

# A New Path

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TOWARD A HUMANE IMMIGRATION POLICY



American Friends  
Service Committee

PHOTO: AFSC





**American Friends  
Service Committee**

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*The American Friends Service Committee (AFSC), founded during World War I by Quakers who aimed to serve both humanity and country while committed to nonviolence, has worked throughout the world in areas of conflict or natural disasters and in oppressed communities. In 1947, AFSC was a co-recipient of the Nobel Peace Prize, on behalf of all Quakers, for its humanitarian work feeding children in postwar Europe, “from the nameless to the nameless....”*

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# Executive Summary

The American Friends Service Committee (AFSC) is an almost 100-year-old faith-based organization grounded in Quaker beliefs respecting the dignity and worth of every person. Since 1917 AFSC has worked with war refugees and displaced persons worldwide. Today AFSC's engagement across the U.S. includes a range of work focused in immigrant and refugee communities. AFSC provides direct legal services and engages in organizing with immigrants and allies along with advocacy and movement building throughout the U.S. We support immigrant and refugee workers and their communities to organize themselves, to seek out and raise their issues and affirm their aspirations and needs, and to continue to make contributions to this nation.

The principles and recommendations in this refreshed edition of *A New Path: Toward Humane Immigration Policy* are grounded in AFSC's history and values as a faith-based organization and in the voices of the communities with which we are deeply connected. AFSC supports measures that ensure the integration of immigrants as full members of our society and address the root causes that push people to migrate. We believe that the basis of U.S. immigration policy should be the protection of human rights and equal opportunity, not structures that benefit people of certain nationalities, enable employers to tap workers outside the protections of wage and safety laws, or result in the forced separation of families and communities.

Since the initial publication of this paper in 2009, the fundamental issues impacting the communities we work in have remained the same, yet the extent of human rights abuses and the destruction of families have worsened. More than a million families have been torn apart as a result of draconian immigration laws,<sup>1</sup> and the need for fundamental change to protect rights is as strong as ever. This updated version of *A New Path* includes additional information about the mass detention and deportation of immigrants, as well as on the continuing destruction of communities through expansion of militarized approaches to enforcement at the U.S./Mexico border.

There are approximately 11 million undocumented people residing in the United States.<sup>2</sup> Of that number, eight million are workers laboring in a variety of industries and services vital to the U.S. economy and to the survival of families both in the United States and in their countries of origin.<sup>3</sup> Humane immigration policy must include a mechanism for undocumented workers to gain permanent residency and citizenship in a fair, timely, and orderly fashion. At the same time, it must stop the detention and deportation system that has torn apart families, and instead ensure that the human rights of liberty and due process are enforced.

Furthermore, U.S. immigration policy must be coupled with economic policies that encourage and fund sustainable development, create conditions in which working people have opportunities to earn a living wage in their home countries, foster an authentic commitment to demilitarization, and lead to the peaceful resolution of internal and international conflicts. We urge principled and visionary leadership on effective immigration policies that embody the best of the nation's values.

AFSC is firmly committed to pursuing immigration policy change grounded in the following principles and key recommendations to Congress and President Obama:

## PRINCIPLE ONE

### Develop humane economic policies to reduce forced migration

*International economic policies, including trade agreements, need to be consistent with human rights, trade justice, and sustainable approaches to the environment and economic development in order to prevent labor displacement and its consequences such as forced economic migration.*

- Fully respect the right of local and indigenous communities to develop, safeguard, and nurture their economies and the livelihoods of their people without interference from developed nations or transnational corporations.
- Respect the human and labor rights of all workers by stopping the use of trade agreements and structural adjustment policies that displace people and create a vulnerable labor force.
- Support and promote global economic policies that invest in and develop a sustainable and strong social infrastructure and healthy environment.
- Explore alternative forms of economic integration that are consistent with international human rights laws, cultural rights, and environmental protections.

## PRINCIPLE TWO

### Protect the labor rights of ALL workers

*All workers are entitled to humane policies that protect their labor and employment rights.*

- End guest worker programs, as the experiences of past and present guest workers have been characterized by extreme exploitation and abuse akin to human trafficking.
- Repeal employer sanctions which have only led to increased exploitation of workers and an underground market for fabricated documentation.
- End electronic worker verification systems and other means of keeping immigrant workers out of the workforce, such as I-9 audits, that punish both immigrant workers and employers.
- Allow all workers to apply for and obtain Social Security numbers, and to receive benefits from the system to which they often contribute.

## PRINCIPLE THREE

### Develop a clear path to citizenship

*Inclusive measures must be enacted that lead to permanent residence and citizenship for undocumented immigrants.*

- Eliminate cap on visas to end the years-long delay for those currently awaiting visas.

- Pass legislation that allows people who reside in the U.S. to apply immediately for permanent residence and a path to citizenship if they choose.
- Create opportunities for migration to the U.S. for people who plan to migrate but who have no relatives here to petition for them.
- Ensure that positive factors (e.g., family ties, community service) are always balanced against any negative factors (e.g., criminal record, immigration violations) when determining eligibility for status.

