



Written Testimony of

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Before the

House Judiciary Committee
The Subcommittee for Immigration, Citizenship, Refugees, Border Security
and International Law

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Thank you, Madam Chair, for the invitation to appear before you today and to share our thoughts on the essential components for workable, compassionate, comprehensive immigration reform.

I will also use this opportunity to congratulate your Senate colleagues of both parties for having reached an important agreement, the consensus, although far from perfect, might just prove to be a workable platform for a compassionate solution to one of the most disastrous policy failures of our lifetime.

Theology & Immigration Policy

As faith leaders, we are called to ground our conduct and treatment of others in our reading and understanding of Scripture. So, too, for guidance on immigration policy we turn first to Scripture. Our support for comprehensive immigration reform comes from the biblical mandate to advocate on behalf of the stranger in one's land, a practice as ancient as the Old Testament.

As written in Leviticus 19:33-34, "When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt: I am the Lord your God." In Matthew 25:35, Christ calls on all his followers to treat immigrants with fairness, justice and hospitality, "For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink. I was a stranger and you invited me in."

Our call for Congress to pass comprehensive immigration reform is our call for Congress to recognize our history as a nation of justice, mercy, and compassion. These genuinely American principles must not be abandoned in any new immigration reform.

One of the continuing distortions in this debate is the definition of "amnesty." I am frustrated that we must continue to deal with obstructionist Members of Congress who choose to distort the real meaning of amnesty. As Christians we understand amnesty: Amnesty is what Christ provided for us as forgiveness for our sins when he paid for our sins with his life. This is true amnesty--unconditional and without penalty.

The Merriam-Webster dictionary defines amnesty as "the act of an authority (as a government) by which pardon is granted to a large group of individuals." A pardon is defined as "the excusing of an offense *without exacting a penalty*" (emphasis added).

For politicians to distort the meaning of amnesty is a travesty. Those who persist should be ashamed. As religious leaders we call on the RNC and DNC to deal honestly and righteously with this issue. We ask the Chairmen of both parties to *publicly* ask their members to refrain from seeking political gain on the backs of the powerless and instead, work toward just solutions.

Business Leaders & Faith Leaders Join Hands

Immigration reform reaches far beyond Hispanic communities. American businesses need workers, and current American workforce projections fall significantly short of future requirements. American agriculture and landscape industries, building, trades, and construction, as well as the entire hotel, restaurant, resort, and most service industries are struggling today to find willing, capable workers. America's productivity tomorrow will be weakened without comprehensive immigration reform.

America's free trade policy failed to recognize that the free flow of labor must accompany the free flow of goods and services. Failure to adjust our immigration system to meet increasing labor requirements has created this badly broken system and unjust situation. Ironically, it is the same free trade conservatives who, failing to understand this economic reality, still call to deport 12 million undocumented workers.

We are joined in our efforts by an impressive cross section of business and industry, policy and religious organizations. The US Chamber of Commerce, the National Restaurant Association, the American Hotel and Lodging Association, the American Farm Bureaus, the Catholic Bishops, the American Health Care Association, and the National Association of Home Builders are a few of the national organizations working with us in our efforts.

So, with scripture and American business on our side, why is immigration reform this taking so long? What is behind the heated rhetoric that fuels talk radio, cable news shows, and campaign ads?

As with all other immigrant groups in America's history--the Irish, the Italians, the Germans, the Polish and the Jews--there are political voices that will not be silenced by anything less than sending all new immigrants "back where they came from." Unlike previous times, today we have 24/7 cable news and talk radio that thrives on conflict and controversy. The more hate-filled and outrageous the political voices, the larger the audience.

I have heard congressional and potential presidential candidates suggest that cutting off employment so families couldn't feed their children is a rational solution. Intentionally starving 12 million people in America as a matter of public policy? Shame on them. The Church of Jesus Christ will dedicate itself to not allow one person to starve on our American soil.

Genuine leadership was needed to respond to the rhetoric with reason and compassion. While Congressional Republicans were the ones shouting on TV and radio to "send them all home," Democrats were dealing with equally irrational labor unions. Republicans paid a very real political price as they lost not only the previously increasing support of Hispanic voters but also the all-important independent voters.

Fortunately for the future of our country, you don't win elections in America by beating up on the most vulnerable members of our society.

The People, Once Again, Ahead of the Politicians

The American people understand this; both Republicans and Democrats understand this. A Quinnipiac University poll taken following the election last November showed that 66 percent of Republicans and 72 percent of Democrats support a temporary/guest-worker program *with a path to citizenship*.

