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Immigration Band-Aids

Wade Henderson

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Wade Henderson is the executive director of the [Leadership Conference on Civil Rights](#).

Immigration reform is now off the shelf and on the public policy table—some might even argue that it's the main course, since one of the prime arguments for overhauling a system that was last updated in 1996 is to secure our borders in a traumatic post-9/11 world.

One response—which appears to not strike anyone as ludicrous in the age of jet travel, when immigrants are just as likely to arrive on a jet as to risk life and limb clambering across the Rio Grande—is to build an electrified fence to secure the nation, a kind of 21st century Siegfried-Maginot Line.

And everyone knows how ineffective that turned out to be.

So, while the nightly news attempts to gauge national sentiment with competing sound-bites about whether immigrants bring more to America in labor and talent than they take in public services, our national politicians seem to have been reduced to half-measures and jingoistic rhetoric.

The drumbeat to “do something” has prompted President George W. Bush to dispatch National Guard troops to beef up security along the U.S.-Mexico border, propose better enforcement of current immigration laws for employers and employees, and support a guest worker program for the many immigrants who pick our crops, construct our buildings, wash dishes in our restaurants, clean up our offices and generally do the entry-level labor that most Americans now disdain.

The administration's proposals are a Band-Aid where major surgery is necessary. They offer little to help the 12 million undocumented workers who, like the [Invisible Man](#), eke out their existence as part of the shadowy underground economy, prey to the unscrupulous who exploit their labor and fragile status.

Meanwhile, Congress has come up with diametrically opposed solutions.

The House passed a bill promoting what can only be described as the “lock down, lock ‘em up and send ‘em back” approach. It mandates the building of the proposed electrified fence to secure the nation. It also criminalizes millions of the undocumented, who are to be hunted down and expelled from our “land of liberty.” Anyone helping them—doctor, lawyer, minister or teacher—is also subject to Draconian criminal punishments. Forcing millions of undocumented workers to hide in an underground economy, as the House bill does, hurts the health, safety and welfare of all Americans. Proposals that would create a legal but permanent underclass would be equally unfair and discriminatory.

The Senate bill takes a more benign approach and does offer an eventual path to citizenship for millions of undocumented immigrants who now make significant contributions to our society. But it is a convoluted road littered with pitfalls and troubling provisions that would greatly undermine the civil and human rights of immigrants.

In other words, neither the House nor the Senate bill adequately addresses immigration as the

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complicated and important national issue it is.

The Leadership Conference on Civil Rights—the nation's oldest, largest, and most diverse civil and human rights coalition—believes that the U.S. would be better served by thoughtful, comprehensive immigration legislation, that, while providing a meaningful path to permanent residency, also ensures that our immigration laws will be enforced in a sensible, humanitarian manner.

As Dr. Dorothy I. Height, LCCR chairperson, so succinctly puts it: “The entire history of the civil rights movement has been based on the recognition that there can be no such thing as second-class Americans. Yet for too long, our immigration laws have created a two-tiered society and have perpetuated racial and ethnic discrimination.”

Rather than a jerry-rigged response to immigration reform, LCCR urges Congress to consider immigration legislation that includes the following key elements:

- **A Path to Permanent Residency:** Hard-working immigrants who are contributing to this country should be encouraged to come out of the shadows and make their status legal. Our goal should be to integrate immigrants into the United States, once they meet reasonable requirements like background checks and payment of back taxes. This can *only* be done by providing them with meaningful opportunities to become lawful permanent residents and eventually U.S. citizens.

- **Firm and Fair Enforcement:** Our nation's immigration policies must be consistent with humanitarian values and with the need to treat all individuals with respect and dignity. Threatening undocumented immigrants or the people around them with new punitive measures will not deter illegal immigration, but only drive it further underground. Enforcement policies should focus on the critical task of establishing a safe, orderly system of entry into the United States that meets the needs of families and businesses alike, with a priority of identifying and preventing the entry of terrorists and dangerous criminals.

- **Restoration of Due Process:** In 1996, Congress enacted immigration laws that drastically affected the rights of immigrants. The laws imposed an extremely harsh new system of mandatory detention and deportation for immigrants with prior criminal offenses, even legal permanent residents with very old or minor infractions. The term “aggravated felony” as it is now applied in immigration law goes far beyond what most members of Congress contemplated to include even misdemeanors. Additionally, many forms of judicial review have been curtailed. Any immigration reform proposal that fails to address—or even exacerbates—the well-publicized, unfair impact of the 1996 laws should raise serious concerns. Immigrants facing deportation for any reason must have access to fair, humane and common-sense procedures.

- **Family Reunification:** Our family-based immigration system needs to be significantly reformed. It can often take more than a decade for close relatives of U.S. citizens or permanent residents to obtain immigrant visas, which simply encourages people to overstay temporary visas or find some other way to enter the country. In order to reduce backlogs, any proposal should stop subtracting the visas given to immediate relatives of U.S. citizens from visas available to all family immigrants, thereby artificially depressing the number of visas available to other close relatives of U.S. citizens and permanent residents. We must also stop preventing U.S. citizens and permanent residents who can support their families at or above the poverty level guideline from reuniting with their families.

- **A Meaningful Way to Address the Future Flow of Workers into the U.S.:** Some LCCR members believe that future labor needs can be met through guest worker programs that include meaningful labor protections and provide immigrant workers with a clear path to permanent residency and citizenship. Others disagree that future flows should be addressed through a guest worker program and believe that future workers should be admitted as full partners into our society and our workplaces through the current “green card” employment-based visa system, rather than through guest worker programs—which they believe to be inherently exploitative. Under either framework, any programs designed to meet the proven needs of employers for new labor must fully protect the rights of both immigrant workers as well as those already here. A proposal that simply forces established workers to leave the U.S. after a short period of time will only encourage them to remain here illegally.

Unless the House-Senate conference can incorporate these elements, the civil rights community has little choice but to vigorously oppose legislation that would potentially damage the very spirit of American democracy.