

**Advocating for Just and Fair Immigration Reform:  
A Resource for Education and Action  
Including Analysis by the Immigrant Legal Resource Center**

Our vision of just and fair immigration policy	Explanation	United Methodist Church policy base The Book of Resolutions of the United Methodist Church 2004	New Senate Bill Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, as of May 17, 2007 <sup>1</sup>	Quotes
<p><b>1. Affirm the <u>human rights</u> of all immigrants (documented and undocumented) and frame immigration policy from a human rights framework rather than a national security framework.</b></p>	<p>A human rights framework, central to policy of the United Methodist Church, affirms the worth, dignity and inherent rights of every person as the starting point for policy. The current national security framework sees “secure borders” as the goal, sees immigrants as potential terrorists and has denied human rights in the name of border security.</p>	<p>The United Methodist Church calls on the U.S. government “to ensure protection of the basic human rights of immigrants and refugees, such as the right to an education, adequate health care, due process and redress of law, protection against social and economic exploitation, the right to a cultural and social identity, and access to the social and economic life of the nation whether in documented or undocumented status.” No. 265.</p> <p>“Undocumented persons possess certain inalienable rights named and lifted in the International Declaration on Human Rights, the United Nations charter, as well as the documents concerning immigration of the Geneva Convention, and the</p>	<p>While couched as a path to legalization for some 12 million undocumented immigrants, the hurdles are so great that few will gain legal status. The bill is primarily about enforcement in the context of national security, without guaranteeing rights of due process. It will massively increase the militarization of the border and enforcement in the interior. These enforcement elements must be in place before any path to legalization and temporary worker program might begin.</p> <p>The bill declares that English is the language of the United States and calls on the U.S. government to preserve and enhance it and to enact accelerated English requirements for immigrants. Homeland Security is called on to “coordinate assimilation</p>	<p>“It is the nation’s duty to welcome immigrants, to treat them decently and give them the opportunity to assimilate. But if it does so according to the outlines of the deal being debated this week, the change will come at too high a price: The radical repudiation of generations of immigration policy, the weakening of families and the creation of a system of modern peonage within our borders.” <i>New York Times</i> editorial, May 20, 2007.</p> <p>“We believe that all future immigration policies must respect and recognize the inherent and equal rights of all members of the human family.” American Friends Service Committee, May 19, 2007.</p>

<sup>1</sup>Elements of the bill are changing daily as the Senate makes amendments. This analysis reflects the original proposal as of May 17, 2007. Some elements have already been changed. For example, the guest worker program would be reduced to 200,000 people per year. Some of the “triggers” such as number of detention beds, border guards, etc. would increase. These changes do not fundamentally alter the major thrust of the bill.

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		Constitution of the United States Bill of Rights.” No. 118.	efforts in its mission.”	
<b>2. Genuine legalization and opportunity to adjust status for all undocumented immigrants, including youth and farm workers.</b>	<p>There are over 12 million undocumented immigrants in the United States, including many children. The majority are workers who are contributing to the society and the economy, and are in great demand by U.S. employers. Many have left their countries as the direct result of U.S. trade and economic policies that have displaced thousands of farmers and workers, undermined wages and social programs in poor nations. U.S. policies need to consider support for economic stability, fair trade agreements and peace as vital to addressing the migration of people in search of work, survival and safety.</p> <p>A humane system that enables legalization in the short term without onerous hurdles will enhance quality of life not only for immigrants, but for all. When immigrants can function publicly and defend their</p>	<p>We “affirm ... the position of The United Methodist Church regarding the rights of refugees, immigrants, and undocumented persons to seek a better life in the United States.” No. 119.</p> <p>The United Methodist Church “call[s] the United States government to accountability and insist[s] upon the development of an amnesty program for undocumented persons to be implemented immediately. No.118, Adopted in 2000.</p>	<p>The bill creates a “Z” nonimmigrant visa category for people living in United States prior to and since Jan. 1, 2007, spouses and children under 18 also living in United States. They must be employed or in school, undergo a background check and interview, register for selective service (males 18-25) and pay fines and fees of up to \$9,000 for a family of 4. In addition the breadwinner must pay a penalty of \$4,000 and must pay taxes. The Z visa will enable immigrants to work, travel, change jobs. The visa is good for four years and can be renewed. The holder must submit all address changes, work and show “good moral character”, learn English and U.S. civics, and file for timely extensions. Extension fees for a family of four could be up to \$6,000 every four years. The person will have to return to their country to file for a green card. There are no reviews or appeals if the U.S. Consulate</p>	<p>“The requirement of continuous employment would make it less likely that workers will come forward with any complaints about their employers for fear of losing employment and endangering their and their family’s eligibility for permanent residency.” <i>Did You Know?</i> Immigrant Legal Resource Center, May 21, 2007.</p>

