



# City of Seattle

Edward B. Murray, Mayor

## Seattle Immigrant and Refugee Commission

Jeniffer Calleja and Shree Ram Dahal, Co-Chairs

DATE: May 21, 2014

TO: Councilmember Nick Licata, Seattle City Council

FROM: Seattle Immigrant and Refugee Commission

RE: Proposed Seattle City Council Resolution on Immigration Reform

The City of Seattle's Immigrant and Refugee Commission would like to respond to your request for our thoughts about the resolution submitted to your office by El Comité Pro Reforma Migratoria y Justicia Social, urging President Obama to suspend further deportations of undocumented immigrants with no serious criminal history by extending the benefits of Deferred Action and ending investigative I-9 audits by ICE at the workplace. We support the goals of this resolution, and would like to recommend one addition as well as a need for clarification.

Several jurisdictions throughout the U.S., including major cities such as Los Angeles, Chicago and San Francisco, have passed similar resolutions urging the halt of future deportations of undocumented immigrants. San Francisco's resolution specifically called for an end to I-9 audits.

Each year, several hundred low wage workers are terminated unjustifiably as a result of I-9 audits, according to El Comité. We believe that urging employers to discontinue non-mandated self I-9 audits can help to protect those workers, especially if they are being targeted because of their activities. It also sheds light on how non-mandatory local compliance to federal programs can lead to widespread deportation and separation of families. This stance reaffirms Resolution 31490 in support of Comprehensive Immigration Reform passed by Council on December 9, 2013. At this point, we are unclear whether a letter from our Mayor to Seattle employers, as called for in the resolution under review, is an effective way to end these audits, and how those businesses would be identified. The San Francisco resolution does not offer any model for how to do this, and we would like to investigate this question further.

We support the national efforts to suspend deportation for undocumented individuals by expanding Deferred Action, but we believe these efforts do not go far enough. **We believe a resolution specifically addressing deportation should also include a call to give immigration judges discretion to decide whether deportation, even those based on a criminal conviction, is mitigated by circumstances such as family ties in the U.S., links to country of origin, employment and other personal history, among other factors.** The Immigrant and Refugee Commission makes a strong effort to represent all immigrants and refugees in Seattle, and there are people in all of our communities facing deportation for many reasons, including criminal convictions. Such a resolution would also acknowledge a flawed criminal justice system that disproportionately impacts communities of color and low-income people, and has a particular effect in immigrant and refugee communities where many convictions result in deportation.

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Changes to immigration laws in 1996 have deeply hurt our communities: they expanded the number and type of deportable convictions; they made deportation mandatory for the vast majority of convictions while at the same time effectively eliminating immigration judges' ability to consider mitigating circumstances; and they made the changes retroactive. Someone who committed a crime 10 or 40 years ago could now be facing mandatory deportation, even if that crime was not deportable at the time, with little chance to mitigate with personal history and current circumstances. Numerous members of Congress, including local Representatives Adam Smith and Rick Larsen have called for giving back to immigration judges discretion in making those decisions.

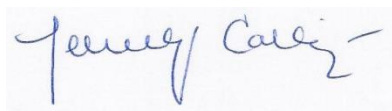
The call to return discretion to immigration judges is consistent with Council Resolution 31490 policy priority, "Promoting human rights and due process in immigration courts by advocating for immigration judges to have discretion to consider mitigating factors, such as family circumstances, in removal (deportation) proceedings and grant waivers of deportation"; and also with the current resolution under consideration, which says "President Obama and Congress have an obligation to further the interests of American citizens by urgently implementing a humanitarian immigration policy that keeps families together and respects the right of all workers to support their families."

The Seattle City Council, the Mayor concurring, also adopted Resolution 31193 on March 15, 2010, "declaring that the City of Seattle recognizes that the immigration system is broken and supports comprehensive federal immigration reform that, among many other values, respects the due process protections of all individuals in the United States."

**This Commission believes that the proposed resolution uses language that is both technically correct and consistent with previous positions that the City has had regarding these issues. We would like further clarification about effective means to end I-9 audits. We would also like to see language added urging President Obama to propose legislative or executive changes that would give discretion back to immigration judges, allowing them to consider individual circumstances and family unity in decisions about all deportations.**

The Immigrant and Refugee Commission looks forward to working with you and is happy to answer any questions you have regarding the resolution.

Attentively,



Jeniffer Calleja, Co-Chair  
Immigrant and Refugee Commission



Shree R. Dahal, Co-Chair  
Immigrant and Refugee Commission