## PRINCIPLE FOUR

### Respect the civil and human rights of immigrants

*Immigrants, regardless of status, deserve the same civil and human rights as all U.S. residents.*

- End arrests, detention, and deportation of immigrants.
- Eliminate all agreements between the Department of Homeland Security and local/county/state law enforcement agencies (287(g)/Secure Communities).
- Ensure the due process rights of immigrants in detention, deportation, or removal proceedings including access to legal representation, fair trials, meaningful and expedient judicial review, and an end to racial, ethnic, and religious profiling and other forms of illegal searches and seizures.
- Eliminate arbitrary, indefinite, or mandatory detention or other forms of abusive treatment and detention practices that separate family members; end all ICE detention contracts.

## PRINCIPLE FIVE

### Demilitarize the U.S.-Mexico border

*End costly, ineffective, and inhumane policies that have heavily militarized the U.S.-Mexico border region and undermined the quality of life of border communities.*

- Demilitarize the U.S.-Mexico border and cease all enforcement policies and practices that criminalize and punish immigrants and members of border communities. Prevent the extension of militarized border operations to the U.S.-Canada border and the interior of the nation.
- Roll back federal funding for Border Patrol personnel and reduce the excessive numbers of Border Patrol agents. Instead invest in oversight mechanisms for the Office of the Inspector General and other independent investigative bodies.
- Require border enforcement agencies and their respective agents to comply with and uphold local, national, and international laws and civil and human rights along the border region and in the interior of the country.
- Create policies for border authorities to facilitate orderly, expedited crossings at the ports of entry and improve infrastructure at the ports of entry in order to prevent long and costly waiting periods.

## PRINCIPLE SIX

### **Make family reunification a top priority**

*Recognize the distinctly important and valuable role of family ties by supporting the reunification of immigrant families in a way that equally respects both heterosexual and same-sex relationships.*

- Meet the global demand of immigrants to be reunited with their families by eliminating the cap on the total number of family-based visas available and funding the U.S. Citizenship and Immigration Service to expedite the immigration adjustment process.
- Provide the same benefits to same-sex partners that are available to heterosexual partners.
- Eliminate harsh obstacles to immigrating, including prohibitions on returning to the United States based on prior immigration history, past criminal records, and high-income requirements for immigrant sponsors.
- Eliminate restrictions on eligibility for spouses of deceased U.S. citizens or lawful permanent residents and ensure that children can immigrate with parents. Allow applications to be filed from within the U.S. so that families are not separated due to consular processing requirements.

## PRINCIPLE SEVEN

### **Ensure that immigrants and refugees have access to services**

*Our values should not be contingent on immigration status. Public programs and services to address needs like public health or to fulfill our societal sense of fairness and compassion should never be dependent on a person's race, ethnicity, or place of birth.*

- Extend access to quality, affordable health care and social services to everyone, regardless of immigration status.
- Eliminate rules based on immigration status in determining eligibility for public benefits.
- Re-affirm protected access to public schools at K-12 levels, protect admission to higher education, and promote eligibility for in-state tuition to public universities along with access to financial aid for undocumented students.
- Provide adequate funding for refugee protection and resettlement.





PHOTO: © DAVID BACON

## PRINCIPLE ONE

# Develop humane economic policies to reduce forced migration

*International economic policies, including trade agreements, need to be consistent with human rights, trade justice, and sustainable approaches to the environment and economic development in order to prevent labor displacement and its consequences such as forced economic migration.*

Efforts to restrict immigration without addressing systemic and underlying root causes of migration will further punish those most brutally impacted by economic despair and poverty without providing an answer to the underlying crises driving their dislocation. AFSC supports efforts to improve international cooperation to address social and economic conditions that force migration and disrupt or impede sustainable development.

Throughout the past three decades, free trade pacts such as the North American Free Trade Agreement (NAFTA) have dominated economic and political relations between the Global South and the North. These asymmetrical agreements allow for the easier flow of goods and capital across national borders, while the movement of people displaced by

## IMMIGRANT STORY

AFSC works with families in the U.S. and internationally who are forced to migrate due to the economic consequences of trade policies. In Mexico, families migrated to border cities to try to find alternative incomes in process assembly plants owned by U.S. corporations, known as maquiladoras.

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*NAFTA was a lie. It did not fulfill its promise of more and better jobs, but on the contrary now everything is more expensive: food, school supplies, transportation, everything.*

—Teresa Hernández, a maquiladora worker from Matamoros, Mexico.

*In 1993, in spite of having a single salary and with the children in school, I could buy more things. Before it was enough so that your children could go to school and give you better nutrition. Now it's not enough for anything.*

—A maquiladora worker from Ciudad Acuña, Mexico.

these same agreements has been restricted and criminalized. These agreements and policies require the elimination of subsidies in developing countries, often devastating small farmers and producers, while large corporations receive enormous subsidies from the governments of developed countries.

Future economic policies should be consistent with human rights, fair trade, and sustainable approaches to the environment and economic development. Nations and international bodies such as the World Trade Organization, International Monetary Fund, and the World Bank must recognize that individuals and communities have a right not to migrate. This right is predicated on respect for national sovereignty, peaceful coexistence, and the right of countries to shape an economic development model that benefits its citizens rather than transnational corporations. Any economic model that ignores a country's own citizens, resident migrants, indigenous communities, and racial and ethnic minorities will increase abject poverty and social inequality and is doomed to fail.<sup>4</sup>

## RECOMMENDATIONS

- Fully respect the right of local and indigenous communities to develop, safeguard, and nurture their economies and the livelihoods of their people without interference from developed nations or transnational corporations.
- Respect the human and labor rights of all workers by stopping the use of trade agreements and structural adjustment policies that displace people and create a vulnerable labor force.
- Support and promote global economic policies that invest in and develop a sustainable and strong social infrastructure and healthy environment.
- Recognize the need for redress to developing countries that have withstood direct and extreme social and economic damages due to trade agreements and structural adjustment policies. Efforts to repair the damage of these policies should respond to the needs of local communities and could include availability of rural credit to support local sustainable farming; infrastructure-building and public works projects that improve community wellness and quality of life; and support for education and cultural development.
- Explore alternative forms of economic integration that are consistent with international human rights laws, cultural rights, and environmental protections.
- Adopt, sign, and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. Afford migrant workers their rights as contained in the Universal Declaration of Human Rights and the relevant conventions of the International Labor Organization.



