

**A COMMONSENSE SOLUTION FOR IMMIGRATION
REFORM MUST INCLUDE A ROADMAP TO CITIZENSHIP**

Presented at

“Comprehensive Immigration Reform”

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

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Chairman Leahy and Ranking Member Grassley, I thank you for holding this hearing on immigration reform, and I appreciate the opportunity to appear before the Committee today.

I come before you today in several capacities. 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 best 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.

Like our country, NCLR has a long legacy of engaging in immigration, evidenced through our work in the Hispanic community and in Washington, DC. Some of our Affiliates began as settlement houses that helped immigrants from Europe adjust to American society at the turn of the 20th century. Others are the modern-day spiritual descendants of the settlement house movement, teaching English, providing health care, promoting financial literacy, and otherwise easing the integration of immigrants into the mainstream. We support and complement the work of our Affiliates in communities by advocating for public policies here in Washington, and increasingly at the state level.

NCLR contributed to shaping 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), and we led four successful efforts to restore safety net systems that promote immigrant integration. We have worked with Presidents Reagan, Bush Sr., Clinton, and Bush Jr. 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, and we thank the Congressional Hispanic Caucus for their leadership on this issue, as well as the bipartisan group of senators working on immigration reform legislation in this chamber.

I am also the proud daughter of parents who emigrated from Mexico. My father worked in a steel mill and my mother looked after us and other neighborhood children to help make ends meet. They worked hard to provide for our family in Kansas. My parents stressed the importance of education, and thanks to the values that they instilled in us, two of my siblings are federal judges, another is a Harvard Law School graduate in private practice who is also deeply engaged in philanthropy, and I had the opportunity to work in both Congress and the White House.

At the outset, I want to join the growing consensus that Congress has a unique, historic opportunity to pass immigration reform this year. Not only does fixing our broken immigration system benefit immigrants themselves, but it is in the interest of our country. Immigration to the United States should be orderly and legal, promote economic growth, sustain our families, and be implemented in a way that is consistent with our nation's values. That is why we need immigration reform that (1) restores the rule of law by creating a path to legalization and a roadmap to citizenship for the 11 million aspiring Americans, as well as smart enforcement that improves safety, supports legal immigration channels, and prevents discrimination; (2) preserves the rule of law by creating workable legal immigration channels that uphold the principle of

family unity, strengthen our economy, and protect workers' rights; and (3) strengthens the fabric of our society by adopting proactive measures that advance the successful integration of new immigrants.

As the recent election clearly demonstrated, the issue of immigration is a galvanizing one for the nation's Hispanic community. There is a precious opportunity to address it humanely and responsibly. The toxicity in this debate has affected us deeply, regardless of immigration status, and we see getting this debate on the right course as a matter of fundamental respect for the presence and role of Latinos in the U.S. Latino voters generated the game-changing moment for immigration last November, creating an opening to finally achieve the solution our country longs for. And our role is growing. An average of 878,000 Latino citizens will turn 18 each year between 2011 and 2028. Our community is engaged and watching this debate closely.

Immigration Enforcement

The need for policy solutions is urgent because of the effects our failed system has on our economy and on our communities. But I must note that the failure to enact immigration reform has not meant inaction on immigration enforcement over the past two decades. In fact, by nearly every standard, more is being done than ever before to enforce immigration laws. Measured in terms of dollars, not only are we spending more on immigration enforcement than at any time in history, but the federal government today spends more on enforcing immigration laws than on all other categories of law enforcement combined.

Measured in qualitative terms, never before has our country used a broader array of enforcement strategies than we do today. Through congressional appropriations and the passage of legislation like the Secure Fence Act and the Southwest Border Security Bill, the federal government has certainly enacted an enforcement-first policy. We have seen more personnel, more technology, more fencing, and more money put into border security, along with new and expanded initiatives like Operation Streamline, which criminally prosecutes all undocumented border crossers and has overwhelmed our court system and wasted precious judicial resources. Throughout the interior, enforcement has increased through programs like Secure Communities and 287(g) agreements. At the worksite, E-Verify has been expanded, and the incidence of I-9 audits is at unprecedented levels. And a number of states have enacted their own immigration enforcement measures.

