

May 8, 2013

Dear Senator:

As the Committee begins mark up of the “Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S.744), NCLR will be following closely a number of areas that will ultimately determine whether legislation lives up to its name of maximizing the economic opportunity from reform while modernizing our nation’s immigration policy. There are many issues that are important to the Latino community that will be taken up by the committee in this process, and we intend to comment on specific amendments as the process advances, but wanted to call your attention to three broad areas as the mark-up begins.

First, to restore the rule of law, the bill must assure a workable process that allows the overwhelming majority of those in the unauthorized population to successfully navigate the already lengthy and difficult roadmap toward eventual citizenship outlined in S. 744. As I have stated in my testimony before the Committee, the process must be fair, affordable, and reasonable to allow the undocumented population, excepting the small number posing a danger to public safety, to complete the initial legalization process and, eventually, citizenship.

In this context, NCLR opposes:

- Amendments that would make the legalization process unworkable, impede or delay its implementation, or exclude significant portions of the unauthorized population by unduly restricting eligibility or making it impossible for them to meet the eligibility requirements. Amendments that strike or undercut the confidentiality protections in S.744, or that add new and unnecessary barriers to eligibility beyond those already defined grounds of exclusion in S. 744, or that would prohibit the use of sworn affidavits to demonstrate eligibility, will deter eligible applicants from coming forward and thus undermine the ultimate goal of the legislation to restore the rule of law.
- Amendments that would result in undue harm to those who meet the requirements of RPI status, who already would be denied eligibility for federal cash assistance programs, by denying their access to systems that ensure their well-being and productivity. Amendments that restrict access to supports like the Earned Income Tax Credit, the Child Tax Credit, or access to Social Security credits for time worked threaten to debilitate these “Americans-in-waiting” and prevent them from becoming part of the economic mainstream.

In order to modernize our legal immigration system and preserve the rule of law, NCLR supports:

- Amendments that would ensure that people authorized to work do not lose a job because of E-Verify errors by strengthening access to due process and improving the accuracy of the employment verification system. We also support amendments that would ensure that *all*

workers can exercise their labor and employment rights by protecting whistleblowers from adverse immigration action and allowing victims of workplace and/or civil rights violations to be made whole, as well as amendments that prevent unscrupulous employers from using immigration enforcement to undermine labor law enforcement. We welcome efforts to preempt efforts by states to create their own immigration laws, many of which have resulted in racial profiling of U.S. citizens and lawful residents. We are opposed to amendments that would limit workers' ability to access anti-discrimination protections.

- Amendments that would modernize our immigration system by maintaining family unity as the cornerstone of our immigration system. Keeping families together is a core American principle, and it promotes the economic stability of immigrants and their integration into our country. We must continue our historic commitment to this idea.

Finally, the debate over immigration reform highlights the need to strengthen the public and private infrastructure to encourage the full integration of newcomers into American society. In that connection, enactment of the bill will require a robust information delivery system from trusted sources during the legalization process and beyond. Already too little is being done to support the adjustment of newcomers; both new innovative ideas and dramatically increased resources are required to fill the gap. Therefore, NCLR opposes:

- Amendments that would eliminate the grant programs and the foundation included in S.744. These elements of S. 744 provide critically needed resources to state and local government and community based organizations to assist immigrants applying for legal status and citizenship, learn English and civics, and otherwise support their integration.

I appreciate the opportunity NCLR has had to testify before the Committee to highlight the Latino community's key priorities, am encouraged by the progress you have made on the legislation, and encourage prompt and favorable action by the Committee on S. 744. If you have any questions about these areas, please feel free to contact me at (202) 776-1734.

Sincerely,

A handwritten signature in black ink that reads "Janet Murguía". The signature is written in a cursive, flowing style.

Janet Murguía
President and CEO