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	rights, they strengthen the rights of all, while contributing to their communities.		<p>decides to deny permanent residency. These consulates do not currently have accurate databases. Applications will be processed on a new merit-based point system that will reward educated and highly skilled immigrants. If the applicant fails to comply with any of the steps (including if they lose a job), they are denied permanent status. If their visa is denied they can be prosecuted and potentially deported. Spouses and children lose their visas if the bread-winner becomes ineligible.</p> <p>This process will not even begin until all of the enforcement “triggers” (see below) are in place, as certified by the Department of Homeland Security. If this is delayed, the so-called “path to legalization” will be indefinitely postponed. In addition, the backlog of family-related visa applications will be addressed first. Z visa holders will have to wait eight years before they can apply for green cards, and between 13-18</p>	

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			<p>years to apply for citizenship. They will not be able to bring spouses and minor children living abroad until they have green cards – at least nine years. Even then, only 87,000 visas will be granted per year, so the backlog will grow again.</p> <p>There are many reasons an applicant is ineligible, including three misdemeanors. In some states disorderly conduct, loitering or traffic infractions are considered misdemeanors – infractions often related to racism and racial profiling.</p>	
<b>3. Preservation, restoration and expansion of <u>due process</u> rights, and access to the courts for all – including undocumented immigrants.</b>	<p>Fear for national security has lead to a steady encroachment on civil liberties, particularly for documented and undocumented immigrants. Raids, detentions and deportations have increased and in many cases immigrants do not have recourse to due process. In some cases they “disappear” in the system and their relatives cannot find them. The Women’s Division has affirmed the civil liberties for all, regardless of status.</p>	<p>The General Conference strongly advocates “the United States government for the establishment of more just laws to protect and enforce the human and civil rights of undocumented workers.” No. 267</p> <p>The United Methodist Church urges the government of the United States “to prevent and/or eliminate within ... the Department of Homeland Security all abuses of civil and human rights, including</p>	<p>The bill does not provide for effective review of Homeland Security implementation, or individual denials of visas. Applicants for the Z visa have 30 days to appeal, with little judicial review. Unless they are threatened with removal, they have no way to appeal the decision. There is no review for late filings (often a factor of access to information, legal help, etc.)</p> <p>Under the new Z visa, those who come forward but have</p>	<p>“Provisions eliminating due process protections would distort the American system of justice by dramatically and negatively impacting on the rights of non-citizens ... including legal permanent residents.” <i>Did You Know?</i> Immigrant Legal Resource Center, May 21, 2007.</p>