Measured by results, detention and prosecutions of immigration law violators, as well as deportations, are at all-time highs. Perhaps for the first time since we acquired much of the American Southwest in the late 1840s, net migration from Mexico is now zero—or less—according to the best available research.

Reasonable people can disagree about how much enforcement is enough. Even though the Government Accountability Office (GAO) has testified before Congress that prevention of every single unauthorized border crossing would be unreasonable, for some people no amount of enforcement will ever be enough. One cannot help but note that this is not the standard that we apply in any other area of law enforcement.

All I can say is that from the perspective of the Latino community, current levels of immigration enforcement are already intolerable, because virtually all of us are affected. The way in which these policies are being carried out is destroying the fabric of immigrant communities across the nation. And the magnitude of that devastation goes beyond immigrant communities, as the lives and fate of immigrants are fundamentally interwoven with those of citizens, particularly in considering the treatment of those who are deemed to be immigrants. That intertwined fate is evident in the Latino community, and it is the reason why immigration has become such a galvanizing issue with this electorate. Many U.S. citizens and lawful permanent residents have been stopped, detained, arrested, and even mistakenly deported as a result of federal and state immigration law enforcement. Hundreds of thousands of U.S. citizens and lawful permanent residents have been separated from family members. For example, between July 1, 2010 and September 31, 2012, the Department of Homeland Security (DHS) deported 204,810 parents of U.S. citizens. Indeed, our nation's very commitment to equal justice under the law is imperiled at current levels of immigration enforcement.

Despite all this enforcement, despite almost half a million people being deported every year, despite several years of high unemployment and slow economic growth in sectors where immigrant labor had been plentiful, 11 million people are not leaving. The notion that we would deport 11 million people is an ugly nightmare, and the notion that they will leave on their own is a policy fantasy. So with that reality in mind, what would we have our country do?

Legalization and Roadmap to Citizenship

As this Committee is aware, numerous independent commissions have called for an earned legalization program with a roadmap to citizenship.¹ It is easy to understand why. 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.

The continuation of a situation where we collectively nod and wink because our society benefits from their labor is unacceptable. When our laws don't reflect reality, reality will win every time.

That is why if we are to restore the rule of law, the single most essential element of immigration reform is an earned legalization program with a clear, achievable roadmap to citizenship—not because enforcement is unimportant, but because enforcement is all we have done thus far, and restoring the rule of law requires both elements. Most undocumented immigrants 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. Their lives are inextricably linked with ours.

¹ Such commissions include the Independent Task Force on Immigration and America's Future, co-chaired by Spencer Abraham and Lee Hamilton, and the Council on Foreign Relations Independent Task Force, co-chaired by Jeb Bush and Thomas McLarty.

In addition, numerous studies show that legalization and citizenship would have positive benefits for the economy overall, and for *all* workers, not just for those legalized.

The interests of our country are best served by allowing these long-term residents to come forward, pass a background check, pay taxes, learn English, and earn the ability to apply for citizenship just like every other group of immigrants before them. An immigration bill must not create a permanent 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. The U.S. has been successful as a nation of immigrants because we allow and encourage those who come to our shores to fully participate in American life. By encouraging citizenship and civic participation, we strengthen immigrants' connection to the nation and strengthen our common social bonds.

It is important to note that the American public puts a special premium on citizenship, because to the American people citizenship signifies fully embracing our country and accepting the contract that all of our ancestors at some point made: to be fully American. Poll after poll has shown that a majority of Americans support an earned legalization with a roadmap to citizenship as an essential component of immigration reform. A bipartisan poll released in January showed that 80% of voters favor a full package of immigration reforms, including a roadmap to citizenship, followed by a Gallup poll showing that more than seven in ten voters would support a roadmap to citizenship.² 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.

I can tell you with absolute conviction that the Latino community, three-quarters of whom are United States citizens, will not look kindly at immigration legislation that condemns people to second-class status. The community desires real reform, with a clear, direct roadmap to citizenship. We understand that there will be questions about how long the process should take and what specific requirements need to be met. Those are legitimate items for debate.

But if the process is not real—if the requirements are designed to impede people from fulfilling them, or if so many barriers are put in the way that many participants can't overcome them, or the roadmap depends on markers that can be arbitrarily moved or delayed midstream—then the Latino community, and I believe most Americans, will not consider the program legitimate.