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## PRINCIPLE TWO

# Protect the labor rights of ALL workers

*All workers are entitled to humane policies that protect their labor and employment rights.*

### I. Ensure that everyone can work with dignity

All people in the United States regardless of immigration status have a right to work with dignity. All workers must be paid a wage that allows them to live decently and support their families. The workplace should be safe from undue health hazards, and workers must be provided with appropriate and adequate safety equipment and training. All workers, including immigrant workers, have the right to freely associate, organize, and form labor unions without employer retaliation or retribution.

Domestic policies must also support job readiness and job creation programs, retooling, and ongoing training in a globally changing world. Both immigrant and native-born workers have a right to employment and living wages. Proposals for future immigration policy must augment economic stimulus programs that ensure jobs with a decent and livable wage for all workers. AFSC opposes any public policy that increases the vulnerability of immigrant workers and pits workers against each other by undermining job security, wages, and working conditions.

Furthermore, in developing immigration policy, AFSC rejects any form of temporary worker program as an alternative to a path to citizenship. The experiences of past and present guest workers have been characterized by extreme exploitation and abuse akin to human trafficking. Both the infamous Bracero Program and the current H1-B, H-2A, and H-2B programs contain written labor protections. However, the reality is that inspections are inadequate and ineffectual, as the programs are structurally designed to supply labor to industry at a price that benefits employers but undermines the rights of workers.<sup>5</sup>

## RECOMMENDATIONS

- End guest worker programs, as the experiences of past and present guest workers have been characterized by extreme exploitation and abuse akin to human trafficking.
- Strengthen, implement, and monitor labor and employment laws, including the Fair Labor Standards Act, the National Labor Relations Act, and their state equivalents.
- Ensure that statutory and administrative remedies that redress workplace grievances apply equally to all workers regardless of immigration status.
- Increase the number of federal inspectors responsible for all U.S. wage and hour violations.
- Pass legislation that protects and guarantees the right of workers to effectively exercise their labor rights, form unions, and bargain collectively without intimidation, retaliation, or retribution from employers.
- Establish job creation and job-training programs to ensure that workers can find employment. All workers should be allowed to enroll in these programs.



## II. End policies and actions that expose workers to abuse and exploitation

Workplace immigration programs such as the Electronic Employment Eligibility System (E-Verify) and I-9 Audits, as well as workplace raids, punish workers and their families instead of unethical employers that exploit a workforce they consider disposable.<sup>6</sup>

The requirement that employees submit proof of authorization to work in order to obtain employment has been in the law only since 1986, and has negatively impacted workers' rights. Discrimination based on immigration status has led to an increase in exploitation of workers and a tiered system of protection of labor rights that has created less secure employment conditions for all. Non-payment of minimum wage and overtime, as well as wage theft, has become endemic in the low-wage end of various services and industries that many immigrant workers occupy.

When employers are able to use the vulnerability of undocumented workers to force them to accept substandard wages or conditions, the wages and conditions of all workers suffer. When that vulnerability makes it harder and more risky for undocumented workers to organize unions or assert their labor rights, it becomes harder for the workers around them to do so as well.

### IMMIGRANT STORY

In April 2010, an industrial bakery in Woburn, Massachusetts, was bought by a national corporation, which re-verified the employment eligibility of all the workers. They used the E-Verify system that cross checks information from the highly flawed Social Security Administration and Department of Homeland Security databases. As a result, more than 200 workers were fired.

The Chelsea Collaborative, a multi-service community organization, was flooded with calls and visits from the workers. AFSC's Project Voice was asked to conduct a series of workshops and trainings on labor rights, verification systems, and wage recovery campaigns. After days of "intakes" we uncovered massive violations of minimum wage and overtime laws. The Collaborative partnered with the Greater Boston Legal Services to develop a legal strategy to recover wages. After two years, 1,200 former and current employees recuperated \$649,000 in back wages.

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*We heard rumors about a change in ownership. No one informed the workers or supervisors. The managers instructed us to go to the personnel office, where we were told that we no longer had a job if we didn't have good papers. Some were told to reapply at the temp agency if they had good papers. I knew about 100 workers who got fired and had families. They all had rent and bills to pay.*

*Someone said, let's go to the Chelsea Collaborative, "they can give us orientation and legal advice."*

*At the Collaborative we learned about our rights including minimum wage and overtime. At first we were fearful but we received many trainings. Together we were able to recover our stolen wages even when we no longer worked for the company. Now I can send some money to my family in Guatemala. Every immigrant worker should learn about their rights and organize!*

—Julian, a former Woburn bakery worker

Employer sanctions are one mechanism that increases the vulnerability of undocumented workers. The misguided idea behind employer sanctions is that unauthorized migration would end if employers who hire undocumented workers are fined or penalized. Instead, unethical employers have taken advantage of undocumented workers' vulnerability by paying below prevailing wages and violating other labor rights. Under the guise of making it illegal for employers to hire undocumented workers, it has become illegal for undocumented workers to work. Employer sanctions do not work. The AFSC believes that employers should be able to hire workers without becoming immigration agents.

