

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 USA 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 zealously to be secure, however, we urge caution on two key points:

1. 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 and immigration enforcement will instantly transform this cooperative relationship into an adversarial one.

2. 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 that arrived in America legally and overstayed their visas remain unknown and undocumented. Millions more risked everything to begin a new life by entering without documentation. For people to come out of the shadows, if reforms are to work, they must be offered real, permanent advantages. Fixing this broken system for legal entry and residence must correct the flaws of the past. A solution must also 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 live and work for an extended period of time in the country.
- *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

To facilitate the tracking of terrorists and those who would do us harm for our national security, it is imperative that immigration reform includes a provision to invite the millions of undocumented workers leading peaceful, productive lives out of the shadows and counted as legal residents.

Provisions that require undocumented workers to return to their country of origin for long periods of time 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 productive lives as contributing members to our society. They will not “come out of the shadows” for a weak, distant promise dependant on bureaucratic clearances that put their employment and their families at risk.

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 prerequisites. Such provisions would require only short-term stays in the country of origin and allow for immediate return without loss of employment or undue hardship to their family.

Path to Citizenship

Not all immigrants are interested in becoming American citizens. For those that are interested, 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.