Legal Immigration

While the focus of this testimony is on legalization and a roadmap to citizenship as the centerpiece of immigration reform, there are obviously other provisions of immigration reform legislation that are important as well. Improving our legal immigration system is the surest way to preserve the rule of law once we have restored it.

² See the January 2013 Hart Research Associates/Public Opinion Strategies Poll at <http://www.seiu.org/immigration/Immigration%20Toplines%20Public%20Release.pdf> and the February 2013 Gallup poll at <http://www.gallup.com/poll/160307/americans-widely-support-immigration-reform-proposals.aspx>. For more polling, see <http://americasvoiceonline.org/polls/poll-after-poll-american-public-wants-immigration-reform-with-citizenship>.

Family unity has always been the cornerstone of our immigration system. We must address the unnecessary separation of families who are kept apart by extraordinarily long wait times for certain family visas, including the families of binational and same-sex couples. 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. These close relatives are able to make vital contributions to the U.S. economy as productive workers and entrepreneurs. Keeping families together and strong is a core principle; it promotes the economic stability of immigrants and their integration into our country, and we must continue our historic commitment to this idea.

Immigration reform must also provide a way for immigrant workers to enter the U.S. through safe and legal channels in order to meet legitimate workforce needs across sectors of our economy. We are confident that immigration reform can establish a system that keeps the United States on the leading edge of the global economy and preserves the values of family unity. We believe that a process which responds to U.S. labor needs in a regulated, orderly fashion—while breaking precedent by providing for full labor rights and protections—is better equipped to break the cycle created by 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. In short, NCLR believes that such a program, properly constructed, with the opportunity for workers to eventually pursue legal permanent residency and then citizenship, 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. Let's be clear—we have an undocumented population not because there was a legalization program in the '80s, but because our legal immigration system is not keeping pace with our economy and our family values.

Our legal immigration system must reflect our future and take into account our country's and workers' needs, from the fields all the way to Silicon Valley. A balance is needed where employers are able to recruit the talent we need today, and contribute to a new funding stream that ensures our children have the skills they need for the high-paying jobs of tomorrow. Similarly, as important contributors to our economy, farmworkers, now and in the future, should be given true economic freedom to find agricultural jobs and improve their conditions; and an opportunity to earn immigration status and citizenship. And no matter what industry, future worker programs must be designed to prevent the systematic abuse we have too often seen.

Just as we need to ensure that our future legal immigration system protects workers' rights, we should take this opportunity to strengthen labor law enforcement and eliminate the economic incentives for unscrupulous employers to hire unauthorized workers. Although there is widespread agreement that employment is the principal magnet for unauthorized migration, it's curious that few are calling for the kind of buildup in our labor law enforcement infrastructure that we've seen in immigration law enforcement.

Immigrant Integration

Finally, we need to do more to achieve the successful integration of immigrants into American society. Americans hold this in high regard and want to see immigrants pledge allegiance to our

country. 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 need to strengthen that process, not undermine or ignore it.

At the turn of the 20th century, the integration of immigrants was accelerated by both the public and private sectors. Government, by establishing universal public education and creating the adult education system, established strong policy structures that helped everyone, including immigrants, acquire the skills they needed to work in a rapidly industrializing economy. And the private sector, through the creation of settlement houses, civic organizations like the Knights of Columbus, and the seeding of what eventually became the modern public library system, stepped in to ease immigrants' transition to our society. We need a 21st-century strategy to promote the integration of immigrants into the economic and social mainstream, and we should start by building new mechanisms to achieve this through immigration reform.

Conclusion

All of us in this room know the magic of the American Dream. Virtually all of us are the descendants of people who came to this country with nothing but a burning desire to provide a better life for their children. We now have the power to make this dream a reality for millions of fellow human beings who are ready to earn that opportunity. Some of them picked, processed, prepared, or served the food we will eat tonight. Others are, at this moment, caring for our children, our parents, or our grandparents. And yes, many are ready to help support our technology, math, and engineering needs.

They may be our neighbors, our fellow churchgoers, and, for many of us, our family members. Now is the time to help them become our fellow citizens, our fellow Americans, by passing comprehensive immigration reform. You have a great deal of power to help these families. And in so doing, you will be helping our economy and our nation.