



DATE: September 3, 2013

TO: Council President Sally Clark  
Council Member Sally Bagshaw  
Council Member Tim Burgess  
Council Member Richard Conlin  
Council Member Jean Godden  
Council Member Bruce Harrell  
Council Member Nick Licata  
Council Member Mike O'Brien  
Council Member Tom Rasmussen

CC: Mayor Mike McGinn

FROM: Seattle Immigrant and Refugee Commission, Seattle Women's Commission, Seattle LGBT Commission, Seattle Human Rights Commission, Seattle Commission for People with Disabilities

RE: Comprehensive Immigration Reform

Dear Council President and Council Members,

As members of the Seattle Immigrant and Refugee Commission, the Seattle Women's Commission, the Seattle LGBT Commission and the Seattle Human Rights Commission, and the Seattle Commission for People with Disabilities we believe the City of Seattle has a role to play in the current debate around immigration reform. Although immigration laws and policies are determined at the federal level, their impact is most felt in the communities where immigrants and refugees live and work.

Seattle is home to a large population of people born outside the U.S. As a city that strives to be child-and family friendly, and as the economic engine of the Puget Sound region, Seattle could benefit by changes to immigration laws that prioritize family unity, and support workers. As of now the Senate has passed bill 744 by negotiating away people's dignity and emphasizing enforcement as a trigger and priority losing the historic opportunity to truly improve the immigration system and legalizing the 11 million undocumented immigrants in the country. The House has yet to produce a bill and the information provided until now shows a bill is further and further from becoming a reality and with even more restrictions than the Senate bill. Therefore **we encourage the City Council to support comprehensive immigration reform via a City Resolution that:**

- Creates a short and workable road map to citizenship for undocumented individuals living in the United States without obstacles that fall disproportionately on women,

LGBT families, people with disabilities, youth, low wage workers, indigenous communities, and low income families;

- Emphasizes family unity by removing barriers to family immigration and allows families to reunite;
- Eliminates immigration enforcement programs that separate families, including LGBT families, families with children with disabilities, and criminalize immigrants;
- Restores human rights and due process in our immigration courts while granting discretion to immigration judges to consider mitigating factors in removal (deportation) proceedings, especially family circumstances, and to grant waivers of deportation;
- Dignifies employment and does not criminalize the search for jobs, guarantees labor rights and protections, and allows all immigrants to be part of the society without fear of not meeting income requirements or denied basic human services based on immigration status.

***We ask that the City Council and Mayor pass a joint resolution supporting the above mentioned principals of comprehensive immigration reform. We are hopeful that other cities and local governments will follow Seattle's lead and show that, for every local government or state that wants to enact anti-immigrant legislation, there are many more that believe supporting immigrant families creates healthy communities.***

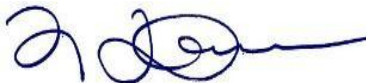
Sincerely,



Devon Alisa Abdallah, Co-Chair  
Immigrant and Refugee Commission



Shree Ram-Dahal, Co-Chair  
Immigrant and Refugee Commission



Nika Dahlbacka, Co-Chair  
Human Rights Commission



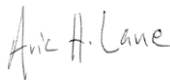
Catherine Moore, Co-Chair  
Human Rights Commission



Bridgette Maryman, Co-Chair  
Seattle Women's Commission



Wendy Gillihan, Co-Chair  
Seattle Women's Commission



Aric Lane, Co-Chair  
Seattle LGBT Commission



Sabina Neem, Co-Chair  
Seattle LGBT Commission

*Laura Grammer*

Laura Grammer, Co-Chair  
Seattle Commission for People with disAbilities

*Jonathan Porter*

Jonathan Porter, Co-Chair  
Seattle Commission for People with disAbilities

## Memorandum on Comprehensive Immigration Reform

### **Family Unity**

Comprehensive immigration reform must promote family unity.