Just recently, on April 15-19, the bi-partisan polling team of The Tarrance Group and Lake Research conducted a survey of voter attitudes about immigration for the National Immigration Forum and the Manhattan Institute. Their dramatic findings show the American people of all parties, of all demographic groups are, once again, far ahead of their politicians. Quoting from their executive summary:

Strong Support for Comprehensive Immigration Reform Includes a Path to Citizenship

Likely voters are read a proposal for comprehensive immigration reform that is described as follows:

- Provide resources to greatly increase border security,
- Impose much tougher penalties on employers who hire illegal workers,
- Allow additional foreign workers to come to the United States to work for a temporary period,
- Create a system in which illegal immigrants could come forward and register, pay a fine, and receive a temporary worker permit
- Provide these temporary workers with a multi-year path to earned citizenship, if they get to the end of the line and meet certain requirements like living crime free, learning English, paying taxes

After this description, seventy-five percent (75%) of likely voters favor passage of this legislation. This represents a four point increase of support for this legislation since July 2006.

Support for this legislation crosses all racial and partisan/ideological lines with whites (75%), African Americans (70%), and Hispanics (74%) all strong favoring passage and with strong Republicans (76%), very conservative voters (74%), strong Democrats (74%) and liberals (75%) ... There is also strong support ... among white conservative Christians (78%), born again Christians (75%), and weekly church attendees (76%). In fact, there is even strong support for passage among those who listen to talk radio on a daily basis (76%).

In examining some likely criticisms of this legislation: a majority (52%) of likely voters do not ... this is .. amnesty for illegal immigrants. (When given) ... options of doing nothing ... or passage of legislation (with) ... a path to citizenship “that some will call amnesty,” a strong majority (64%) of likely voters select the passage of legislation that includes a path to citizenship.

Esperanza’s Principles for Comprehensive Immigration Reform

Over a year ago, March 15, 2006, Esperanza released “Principles for Comprehensive Immigration Reform,” against which all reform options are evaluated. These principles are as true today as they were a year ago and are attached to this testimony for the record.

Crime & Punishment

Most Americans--and most members of Congress--recognize that the vast majority of the 12 million are good people caught in a bad system, victims of one of the worst public-policy failures of our time. *Forty percent of those currently in the country illegally --- 4.8 million people --- entered legally.* Millions await review for legal status and are simply caught up in a bureaucratic nightmare. The legal system views their “crime” as nothing more than a civil infraction, with penalties less severe than those for a misdemeanor.

Families throughout our community are composed of a patchwork of immigration status. Around the family dinner table, American citizens sit with green card applicants, student visas and undocumented workers:

- In 6.6 million families either the head of household or the spouse is undocumented.
- 3.1 million American children live in families with one undocumented parent.
- 64 percent of the children living in undocumented families were born here and are legal U.S. citizens. (Source: Pew Hispanic Center)

We are a nation of laws, and 12 million people live here illegally. For that there should be penalties. But just as we are a nation of laws, we are also a nation that believes the punishment should fit the crime.

Entering the country illegally is a federal misdemeanor. Should the penalty for misdemeanors and civil infractions be ruptured families, destroyed businesses, and lost homes? Are we prepared for the father next door, for the mother of our child's best friend, for those who pray with us in church every Sunday to be deported?

These are not violent crimes. These are not violent criminals. Their biggest "crime" is coming to America looking for available work. We should not inflict cruel and unusual punishment simply to rectify the policy failures of the past. At Esperanza, we suggest that the payment of fines and back taxes, together with background checks, English fluency and citizenship classes are rational responses to an emotional and difficult situation--responses that will meet our national security interests and workforce requirements while maintaining our history--as embodied in the Statue of Liberty--as a compassionate nation. These measures can work if their intention is to truly integrate our people into society and not to be hurdles created to intentionally trip individuals into deportation.

What Christians can bring to the dialogue

I commend Chuck Colson, Paul Crouch, Richard Land and Pat Robertson for standing with us early in this struggle. We have found support from the National Association of Evangelicals, Family Research Council and Dr. James Dobson, who wrestled with this issue internally, both within themselves and within their organizations. Facing intense emotions on both sides, they have worked hard to find consensus positions. I am thankful for their efforts and their response.

