigration information until their accuracy can be verified. Specifically, it should: 1) rescind Executive Order 13465 and related regulations requiring most federal contractors to use the Basic Pilot Program or "E-Verify," and 2) rescind recent "no-match" regulations creating a presumption of illegality for workers whose information does not match that in the Social Security Administration's (SSA) database.