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		such practices as the violation of due process, denial of bond, detention of noncriminal asylum seekers, and hasty deportation of people who are undocumented or overstayed. No. 265.	“aggravated felonies” are subject to deportation without the right of a hearing. It expands the definition of aggravated felony, eroding due process because it lowers standards of evidence. It allows a judge to rely on allegations.  Immigrant applications will require mandatory security checks through the FBI. These checks have caused overwhelming delays of many years in the past. The goal is to expedite them in 180 days, but systems are not in place to do so.	
<b>4. No indefinite <u>detention</u> or expansion of mandatory detention</b>	Many minor offenses are now considered grounds for mandatory detention, swelling immigrant detention systems. Indefinite detention denies civil liberties.	“Being an undocumented person is NOT a crime.” No. 118.	The bill allows indefinite detention of non-citizens with final orders of deportation even though the U.S. Supreme Court implies that such detention would be unconstitutional.	“Detentions, often coupled with home and worksite raids, and deportation creates so much pain for families that we must find a more humane and just way to handle alleged violations of immigration laws.” American Friends Service Committee, May 19, 2007.
<b>5. No expansion of <u>guest worker</u> programs</b>	Guest worker programs give temporary visas that allow immigrants to enter for specific jobs, sometimes tied to specific employers,	“Farm labor policies, such as the current guestworker/H2A visa program, which allows agricultural workers temporary entrance into the	The bill creates a massive guest worker program (in addition to an agricultural worker program) of up to 400,000 per year, which	The bill “says to many that they are only good enough to work here, but not good enough to stay ... Not only is this impractical, but it would

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	<p>without permanent residency. This creates a permanent second class of low-skilled workers that undermines decent wages and working conditions for all. Many cases of super-exploitation and denial of human rights have been documented which are tantamount to indentured servitude, because these workers have no legal recourse. (See Southern Poverty Law Center, <a href="http://www.splcenter.org">www.splcenter.org</a>)</p> <p>Future migrants should not be forced to accept a second-class status, violating the nation's most basic commitments to equality.</p>	<p>U.S. have severely diminished the limited protections afforded farm workers. This type of program keeps real wages down; maintains substandard working conditions; eliminates workers' rights to voice grievances; and denies workers their civil rights, including the fundamental right of freedom of movement." No. 236</p>	<p>could increase or decrease according to demand. The program would include workers in low-wage, high demand occupations such as meatpacking, landscaping and construction. Immigrants could change jobs to other employers in the program.</p> <p>Holders of a "Y" visa would be able to work legally in the United States for two years and would have to return home for a year. They could repeat this for up to six years in the United States. They would not be allowed to become permanent residents. They would have to petition for residency separately under a new point system. They can bring their family if they can pay health insurance, which is not usually available to low-wage workers.</p> <p>The temporary worker program (but not the Ag Worker program) will have to wait until enforcement "triggers" are in place, including a new secure identification card.</p>	<p>simply create another undocumented workforce here in this country. ... Having listened to the stories of so many members of Congress, their relatives would not have made it under the system envisioned by the proposed agreement. If one didn't know the year it was, one might think we were discussing the National Origins Act of 1924." Sen. Robert Menendez, D-N.J., May 21, 2007.</p>

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<b>6. No further <u>border wall</u> and <u>militarization of the border</u> or interior enforcement.</b>	Building walls and militarizing the U.S.-Mexico border has already cost over \$30 billion in 12 years, and has not deterred unauthorized border crossings. Instead, it has caused a humanitarian crisis with the deaths of some 5,000 people in the desert. Current border enforcement policies without provision for safe and legal entry have resulted in the detention and criminalization of tens of thousands of people at a significant daily cost to taxpayers.	As Christians and United Methodists, “We are particularly concerned about ... the poor administration of justice; the cultural insensitivity of border patrol agents; the high incidence of illegal use of force; and the constant violation of the civil and human rights of those detained or deported. No. 302.	Before any legalization or guest worker program could take effect, the following enforcement provisions (“triggers”) would be put in place: <ol style="list-style-type: none"> <li>1. An additional 18,000 border patrol agents (more than doubling the current force)</li> <li>2. Construction of 200 miles of vehicle barriers and 370 miles of fencing</li> <li>3. Some \$271 million to increase radar and camera towers on the border</li> <li>4. Unmanned aerial vehicles</li> <li>5. Expansion of detention beds to house up to 27,500 non-citizens per day on an annual basis</li> </ol> Non-border-related “triggers” include processing the backlog of visa applications, processing all Z applications, and establishing a new secure ID system. While Homeland Security estimates this would take 18 months, it could extend much longer, making the bill much more about enforcement than about legalization.	Border Security “must not be done at the expense of human and civil rights, international cooperation, input from local border communities, or the protection of the environment.” Congressional Hispanic Caucus, May 21, 2007. <p>“More deaths have occurred at the U.S.-Mexico border in the past decade than in the history of the Berlin Wall. It is very troubling that even the flawed positive provisions will not begin until we spend billions more on unsound, inhumane border policies.” Esther Nieves, American Friends Service Committee, Press Statement, May 19, 2007.</p> “By Relying on the implementation of technology and systems that in some cases have not been designed or tested, these triggers may very well block any path to legalization.” <i>Did you Know?</i> Immigrant Legal Resource Center, May 21, 2007.