Broken families strain city services. The deportation of a family's breadwinner often forces single parents, children, and elders to seek public assistance. Public health, mental health, housing, and other economic supports within the city struggle to meet the ongoing needs of citizen and immigrant families alike. The inability to unify families of mixed immigration status, including LGBT families, keeps people in poverty and uncertainty, and children suffer in school and at home. School suspensions and expulsions are linked to students moving instead into the criminal justice system. These are all problems that play out on the local level.

**Instead of an efficient program that gives citizenship to 11 million people, it sets up a 13 year process for most immigrants that is hampered by a series of difficult hurdles, especially for low-income people.** These hurdles include high fees and challenging eligibility requirements when undocumented immigrants apply for the new provisional immigrant status, which would allow applicants to stay for ten years so long as they maintain their eligibility. After the first five years, most provisional immigrants would need to renew their provisional status, but at that point in time, in addition to more fees, eligible immigrants must also demonstrate that they have assets and income at least 100 percent of the poverty level and that they have not been unemployed for more than 60 consecutive days at any point in the previous five years. At the ten year point, in addition to these requirements, when provisional immigrants would be eligible to adjust their status to Legal Permanent Resident ("green card"), they must also demonstrate that they can earn 125 percent of the poverty level.

The consequence of losing their provisional status or failing to qualify for a green card is to fall back into undocumented status. Despite waivers that may be available to some families in limited circumstances, losing work in a shaky economy should not be a permanent road block on the path to citizenship.

Provisional status holders<sup>1</sup> would also have to pay a total of \$2000 in fines per adult family member over a period of 10 years. This does not include the cost of processing fees.

The bill also ends the ability for US Citizens and Legal Permanent Residents to apply for visas for siblings, and restricts petitions for adult children. Eliminating these family-based visa categories is a blow to immigrant and refugee families concerned with the livelihood of loved ones, and a blow to family unification.

Fortunately, the Senate bill does include a provision that would allow United States Citizens and Legal Permanent Residents to petition for immediate<sup>2</sup> relatives who have been deported to apply for provisional status and return to be with their families only if these were deported without

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<sup>1</sup> Provisional Status- RPI according to the Senate Bill 744- Registered Provisional Immigrant status

<sup>2</sup> Immediate relatives include parents, siblings and children

criminal charges. Given the impact that family separation has on families and local communities, this important provision must be protected in any final comprehensive immigration reform bill and limited to certain criminal convictions since in the past decade immigration law has greatly expanded the definition of criminal charges.

**The bill replaces our current family and employment based immigration system with a new merit-based immigration system.** This is a dramatic shift for U.S immigration law, which has promoted family unity. The proposed merit-based immigration system establishes a point system in which employability will have much greater weight in future migration than family relationships. It is a mistake to pit family-based immigration against employment-based immigration. An immigrant’s ability to successfully integrate into our society and economy is often dependent on their family relationships. And the bias toward employability fails to acknowledge the tremendous contributions of immigrants who came to this country with nothing but who helped to build Seattle’s local business community.

Fortunately, the Senate bill does reduce the current immigration visa backlogs that have kept families apart, in some cases, for decades. This must continue to be a critical component of any comprehensive immigration bill.

### **Enforcement**

**Harsh enforcement measures break families apart.** Increasingly aggressive enforcement under the Obama administration has led to the deportation of over 400,000 individuals over the last three years, and nearly 4 million people over the last decade. The Senate bill does not address enforcement programs that have led to this massive wave of deportations, especially the Secure Communities program, which has become a national dragnet enlisting local law enforcement and jails in identifying undocumented immigrants, and the 287g program which allows the federal government to deputize local law enforcement to enforce immigration laws.