Consistent with international human and labor rights, and universal moral and ethical principals, work should be a right with mutual obligations and responsibilities. All work has dignity. Only by equally enforcing labor rights regardless of documentation can workplace abuse and exploitation end. Employer sanctions and workplace eligibility systems such as E-Verify and I-9 Audits are creating an Apartheid labor system that leaves one group of workers with rights and another without, while also diminishing wages and protections for all workers.<sup>7</sup>

## RECOMMENDATIONS

- End workplace raids and actions that punish employers for hiring workers.
- Repeal employer sanctions which have only led to increased exploitation of workers and an underground market for fabricated documentation.
- End electronic worker verification systems (like E-verify) and other means of keeping immigrant workers out of the workforce, such as I-9 audits, that punish both immigrant workers and employers.
- Allow all workers to apply for and obtain Social Security numbers, and to receive benefits from the system to which they contribute.
- Ensure, implement, and monitor anti-discrimination protections.
- Adequately fund and staff the Department of Labor and the Office of the Inspector General to ensure that fair labor standards and accountability measures are implemented and monitored.





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### PRINCIPLE THREE

## Develop a clear path to citizenship

*Inclusive measures must be enacted that lead to permanent residence and citizenship for undocumented immigrants.*

Permanent residency and the opportunity to apply for U.S. citizenship for current and future immigrants will ensure the protection of social, political, and labor rights for all people residing in the U.S. It also will eliminate the marginalization of undocumented individuals and their families, including same-sex couples. Providing a roadmap to citizenship recognizes the equity immigrants have built through their participation in U.S. society and acknowledges the inherent injustice of the secrecy, vulnerability, and exploitation imposed on undocumented women, men, and children when they cannot obtain lawful status. Visas that are temporary, tied to employment, or given as a result of recruitment by employers for labor programs condemn people to second-class social and political status, and make them vulnerable to retaliation for exercising their rights.

Approximately 9 million people live in mixed status families that include U.S. born children and undocumented immigrants.<sup>8</sup> These families struggle without access to documentation and live in fear of deportation and long-term separation because of harsh immigration laws. Permanent resident status for all will bring these families the peace of mind that they will not be separated. Once undocumented immigrants adjust status to permanent residence, they should have the choice to apply for the full benefits conferred by U.S. citizenship.

## IMMIGRANT STORY

Family and friends of Ildefonso Martinez Sanchez, father of five, remember him as a good man and a hard worker who never hurt anyone. Ildefonso lived in Vista, California, for more than 20 years, working as a butcher at a local supermarket before getting laid off because of his immigration status.

Ildefonso's life took a deadly turn the day he came into contact with a Vista sheriff's deputy at a local store. As he went to purchase milk and eggs for his family a deputy asked Ildefonso for identification. When Ildefonso showed a Mexican I.D., the sheriff's deputy called the U.S. Border Patrol. Ildefonso was subsequently deported to Tijuana, Mexico.

There was no "legal" way for Ildefonso to return to the U.S., and he was subject to the 10 year bar of entry because he had lived in the U.S. unauthorized for more than one year. So on April 20, 2012, desperate to reunite with his family, Ildefonso agreed to pay a coyote \$3,000 and began his journey across the Arizona desert with a group of 20 people. On the second day of the journey Ildefonso became ill and unable to keep up with the group. Despite the attempts of another group member to help him, Ildefonso got lost in the desert.

On April 26, 2012, Ildefonso's body was found badly decomposed. He was the sole breadwinner for his family, who now must deal with the heartbreak of Ildefonso's death, which was the result of broken immigration policies and unnecessary local law enforcement collaboration with the Border Patrol.

## RECOMMENDATIONS

- Eliminate cap on visas to end the years-long delay for those currently awaiting visas.
- Pass legislation that allows people who reside in the U.S. to apply immediately for permanent residence and a path to citizenship if they choose.
- Create opportunities for migration to the U.S. for people who plan to migrate but who have no relatives here to petition for them.
- Ensure that positive factors (e.g., family ties, community service) are always balanced against any negative factors (e.g., criminal record, immigration violations) when determining eligibility for status.



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## PRINCIPLE FOUR

# Respect the civil and human rights of immigrants

*Immigrants, regardless of status, deserve the same civil and human rights as all U.S. residents.*

Freedom of movement is a human right. Immigration policy must protect that right and recognize and incorporate civil and human rights standards within national border and migration policies. Current U.S. immigration laws criminalize immigrants and migration itself by allowing the arrest, detention, and deportation of people based on their immigration status. Under this structure, the basic principles of due process, the right to counsel, and the right to a fair trial are not guaranteed. Current law and practice must change in order to protect these fundamental human rights.