Last year at Esperanza's National Hispanic Prayer Breakfast, we witnessed President Bush and Senators Hillary Rodham Clinton, John McCain, Ted Kennedy, and Harry Reid agree that our nation needs comprehensive immigration reform pointing towards a potential bipartisan solution.

One of the great distortions this past year has been equating conservative philosophy with "send 'em home" immigration policies. Conservative Democrats and Republicans alike have made this mistake. Some have struggled genuinely on this issue but in too many cases we find that anti immigration folks are, quite simply, bullies.

The Senate Proposal: Kudos and Concerns

We congratulate Senators of both parties, especially Senator Ted Kennedy and Senator Jon Kyl for reaching consensus on one of the most complicated and politically charged policy issues of this Congress. I commend them both on their willingness to consider new ideas and their openness to community perspectives. While this deal is far from perfect, I am hopeful that their proposal could be the platform for the workable, compassionate, comprehensive solution we seek.

There is a lot that is good in this agreement. A few of the highlights:

Measurable efforts to secure our borders are sound policy. Since there are many who would work to see that provisions allowing legal status for the undocumented are never enacted, I ask that consideration be given to a "time trigger." A time trigger would force enactment of the "Z" & "Y" visas by date certain, regardless of the status of the fence and border guard provisions.

The creation of the "Z" visa is a workable solution. "Z" visas will allow 12 million undocumented members of our communities come forward, be recognized as contributing members of our communities and no longer live in fear.

Revising the visitors' visas to allow parents to come to the United States is a workable compromise that balances our pro-family values with the unfortunate and, I believe, irrational fear of "chain migration."

Compromise is essential in true negotiations. However, several of the compromises present real concerns:

1) Social Security: Once gaining legal status, previously undocumented workers will not have access to Social Security contributions made under false documentation. The great irony in this provision is that it is the same conservatives who, when arguing in support of tax cuts say, "It's your money." This is their money --- theirs and their employers.

2) Family migration:

Provision: Limiting family immigration to spouse and minor children.

Policy: Families are families. Adult unmarried children, regardless of their age over 18 or 21 are still integral parts of their nuclear families. To separate them by uncrossable borders or oceans is simply not fair or good policy.

Suggestion: Allow adult children access to the revised visitors' visa

Since it is unclear how quickly the new system will process new green card applicants, allowing access to visitors' visas would allow them to come see their parents, brothers and sisters on a regular basis. They could then decide whether to apply for their own green card.

Suggestion: Consideration be given to a hardship exemption to the time limitation on the visitors' visa to accommodate severe illness and hardship.

Provision: Requiring proof of health insurance for temporary workers to bring spouses and children.

Policy: This provision unfairly disadvantages low-skilled low-wage workers who will, most likely not have access to health insurance through their employers.

Suggestion: Retain the economic support provision (150% of poverty) but remove the health insurance requirement. Allow family members and friends to contribute to a family's support threshold.

I have concerns about the details of a number of other provisions of the agreement, such as the merit process and judicial review and will comment more fully once the details are known. On its face, the merit system raises many concerns --- such as creating a permanent unlevel playing field where PhD's from France are given preference over low-skilled workers with family ties in our communities. Underlying all my concerns about creation of a meritocracy, a system so abhorrent that we fought the King of England to declare our independence. We must be careful that our desire for border security not betray our history as a welcoming nation.

We must take care not to create a closed, homogenous society that exploits the low-skilled and less-educated among us, treating them more as a disposable commodity than as brothers and sisters. Rather, for their willingness to serve us by doing jobs we would not want our children to do, they earn the opportunity to grow and become Americans. This is the American dream --- that the grandchild of today's avocado picker could someday be a member of Congress of the United States.

Essential Role for the Hispanic Faith Community

Esperanza is the largest Hispanic evangelical organization with a national network of over 10,000 Hispanic congregations, faith and community based agencies. Throughout this process, we have engaged and informed this extraordinary community, assisting out constituency in understand nuances of this most important issue.

Since the President first announced his immigration policy in January 2004, Esperanza has worked closely with Members of Congress of both parties, the White House and the Administration to see comprehensive immigration reform become law. Every year, Esperanza sends 300-400 Hispanic pastors to Capitol Hill to meet with their Members of Congress. Since 2004, immigration has been a priority topic.

With me today are 30 Hispanic Christian broadcasters, owners, journalists and several of the largest and most influential Hispanic pastors in the nation. As the debate continues, so will our efforts both here in Washington and back home in your districts.

