6 Key Points for Immigration Reform

Minnesota Immigrant Rights Action Coalition (MIRAC)

The leadership of the Democratic Party has recently stated that immigration reform will be among the top three items on the legislative agenda of the next year. While many within the immigrant rights community laud this step, there is nonetheless disquiet about the direction towards which many of the proposed changes are leading as well as the expansion of a number of current programs. Recent statements by Obama Administration officials, in particular DHS Secretary Janet Napolitano, indicate that priority will be given to immigration law enforcement before consideration of either amnesty or pathways to citizenship. We believe that this accepts too much of the right-wing’s framing of the debate over immigration. It is our fear that if priority is given to enforcement, that the repression of immigrant communities will continue both in homes and at workplaces. Such priority will drive immigrants further into the shadows and towards second-class citizenship once legislation is secured.

1 There are six current or proposed policies, in particular, that concern us as both immigrant rights activists and as workers. First, much of the talk emanating from Washington since the beginning of the Obama Administration has focused upon enforcing immigration law with regard to employers. The reality is that the expansion and increased funding of programs like E-Verify or the more recent expansion of the use of I-9 audits is most likely to hurt the very people who are said to be the future recipients of comprehensive immigration reform. It is difficult to see how this expansion, before the passage of such reform, can help workers to come out of the shadows to challenge unfair and unpaid wages, unsafe workplaces, and exploitative conditions. Rather, it is our fear that the expansion of E-Verify and use of I-9 audits will actually undermine workers rights and be used mainly as a weapon by employers to undermine unions and workplace organizing. It will undoubtedly lead to many immigrants losing their jobs. It will also drive unscrupulous employers to go further underground and encourage them to further exploitation of their workforce. It is our belief that a legislative response that desires to empower workers against illegal employer practices will instead focus on increasing workers’ rights to organize. We fully support the Employee Free Choice Act and look for tougher enforcement of violations of current labor law by employers.

2 This leads to a second concern with the current policies pursued by the Obama Administration. While the large workplace raids have temporarily halted, the number of undocumented detainees and deportees caught up within the detention centers of Immigration and Custom Enforcement (as well as the privatized detention centers that have been outsourced by ICE) and the administrative hearings of the Executive Office of Immigration Review has not declined, but may have actually increased. Amnesty International’s March 2009 report on the conditions of detainees within the immigration detention centers has found that the human rights and rights to due process of detainees have been systematically violated. Too often, detainees have been deported without proper legal representation. It is our belief that the deportations need to be stayed immediately with an executive order – especially given the length of time required for the securing the passage of comprehensive immigration reform.

3 Third, it will do little good to end the large workplace raids if, through the Secure Communities Initiative, the further deputizing of local law enforcement as immigration agents continues. In this sense, the raids will not end so much as become largely invisible. Secretary Napolitano has stated that immigration enforcement policy should not stop at the US-Mexico border. Rather, she urges policymakers to realize that the border is now interior to the country itself. Unintentionally, she is correct: Secure Communities creates a new border in the heart of every community between those who can trust the police and those unable due to fear. Deputizing local law enforcement does not make communities more secure, but it certainly sows fear among vulnerable immigrant communities and makes it less likely that when crime does occur that these communities will search out and cooperate with police for fear of detention and deportation. Voluntary compliance with
287(g) has already led to multiple incidents of racial profiling. Funding the expansion of and making 287(g) mandatory for law enforcement nation-wide will only increase the numbers of people in detention. This does not presage “hope” for immigrant communities. Here, we recommend the Police Foundation’s recent policy analysis of the role of local police in relationship to immigration enforcement.

Fourth, we are concerned over the increased militarization of the Southwest border. Thousands of people have now died attempting to cross the border since the implementation of NAFTA. Further militarization will only increase these numbers. Secretary Napolitano has stated that immigration policy needs to target the “pull” factors behind immigration – meaning employers who hire “illegal” immigrants. She has even used the language of the “root causes” of immigration. Her analysis does not go deep enough. Broadly speaking, it is US economic and foreign policy that can be said to contribute, if not fundamentally cause, the conditions that lead to migration. Until US foreign and economic policies change in the realm of trade, economic development, and finance, among others, there will be no end to the “push” behind migration. It is only once these policies are changed that potential immigrants will be able to exercise their right to “remain at home.” We have seen the disastrous consequences of the militarization of US policy on the plains of Iraq and in the mountains of Afghanistan. Let us not compound this folly by militarizing a problem that is rooted in economic and foreign policy. Labor and environmental standards for trade agreements are one of many possible, and better, responses to the “push” and “pull” of migration.

Fifth, we worry about the possibility of guest worker programs that will create a new form of indentured servitude. The history of the Bracero Program is one that should lead us, as a nation, to shame. Let us not repeat this mistake through the creation of a new guest worker program that gives employers the power to revoke visas. This will only encourage employers to become more abusive and discourage workers in such programs from reporting and organizing against abuses and exploitation. Further, it demeans the value of labor in our society if there is no guarantee of citizenship for workers in these programs. If a person works and in the process contributes to the wealth of US society, then they have gained a right to citizenship and all the rights that accompany it. Guest worker programs, such as the ones for which the US Chamber of Commerce lobbies, deny this basic insight and with reason – for they know that immigrants have been at the forefront of demanding an improved standard of living as well as economic, social, and labor rights. These demands are essential if we are to make our way out of the current economic morass.

Finally, we are deeply concerned with the looming end of Temporary Protective Status for many Liberians, Somalis, Nicaraguans, Salvadorans, Hondurans and other immigrant groups living in this country. If the temporary status for these members of our community is not renewed, many will be forced to return to a country in which they face grave dangers of persecution.

Respectfully, we submit that only a comprehensive immigration reform that rejects the above six possibilities or policies can be considered a minimally just one.

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