A study by the Migration Policy Institute released in January 2013 shows that the U.S. spends more money on immigration enforcement than on the other federal criminal enforcement agencies combined, reaching \$17.9 billion in FY 2012 alone.<sup>9</sup>

From 2008 through 2012, arrests, detentions, and deportations of immigrants increased dramatically, with more than one million people forcibly sent out of the U.S.<sup>10</sup> Close to 32,800 immigrants are detained on any given day in a national network of more than 250 county jails, as well as private and federal prisons.<sup>11</sup> These detentions are based solely on alleged immigration violations.

This is true even though the immigration laws that people are accused of violating are part of the civil rather than the criminal legal system. However, under a program called Operation Streamline, civil immigration violations are used as a basis for charging immigrants with violations of criminal law. Criminalizing immigrants in this way violates the U.S. Constitution and adds to the humanitarian crisis at the border, bringing defendants to trial in shackles and chains, and incarcerating them in for-profit, privately-run detention centers for months or longer. A report by Grassroots Leadership found that “By 2011, unlawful entry and unlawful re-entry were the two single most prosecuted crimes in the federal judicial system. More than 38,000 migrants were prosecuted under the unlawful entry statute and were sentenced, on average, to 30 days in jail. And, more than 33,000 immigrants were convicted of re-entry with an average sentence of more than a year in federal prison.”<sup>12</sup>



This massive increase in prosecution, detention, and incarceration of immigrants is directly benefitting the for-profit prison industry, led by companies such as Corrections Corporation of America and GEO Group. It is no coincidence that these corporations have spent millions of dollars on lobbying and campaign contributions in order to influence policies that increase enforcement and detention.<sup>13</sup>

Although immigrants are often held in jails where conditions are substandard—131 people died while in the custody of U.S. Immigration and Customs Enforcement between 2003 and 2012<sup>14</sup>—current detention standards are not enforceable by law, leaving little or no redress for many detainees and their families.

At the same time, immigration laws mandate the deportation of immigrants convicted of a very broad range of crimes—including long-time lawful green card holders—regardless of the person’s rehabilitation, length of residence in the U.S., family or other ties to the U.S., or lack of ties to the home country. Immigration judges have no discretion to look at the whole person. This drastic law,<sup>15</sup> passed in 1996, has resulted in hundreds of thousands of immigrants being taken away from the only homes they know, leaving behind fragile communities that suffer terribly from the loss of their loved ones. The expansion of programs that require collaboration between immigration and local law enforcement agencies has exacerbated this problem and created fear and distrust of local police in many immigrant communities throughout the U.S.

These actions take place within the bounds of U.S. law, but outside international human rights standards that protect the rights to liberty, family, and freedom from arbitrary arrest or detention. Our laws must change to recognize these rights and to protect the dignity of migrants and their families, with a focus on ensuring family unity.

Detention and deportation have effects far beyond the detention center. When a parent is detained, children and the family suffer; when the family’s breadwinner is detained, the entire community must deal with damaging repercussions.

## IMMIGRANT STORY

*On April 20, 2010, an undercover Prince George’s County police officer came to my home and asked me to sell him a \$2 phone card. I sold him the card and immediately thereafter the police officer and three other officers who he called in handcuffed me in front of my two-year-old child and took me into custody. When I was taken before the Commissioner (magistrate judge), I was asked whether I spoke English, to which I said “no.” The Commissioner said to me: “then you go to jail.”*

*I was charged with operating an unauthorized business and incarcerated for several days. The criminal charges were dropped but because of the Secure Communities program (federal deportation program) I was taken into custody by ICE and placed in removal proceedings before I was released on recognizance. I am still fighting my deportation. I have two children who are U.S. citizens.<sup>16</sup>*

—Florinda, who lives in Maryland

## RECOMMENDATIONS

- End arrests, detention, and deportation of immigrants.
- Halt community sweeps, checkpoints, and roadblocks.
- Abolish the Operation Streamline program which coerces border crossers into plea bargains on Federal criminal charges, tries defendants en masse, and sentences them to incarceration in for-profit detention centers.
- Eliminate all agreements between the Department of Homeland Security and local/county/state law enforcement agencies (287(g)<sup>17</sup>/Secure Communities<sup>18</sup>).
- Ensure the due process rights of immigrants in detention, deportation, or removal proceedings including access to legal representation, fair trials, meaningful and expedient judicial review, and an end to racial, ethnic, and religious profiling and other forms of illegal searches and seizures.
- Create mechanisms to review and monitor conditions and standards in all jails and detention centers to protect basic rights such as medical and mental health care, and access to legal counsel.
- Codify specific and enforceable compliance standards for all facilities that jail immigrants.
- Eliminate arbitrary, indefinite, or mandatory detention or other forms of abusive treatment and detention practices that separate family members; end all ICE detention contracts.
- Implement humane, community based alternatives to detention that allow release after an individualized hearing.
- Repeal immigration laws that mandate deportation and lead to double punishments for individuals who have served time on criminal offenses.
- Ensure judicial procedures that take into account the impact of deportation on family and community members as well as on the individual; restore discretion to immigration judges to consider the whole person, rather than solely a criminal conviction, in deportation hearings.



## PRINCIPLE FIVE

# Demilitarize the U.S.-Mexico border

*End costly, ineffective, and inhumane policies that have heavily militarized the U.S.-Mexico border region and undermined the quality of life of border communities.*

### **I. Demilitarize the U.S.-Mexico border and protect the region's quality of life**

The U.S.-Mexico border has become an increasingly militarized boundary between two nations not engaged in armed conflict. Demilitarization of the U.S.-Mexico border is essential to the establishment of more effective and humane immigration policies that respect the needs of border communities.