In order to be successful, all proposals, regardless of specific details, will require massive education efforts in Hispanic communities across the nation to educate folks about the new legislation, to provide greatly expanded English as a Second Language and citizenship classes.

The success of all proposals also depends on the willingness of the undocumented to come forward. Once we reach a just solution, the Hispanic faith community is prepared to partner with the federal government to serve as processing centers, the first place where the undocumented will come forward. All initial processing can take place at churches, faith and community-based agencies in coordination with other federal agencies, such as the FBI and Homeland Security, who will control all steps in processing background checks, employment verification, etc.

So many undocumented simply will not go to Federal offices. As the trusted voice and primary social infrastructure, the Hispanic church can reach deep into the community and serve as safe harbors. We can work with the federal agencies not just on procedures and processes but also to ensure that those meeting with our people are culturally and linguistically sensitive, assuring smooth transitions from shadows and fear into the daylight of legal status.

Thank you, Madam Chair, for this opportunity. I look forward to working with you and your staff in the days and weeks ahead.

Respectfully submitted,
The Reverend Luis Cortés, Jr.
May 22, 2007



WEDNESDAY MARCH 15, 2006
4:00 P.M.

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Rev. Luis Cortés, Jr.
On behalf of Hispanic Evangelical and Protestant Churches
To US Senators: Principles for Effective, Workable Immigration Reform

Esperanza USA is the largest Hispanic faith-based community development corporation in the country. With a national network of 10,000 faith and community-based agencies, Esperanza is one of the leading voices for Hispanics in America.

Rev. Luis Cortés Jr., president of Esperanza USA, urges the Senate to incorporate the following principles for effective, comprehensive, workable immigration reform:

BORDER SECURITY

America's Borders Must Be Secured.

We are a nation of laws and we respect the rule of law. We are a peaceful people. The terrorist attacks of 9/11 unite us all in efforts to protect and secure the borders.

In our zealouslyness to be secure, however, we urge caution on two key points:

Border Security Must Remain Solely a Federal Responsibility

Hispanic clergy work closely with state and local law enforcement: on substance abuse, domestic violence, education and helping kids when they first get in trouble to make sure they stay out of trouble. Including state and local law enforcement in border security will instantly transform this cooperative relationship into an adversarial one.

Avoid Criminalizing Clergy

Efforts to shut down human trafficking and criminalize smuggling operations are critically important and we support them. However, language contained in H.R. 4437 assessing criminal penalties for those who "assist" those who are here illegally would instantly transform all Hispanic clergy and many non-Hispanic clergy from community leaders to federal criminals. All clergy must remain free to provide spiritual counsel, humanitarian aid and comfort based on their religious principles.

TEMPORARY / GUEST/ RESIDENT WORKER PROGRAMS

Millions arrived in America legally to unite with family and to seek a better life. To keep families together, they have remained here unknown and undocumented to federal authorities. Millions more risked everything to begin a new life. For people to come out of the shadows, if reforms are to work, they must have real, permanent advantages. Fixing this broken system for legal entry and residence must correct the flaws of the past and reflect current and future economic and workforce requirements.

Toward this end, we recommend three new categories for legal entry and residence:

- Temporary Worker Status for those who want to come and go frequently such as agricultural workers and day laborers.
- Guest Worker Status for those currently not living here who wish to come here to live and work for an extended period of time.
- Resident Worker Status for those who have lived here over an extended period of time and, although currently undocumented, have been steadily employed, paid taxes and have no criminal record.

“Send- Back” Provisions

If our national security objectives are to be met, if immigration reform is to facilitate the tracking of terrorists and those who would do us harm, it is imperative that immigration reforms result in having the millions of undocumented workers leading peaceful, productive lives come out of the shadows and counted as legal residents.

Provisions that require undocumented workers to return to their country of origin before being granted legal status simply will not work. Millions of hard-working heads of households risked everything to build a life in our country. They are working hard and living clean, productive lives as contributing members of society. They will not “come out of the shadows” for a weak, distant promise dependant on bureaucratic clearances.

The only type of “send-back” provision that could work is a requirement to return to the country of origin to file required paperwork and fulfill administrative requirements. Such provisions would require only short-term stays in country and allow for immediate return without loss of employment.

Path to Citizenship

Not all immigrants are interested in becoming American citizens. For those that do, once the requirements of legal residency have been met and fulfilled, they should be allowed to “get in line” --- apply for citizenship knowing their application will be considered only after all others who have previously filed.