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<b>7. An end to <u>employer sanctions</u> and <u>electronic worker verification systems</u>.</b>	Employer sanctions refer to the requirement that employers check immigration status of their workers, and be legally liable for hiring undocumented workers. The policy undermines both the human rights of undocumented workers who are forced to work as an underclass without any labor protections, as well as the wages and job security of documented foreign-born and citizen workers. As employers continue to hire undocumented workers at sub-minimum wages, they use sanctions as a weapon that prevents all workers from demanding fair wages, benefits and adequate conditions. While undocumented workers are forced to work in super-exploitative conditions, documented workers feel resentment at the loss of quality jobs, even as employers continue to profit. This program has not been effective in the last 20 years.	The United Methodist Church “urge[s] that humane and fair treatment be extended to all immigrants by business and agricultural groups. No. 266.  “The USA PATRIOT ACT of 2001 mandates the development of a technological system that will ensure the inter-agency sharing of information and tracking and monitoring of foreign visitors’ entry and exit. However, it was the then Immigration and Naturalization Service (INS) under the current administration that had shaped and developed policies beyond the expressed mandate of Congress. No. 265.	The bill introduces a highly complex and unproven Employment Verification system, which is tantamount to a national ID system.  It strengthens employer sanctions with increased penalties to \$5,000 for a first offense and up to \$75,000 or jail for repeat offenses.	“The Immigration Reform and Control Act of 1986 (which created employer sanctions) did not stop the flow of undocumented migration; rather it created a black market for false Social Security cards, shifting the burden from business to the immigrant. It is naïve to think that border control and sanctions, which have not worked in the past, will change the deeply embedded social and economic conditions that drive immigration in this country.” Sang Lee, letter to the editor, <i>New York Times</i> , May 18, 2007.

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<p><b>8. The strengthening and enforcement of labor law protections for all workers, native and foreign born, including farm workers.</b></p>	<p>The way to create decent work for all in the United States is not through exclusion, walls, or double standards for immigrants, but through strong labor laws that apply to all and raise the floor for all.</p>	<p>“The economy of this country depends on the labor of both documented and undocumented workers. They work in industries such as: agriculture, manufacturing, sweatshops, etc., and their contribution is indispensable. They deserve the right to a safe, secure, just working and living environment. Such a just working environment should include equitable living wages, health care, and other social benefits provided by public and private agencies. No. 267.</p>	<p>Immigrants who have worked many years in the United States and paid into the Social Security system without legal documents would forfeit all of those contributions and receive a new social security number.</p>	<p>“Without a real path to legalization, the program will exclude millions of workers and thus ensure that America will have two classes of workers, only one of which can exercise workplace rights. As long as this two-tiered system exists, all workers suffer because employers will have available a ready pool of labor they can exploit to drive down wages, benefits, health and safety protections and other workplace standards.” John Sweeny, AFL-CIO, May 18, 2007.</p>
<p><b>9. No use of city, state and federal police and other government agencies in the enforcement of immigration laws.</b></p>	<p>The use of local law enforcement for immigration purposes undermines public safety. Undocumented immigrants who might need police protection or might report crimes would be unwilling to do so for fear of detention. It would add an additional burden that detracts from current responsibilities. In addition, such legislation legitimizes racial profiling by local law enforcement.</p>	<p>Racial profiling “undermines the legitimacy of the criminal justice system and hinders effective policing in the communities that need it the most.” ...The United Methodist Church denounce[s] ... racial profiling as an unjust and evil reality that needs to be corrected. No. 169.</p>	<p>Anyone associated with a gang, even in the past, could be deported. But “criminal gang” is broadly defined as an “ongoing group, club, organization or association of five or more persons” implicated in even non-violent crimes such as “identity theft,” (now interpreted to include use of false social security cards). This broad definition could apply to thousands of immigrants who are not criminals. Judges have the discretion to decide, and race</p>	<p>“The millions without documents live in constant fear: a campaign of federal raids has spread panic and shattered families. Congress’ dithering has encouraged the rise of homegrown zealots: mayors, police departments, county executives and legislators who take reform into their own hands, with cruelly punitive measures. No amount of hostile legislation is going to drive the immigrants away.” <i>New York Times</i>, May 20, 2007.</p>