Since 1977 AFSC has worked on the U.S.-Mexico border, supporting civic participation and community organizing efforts within border communities. In more than 30 years of work we have documented a distressing range of ongoing civil and human rights abuses, including racial profiling, and harassment of migrant workers and their families by federal law enforcement officials.

AFSC's border policy recommendations emerge from a vision of national boundaries that are the product of mutual agreement, jointly administered, disarmed, and maintained with border crossing procedures that respect the human dignity and rights of all people.

The extremely inefficient, costly, and deadly border enforcement policies in place today have been implemented without input from impacted border communities, and in a manner which fuels mistrust and tension between border residents and federal law enforcement agencies. Border Patrol personnel have increased from 9,100 in 2001 to more than 21,400 agents in 2013, 85% of which are deployed at the border with Mexico.<sup>19</sup>

Massive increases in appropriations for increased border security, including Department of Homeland Security equipment, enforcement personnel, and infrastructure, have served only to decrease real security in the U.S., disrupting the quality of life and economies of border communities and eroding human rights in the region. Since the 1993 establishment of border control policies,<sup>20</sup> at least 7,000 immigrants have lost



their lives. Since 2010, there have been 20 Border Patrol-related killings of border residents and immigrants, some of which occurred on Mexican national territory.<sup>21</sup> The Border Patrol has generated an inhumane culture of cruelty that operates with impunity and wanton disregard for the law, inadequate oversight, and in violation of domestic and international norms and standards.

## RECOMMENDATIONS

- Demilitarize the U.S.-Mexico border and cease all enforcement policies and practices that criminalize and punish immigrants and members of border communities. Prevent the extension of militarized border operations to the U.S.-Canada border and the interior of the nation.
- Repeal the waiver authority which gives the Executive Branch under the Secretary of the Department of Homeland Security unprecedented power and jurisdiction to build walls throughout the border at the expense of laws and regulations that protect the environment, cultural landmarks, and the quality of life of border residents.
- Roll back federal funding for Border Patrol personnel and reduce the excessive numbers of Border Patrol agents. Instead invest in oversight mechanisms for the Office of the Inspector General and other independent investigative bodies.
- Grant unrestricted crossing rights for members of Indigenous nations and communities whose traditional lands predated the imposition of bisecting national boundaries.
- Direct government agencies to allow humanitarian organizations to do their work to save lives and recover remains without threat of retribution.
- Develop a uniform system for tracking border deaths between all data collecting agencies. Recognize border-crossing deaths as an international humanitarian crisis.
- Commit to transparency on the use of lethal force by Customs and Border Protection.
- Require border enforcement agencies and their respective agents to comply with and uphold local, national, and international laws and civil and human rights along the border region and in the interior of the country.
- Create policies for border authorities to facilitate orderly, expedited crossings at the ports of entry and improve infrastructure at the ports of entry in order to prevent long and costly waiting periods.
- End the deployment of the National Guard or any other U.S. military forces to the Border regions for immigration enforcement purposes.

## II. End the privatization of enforcement along the border and restore due process rights

The increasing reliance on domestic and foreign private military contractors adds a profit motive to border militarization. Furthermore, the growth in arrests has created a booming business of immigration detention, leading to windfalls for private for-profit corrections companies and county jails.

In 2008, Secure Border Initiatives cost taxpayers billions of dollars in awards made to private entities to maintain and operate immigration detention facilities, construct walls and barriers, and transport deportees along the U.S.-Mexico border. Bids were awarded to foreign military contractors to build high-tech surveillance towers, marking a dangerous new threat to the wellbeing of border communities: the privatization of enforcement along the border. In recent years, Customs and Border Protection acquired ten aerial drones to monitor the U.S.-Mexico border, at a cost of \$18 million each.<sup>22</sup> The Office of the Inspector General recommended grounding these drones because of poor program planning and because they are too expensive to maintain.

### IMMIGRANT STORY

Anastasio Hernández Rojas, a 42-year-old husband and father of five, was beaten and Tasered to death by at least a dozen Border Patrol agents on May 28, 2010, at the San Ysidro-Tijuana Port of Entry. The Border Patrol agents had apprehended and intended to deport Anastasio, who was attempting to return to his family after being detained and deported on Mother's Day 2010.

Anastasio was a longtime San Diego resident and construction worker who did not have legal status. His death was ruled a homicide by the San Diego County Coroner's office, which determined that Anastasio had suffered multiple blows to his head and was Tasered repeatedly by a stun gun and stopped breathing during the assault.

Almost three years have passed since Anastasio's death at the hands of federal border agents. His lifetime partner, Maria, says that the family is still struggling to cope with the pain and trauma of their loss. Maria holds back her tears as she confesses that she is not able to answer the many questions her two children have about the murder of their father.

Anastasio is one of the 20 individuals killed by Border Patrol officials since 2010.<sup>23</sup>

### RECOMMENDATIONS

- End all contracts with domestic and foreign private military contractors that contribute to the further militarization of the U.S./Mexico border.
- End the use of invasive and costly surveillance technology on the border, including aerial drones.
- Provide moral and financial support so that local and regional leaders and public officials take effective leadership to disband border vigilante groups. Public officials that promote, aid, sanction, or support such groups should be held accountable for the impact of any and all acts of vigilantism.