The U.S. already spends more money on immigration enforcement than all other Federal enforcement programs combined. S.744 authorizes spending at least another \$5.5 billion on enforcement at the border alone, at a time when our communities lack investments in schools and healthcare.<sup>3</sup> The Senate bill would in fact increase spending on border enforcement to the tune of

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<sup>3</sup> The bill also does not eliminate any of the aggravated felony definitions that have been expanded since 1996, resulting in massive numbers of “criminal” deportations, even for minor felonies and some misdemeanors. Many of the former legal residents affected by heavy-handed enforcement came as refugees but never naturalized; many were brought here as children by parents fleeing war or other atrocities in their home countries. Prior to 1996, there were options for waivers of deportation if a person could show strong ties to the community and family in the U.S., hardship to family members that would result from the deportation, and other mitigating factors such as good employment record, character references, etc. The proposed bill does nothing to restore the value of family connections in deportation proceedings. Between July 1, 2010, and Sept. 31, 2012, one in five people (23 percent) who were deported from the United States were parents of U.S. citizen children, according to a [Colorlines.com investigation released in November 2011](#). The investigation also estimated that “there were at least 5,100 children in foster care who faced significant barriers to reunifying with their detained and deported parents.... [and] projected that if deportation and child welfare policies remained unchanged, another 15,000 kids could face a similar fate over the three years between 2012 and 2014.” Dependency hearings for deported parents have terminated many of those parents’ rights because they were not able to be in the U.S to argue for their parental rights. (see also [Children in harm’s way: Criminal justice, immigration enforcement, and child welfare](#). Washington, D.C., 2013: Jointly published by The Sentencing Project and First Focus.)

more than \$40 billion over a ten year period, which will only exacerbate the well-documented human rights crisis along our nation's borders.

### **Local Business and Workers**

Seattle, the Puget Sound region, and Washington State all depend on an immigrant workforce that often makes up the bulk of lower skill and lower wage workers. The Puget Sound has thrived economically, even through the recent recession and recovery. We cannot afford to lose any of the ground we have gained in recent years in putting people to work and improving the local standard of living by increasing wages, but the bill does not acknowledge the importance of livable wages for local economic stability and growth.

**The bill continues to link labor supply programs and enforcement.** It codifies into law what has become the hallmark of U.S. immigration policy over the past decade: temporary workers. Corporations already recruit at least 250,000 in formal guest worker programs (H1B, H2A and H2B) and hundreds of thousands on other work visas.

The cost of guest worker programs is borne by immigrant and non-immigrant workers both. If American workers try to demand living wages that can support families, employers can declare a labor shortage and demand more guest workers at lower wages. This creates an effective ceiling on wages at the bottom of the U.S. wage scale. By the end of a decade, the number of workers brought by corporations on work visas could easily reach a half million per year<sup>4</sup>.

**The bill also makes it mandatory for employers to use the E-Verify database, both to screen all new hires and their existing workforce.** Workers without papers that can't meet the legalization requirements in the first phase or during renewal will lose their jobs, and find it much harder to find new work. E-Verify (electronic employment verification system online based) has historically been ridden with flaws<sup>5</sup> and inaccuracies, resulting in legal residents and others authorized for employment losing their livelihoods. Local employers would be committed to a problematic system, or be subject to fines if they don't use it.

**The proposed bill links E-Verify to existing databases, leading to the creation of one of the world's largest databases.** This investment of public funds in surveillance equipment, data collection and data mining, enhanced communications ability and information sharing between federal, state, local, and tribal law enforcement agencies comes at the expense of improving infrastructure and supporting local educational, health, and social services. Under E-Verify, every non-citizen will have extensive and invasive personal information and personal activity accessible to federal, state, local, and tribal law enforcement agencies, public benefit agencies, and even private contractors and foreign partners in the "war on terror."

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<sup>4</sup> S744 increases just in the agricultural industry visas from currently 50,000 to 250,000 within 5 years. There are many other industries listed such as construction, crab and dairy industries, etc.

<sup>5</sup> U.S. Citizen and Immigration Services, E-Verify Statistics and Reports, online at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextchannel=7c579589cdb76210VgnVCM100000b92ca60aRCRD> .