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			and class bias could be a big factor here. Association, not membership, is punished, so family members could also be deported. This could have a large impact on undocumented youth, who may have friends in gangs but not be members.	
<b>10. No <u>criminalization</u> of immigrants and their service providers.</b>	Some legislation would make it a crime simply to be in the country without documents, even when an immigrant is working, contributing to the community, and violating no laws. One proposal would have made it a felony to assist an undocumented immigrant, such as providing legal services.	“Being an undocumented person is NOT a crime.” No. 118.	The proposal criminalizes the use of false documents and makes this a deportable offense. Undocumented immigrants who apply for a Z visa but have false documents face criminal prosecution, jail time and deportation if application is denied.	“Efforts to avoid document fraud are another significant step in criminalizing not just the ‘bad actors’ but huge segments of our immigrant communities, mostly the working poor.” <i>Did you Know?</i> Immigrant Legal Resource Center, May 21, 2007.
<b>11. Expansion of <u>legal immigration opportunities</u> for future migration flows. Support for <u>family reunification</u> and immediate processing of the <u>backlog</u> of pending visa applications.</b>	There are huge demands to address the backlog of visa applications and to support family reunification. Many families are divided by immigration, and this has increased through deportations, sometimes leaving young children without one or both parents. The United Methodist Church has affirmed the value of family reunification as an element of just immigration policy.	“In the name of the law, refugees and immigrant families are being separated, and many persons are being sent back to their countries disregarding the political, emotional, physical, and spiritual consequences of such action. ...Visitors’ visas to enter the United State have become increasingly difficult and expensive to obtain.” No. 119.	The bill dramatically shifts the focus of immigration policy from family unification to a merit-based point system. Applicants for visas will be rewarded for high skill and education limits, employer endorsement, English proficiency, and jobs in a specialty field.  U.S. citizens can apply for visas for spouses and minor children, and a lower quota	“A point system that recruits professionals from around the world but slams the door shut on our parents, children and siblings is not consistent with our family values and will weaken the moral and economic health of our nation. We need a system that values and honors the work of everyone. The landscaper is just as important as the computer scientist.” Congressional Hispanic Caucus Press Statement, May

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			<p>for parents, but can no longer bring adult children or siblings. Such a program is untested. It will admit more privileged applicants while excluding poor workers.</p> <p>The bill will process the backlog of family-related visa applications within eight years. However, new annual visa limits will create new backlogs.</p>	21, 2007.
<b>12. Elimination of harsh <u>obstacles to immigrating</u> including high income requirements for immigrant sponsors.</b>	<p>The current and proposed system privileges those with higher incomes, and forces poor people to enter without legal documents and live in fear. It increases delays of family reunification.</p>	<p>“[We] affirm ... the position of The United Methodist Church regarding the rights of refugees, immigrants, and undocumented persons to seek a better life in the United States.” No. 119.</p>	<p>The new point system which rewards the most privileged; limited family reunification options; increased fees and hurdles for eligibility all provide more obstacles for legal entry.</p>	

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