## PRINCIPLE SIX

# Make family reunification a top priority

*Recognize the distinctly important and valuable role of family ties by supporting the reunification of immigrant families in a way that equally respects both heterosexual and same-sex relationships.*

Family unification has been the cornerstone of U.S. immigration policy since 1965. This basic value must be strengthened in any changes to current laws. The existing permanent resident visa system is based on an obsolete framework that arbitrarily caps the number of visas available each year, both for families and for workers, without regard to family reunification or current economic realities. This policy serves no substantial national interest and only increases the size of the undocumented population, as many immigrants—especially women—join their families before they are eligible to submit applications for residence, in order to avoid long and harsh separations that can last up to ten years.

AFSC's decades of providing direct legal immigration services in Newark, Des Moines and Miami lead us to call for policies that eliminate long waiting periods and ensure reunification of families in the shortest time period. AFSC supports an increase in the allocation of visas that will allow families to be reunited without delay. This should include access to visas for all members of the family so they are able to migrate together rather than separately. Where immigration law disqualifies some family members from coming in to the U.S., broad discretion to waive such bars should be available. Families already in the U.S. should be able to apply for immigration status without being compelled to return to their home countries and endure unnecessary separation from their loved ones.

## IMMIGRANT STORY

Ms. C and her three children came to the United States in 2003 to reunite with the children's father. She was stopped while crossing the border into Texas and put into removal proceedings. Fear kept her from returning to immigration court and the family soon moved to New Jersey. Ms. C and the children's father later separated, leaving her alone to support the family, which now included five children.

In 2012, Ms. C was arrested for shoplifting groceries for her family and put in immigration detention. She was not given a hearing before a judge because she had received an in absentia removal order in Texas. Her oldest son, who had enrolled at Rutgers University on a full scholarship, moved home from college to care for his siblings, the youngest of whom were 6 and 8. He sought help from a Rutgers University law professor who, in cooperation with AFSC, obtained a stay of removal for Ms. C. She was released and went home to her children. While in detention, she was diagnosed with breast cancer, after having had two previous surgeries for uterine cancer.

Ms. C's youngest two children are U.S. citizens and the older children have applied for Deferred Action for Childhood Arrivals. Unfortunately, with the lack of discretion available to immigration judges, Ms. C does not have a strong case for permanent immigration relief and is hoping her stay of removal will be renewed next year.

## RECOMMENDATIONS

- Meet the global demand of immigrants to be reunited with their families by eliminating the cap on the total number of family-based visas available and funding the U.S. Citizenship and Immigration Service to expedite the immigration adjustment process.
- Expedite the processing of pending visa applications by allocating additional funds to the U.S. Citizenship and Immigration Service.
- Eliminate harsh obstacles to immigrating, including prohibitions on returning to the United States based on prior immigration history, past criminal records, and high-income requirements for immigrant sponsors.
- Provide the same benefits to same-sex partners that are available to heterosexual partners.
- Eliminate restrictions on eligibility for spouses of deceased U.S. citizens or lawful permanent residents and ensure that children can immigrate with parents. Allow applications to be filed from within the U.S. so that families are not separated due to consular processing requirements.





PHOTO: © DAVID BACON

## PRINCIPLE SEVEN

# Ensure that immigrants and refugees have access to services

*Our values should not be contingent on immigration status. Public programs and services to address needs like public health or to fulfill our societal sense of fairness and compassion should never be dependent on a person's race, ethnicity, or place of birth.*

Our values should not be contingent on immigration status. Public programs and services that reflect the broad needs of our society for public health and community wellbeing, as well as our societal sense of fairness and compassion, should never be dependent on a person's race, ethnicity, or place of birth. AFSC believes all members of our communities should have access to needed services. Health care, education, and an affordable, safe place to live are basic human rights, not privileges. Currently, many immigrants and refugees are excluded from access to services to the detriment of all members of our community.<sup>24</sup> Rather than limit access to basic human rights, we should be expanding the safety net for vulnerable populations and our society as a whole.

## IMMIGRANT STORY

On December 31, 2012, a 72-year-old man who suffers from severe Parkinson's disease was turned away by a local hospital emergency room and sent to the AFSC office in Newark, New Jersey. The man, undocumented and without any health insurance, had long been ill and without any stable living environment. He had been in and out of hospitals and the homeless shelter system for years.

When the hospital decided that they could not provide him with any services, they put him in a taxi and sent him to the AFSC office, which they knew as a program that helps immigrants. But the man did not need the services provided by AFSC—he needed shelter and ongoing medical care for his illness.

The AFSC staff took him to another emergency room that agreed to accept him. AFSC staff members also wrote a strong letter to officials at the first hospital, who responded in a very positive way, stating that they have changed their procedures, advised their staff, and would like to meet with AFSC to discuss future needs.

## RECOMMENDATIONS

- Extend access to quality, affordable health care, affordable housing, food and nutrition programs, disability assistance, job training, and disaster assistance to everyone, regardless of immigration status.
- Eliminate rules based on immigration status in determining eligibility for public benefits, including the current time limits on receiving Supplemental Security and Medicare benefits for immigrants who have left their home countries because of torture, abuse, or other instances of particular suffering.
- Ensure compliance with federal and state laws that mandate interpretation services for people with limited English proficiency. Create opportunities and incentives for health care and other social service providers to be trained in cultural competency and to work effectively with interpreters and patients with limited English speaking abilities.
- Invest in programs that increase diversity in health care and social service professions, including members of immigrant communities and bilingual providers.
- Increase funding to safety-net health care facilities that provide life-saving preventive, primary, and specialty care to those who do not have insurance, including hospitals, federally qualified health centers, and migrant and rural health centers.
- Re-affirm protected access to public schools at K-12 levels, protect admission to higher education, and promote eligibility for in-state tuition to public universities along with access to financial aid for undocumented students.
- Vigorously enforce all laws that prohibit discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
- Provide adequate funding for refugee protection and resettlement.







# Endnotes

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2. Unauthorized Immigrants: 11.1 Million in 2011, Jeffrey Passel and D’Vera Cohn. Available online at [www.pewhispanic.org/2012/12/06/unauthorized-immigrants-11-1-million-in-2011/](http://www.pewhispanic.org/2012/12/06/unauthorized-immigrants-11-1-million-in-2011/)
3. Unauthorized Immigrant Population: National and State Trends, 2010, Jeffrey Passel and D’Vera Cohn. Available online at [www.pewhispanic.org/files/reports/133.pdf](http://www.pewhispanic.org/files/reports/133.pdf)
4. In developing nations, global economic policies, such as free trade agreements and structural adjustment policies, lead to an overall reduction in social spending on basic public services such as health and education, and can result in the laying off of public sector employees and privatizing state-owned industries. They have also led to an increase in out-migration from communities in which economic sustainability is no longer an option.

This displacement of people creates a flow of migrant workers moving from developing to developed countries. Corporations have used this migrant flow to satisfy their need for human labor at a price they want to pay. Furthermore, developing nations have been forced to adopt a labor export policy, in which the remittances sent back by their citizens are used to make enormous foreign debt payments, help family members and communities survive as the public services infrastructure and budget is reduced, and act as an escape valve for rising social discontent. And the impact of the “brain drain” of workers educated at public expense is made even more bitter when highly educated immigrants are forced to work abroad in jobs requiring much less skill and education

The same failed policies encourage unrestricted private foreign trade and investment in developing countries that subject local industries and enterprises to produce for export, rather than for domestic consumption. Countries are pressured to keep wages and incomes relatively low in order to attract competition from foreign multinational corporations and to oppose any effort by workers and farmers to organize and raise their basic wages. Existing legal rights and protections for workers, farmers, and the poor are ignored, while international financial institutions require legal changes that eliminate labor rights, land reform, nationalization, or other achievements of past struggles.

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7. Since employer sanctions became law in 1986, a long record has been established of their use by employers to violate labor rights and standards for undocumented people and to take punitive measures when workers attempt to organize or file complaints. The federal government has made the situation worse by implementing measures that further criminalize work, such as charging workers with Federal identity theft for using an active Social Security number to gain employment; requiring employers to dismiss workers with Social Security

numbers that do not match the Social Security database (the “no-match” letter); use of I-9 audits; and expanding electronic databases for determining if workers are eligible to be hired (E-Verify). The latter has been found to contain significant errors and bureaucratic mistakes while all of these have served to deprive undocumented workers of their right to work, organize, receive legal wages and equal treatment. This ends up driving down wages and working conditions for all workers.

8. Unauthorized Immigrants: Length of Residency, Patterns of Parenthood, Paul Taylor, Mark Hugo Lopez, Jeffrey Passel, and Seth Motel, 2011. Available online at [www.pewhispanic.org/2011/12/01/unauthorized-immigrants-length-of-residency-patterns-of-parenthood/](http://www.pewhispanic.org/2011/12/01/unauthorized-immigrants-length-of-residency-patterns-of-parenthood/)
9. Immigration Enforcement in the United States: The Rise of A Formidable Machinery, Doris Meissner, Donald M. Kerwin, Muzaffar Chishti, and Claire Bergeron, 2013. Available online at [www.migrationpolicy.org/pubs/enforcementpillars.pdf](http://www.migrationpolicy.org/pubs/enforcementpillars.pdf)
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16. Restoring Community: A National Community Advisory Report on ICE’s Failed “Secure Communities” Program, 2011. Available online at: [altopolimigra.com/documents/FINAL-Shadow-Report-regular-print.pdf](http://altopolimigra.com/documents/FINAL-Shadow-Report-regular-print.pdf) (NOTE: AFSC was part of the commission that helped prepare this report.)
17. Section 287(g ) of the Immigration and Nationality Act authorizes the training of local officers to enforce immigration law.
18. Secure Communities (“S-Comm”) is a deportation program launched by the Immigration and Customs Enforcement Agency (ICE) in 2008. Through S-Comm, fingerprints submitted by local law enforcement agencies to the FBI for criminal background checks are automatically searched against immigration databases. If ICE determines that an individual may be deportable, it requests that the local law enforcement agency detain him or her for transfer to ICE and possible deportation. ICE initially presented S-Comm as a voluntary program. But when states and localities began to push back, citing concerns about S-Comm’s deleterious effects on community policing, risks of racial profiling, burden on cash-strapped communities, and failure to stick to its stated target of deporting dangerous criminals, ICE declared the program would be mandatory. As a result of S-Comm, local police have become a primary gateway to deportation, with serious implications for public safety and civil rights.

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For more information about AFSC's Immigrant Rights work  
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