



Unitarian Universalists for Social Justice

September 26, 2018

Positions on key issues on immigration and refugee policies

As people of faith, we believe in the inherent worth and dignity of every human being.

UUSJ has identified ten issues that are fundamental to comprehensive immigration and refugee policy reform. We invite thoughtful consideration of these concerns and urge Congressional action to address these problems that violate our moral principles as well as our nation's commitment to welcoming immigrants and refugees.

We urge Congress to use its oversight, authorization, and appropriations powers to address each of these issues in a timely manner.

Family separation: One of the more outrageous policies implemented by the current administration was the separation of children from their parents at the U.S.-Mexico border in a misguided attempt to deter individuals from crossing the border to seek asylum. Though this cruel practice has supposedly ended, we remain concerned that there are nearly 500 children still not reunited with their family members, well after the court-ordered deadline of July 26, 2018.

Detention of families and unaccompanied children: While the policy of family separation has temporarily ceased, incarceration of whole families and unaccompanied children continues. Recent HHS data show that the number of children in detention shelters has dramatically increased since 2017 (from 2,400 in 2017 to 12,800 now in custody).¹ The report indicates this is due to delays in discharging children to sponsors, a consequence of:

- new bureaucratic procedures that discourage individuals from volunteering to house and provide care to unaccompanied children; as well as
- a reluctance on the part of immigrants already residing in the U.S. from coming forward to claim and take responsibility for children that are family members due to fears that they will also be deported or detained.

Studies also confirm that detention is the least-effective and most costly option for responding to asylum-seekers and detaining families has similarly harmful effects as removing children from their parents.² Family detention causes significant stress and trauma in children and teens and increases the likelihood of adverse outcomes for all family members. UUSJ encourages Congress to require DHS and HHS to investigate new practices and expand existing evidence-based alternatives that lead to the responsible integration of children and adults into safe, healthy community environments.

¹ <https://www.nytimes.com/2018/09/12/us/migrant-children-detention.html>

² See in-depth issue brief on this subject at:
<https://firstfocus.org/wp-content/uploads/2015/07/Family-Detention.pdf>.

Deferred Action for Childhood Arrivals (DACA) and Dreamers: The six-year-old DACA program, which allowed children brought to this country by undocumented parents to work, drive and study without threat of detention or deportation, should not have been terminated so preemptorily. These young people are contributing members of our society, as well as often being critical to their families' economic survival. Additionally, polling has consistently confirmed that the majority of Americans support their permanent integration into our country.³ As such, UUSJ believes that DACA should not only be extended but also expanded to allow eligible individuals to apply for eligibility into the program. We also believe any legislative solutions should include a feasible path to citizenship for any individuals with DACA status.

Temporary Protected Status (TPS): Similar to the protections afforded under DACA, individuals holding Temporary Protected Status (TPS) have been able to live and work for many years in the United States and have some modest legal relief from deportation. These individuals should not have to uproot themselves and their families to return to countries that are still experiencing conflict and human deprivation (e.g., El Salvador, Nicaragua, Honduras, and Haiti). The Administration's policy decision to require the 400,000 individuals who possess TPS to leave the U.S. within 12-18 months is inhumane and completely unreasonable. The majority of these individuals have been here for decades, are embedded in our society and economy, and often have formed mixed-status families through marriage and child-rearing. Removing TPS holders will lead to severe consequences, such as putting families who would lose a wage-earner at risk of becoming dependent on public support. Additionally, many TPS recipients have been sending remittances to families remaining in their countries of origin. Loss of those remittances and return of hundreds of thousands of uprooted persons threatens the stability of these nearby countries, which has significant implications for U.S. security. UUSJ opposes the Administration's arbitrary deadlines to end the TPS program, supports the continuation of TPS, and urges adoption of legislation such as the proposed SECURE Act to provide a permanent solution for affected people.

Public Charge: The Department of Homeland Security has released a proposed rule that will broaden the definition of "public charge" to include acceptance of benefits from many public subsidy programs as a reason for inadmissibility and the rejection of applications of immigrants for legal permanent residence. This proposal circumvents Congress and discards longstanding policy about the meaning and application of the "public charge" provisions of immigration law. The proposed Public Charge rule would punish immigrants going through official immigration processes and their families for applying for or receiving benefits for themselves or their family. This would mean the use of Medicaid, the Supplemental Nutrition Assistance Program (SNAP), Medicare Part D, the Section 8 Housing Choice Voucher Program or Public Housing, could render a family member ineligible for a green card or unable to keep their family together. The rule also raises the option of including the Children's Health Insurance Program (CHIP) among benefits programs included and describes a series of other factors that would make someone more likely to be considered a public charge, including family size, English language ability, income, education and ability to pay for private health insurance. Current law already prevents the vast majority of immigrants from accessing such federally-funded benefits. In addition, the many immigrant families that include refugees, asylees, pregnant women and children who do use public subsidies (including but not limited to SNAP, Medicaid Part D and housing subsidies) should never be considered permanently dependent on public funds as a result. Most of these families intend to and do eventually gain a foothold in the middle class and are able to "outgrow" these important programs. The suggestion that using any of these health or nutrition programs keeping families (and therefore whole communities) healthy and productive could become grounds for denial of green cards has already had a chilling effect. Many families with children have begun turning down public assistance for infant formula and healthy food out of fear of being denied a path to legal permanent residence. UUSJ believes it is immoral and impractical to risk children's lives as

³ <https://news.gallup.com/poll/235775/americans-oppose-border-walls-favor-dealing-daca.aspx>.

a tool to discourage people from seeking legal immigration status. An expanded definition of “public charge” must not be allowed.

Legal Representation: The lack of access to counsel, due to both cost and detention status, has a profound negative impact on the ability to receive a fair hearing. Recent studies confirm that detained immigrants who received legal representation were four times more likely to be released from detention and twice as likely to achieve the results they sought than those who did not have legal representatives.⁴ Only 14% of detained immigrants acquire legal counsel, compared with two-thirds of non-detained immigrants. UUSJ supports pro-bono programs as well as locally funded programs that provide legal representation for all immigrants (both detained and non-detained and regrets practices that limit detainees’ access to lawyers.

Refugee Resettlement: The Administration’s position toward refugees (including continual lowering of annual refugee resettlement ceilings, tightening of processing via “extreme vetting”, and discrimination based on the religion of displaced persons) is offensive to us on fundamental humanitarian grounds. As U.S. citizens, we believe this country should be among the more generous in responding to the dreadful situations around the world. These have resulted in over 65 million displaced persons (22.5 million of whom are currently estimated to be in the process of fleeing from their home countries). Despite this global crisis, the U.S. admitted fewer than 25,000 refugees in FY 2018, which is lower than the decreased ceiling put in place for the year. This reality is deeply disheartening and unconscionable. We are leaving thousands of already vetted persons in refugee camps with little hope. The government should set refugee resettlement ceilings closer to 2016 levels; the federal budget should include adequate funds for 75,000-100,000 refugee resettlements each year (consistent with previous annual quotas in years prior to 2016), and Congress should demand the correction of shortfalls caused by intentionally slow implementation.

U.S. citizens’ rights to passports: Recently, U.S. citizens along the southern border are being denied passports or are having them revoked, because a small number of midwives allegedly fraudulently certified a limited number of birth certificates long ago. The burden of proof that a birth certificate is invalid should be on the government, not on individuals with long-established membership in local communities and whose citizenship status has never been previously questioned. Demanding a voluminous amount of validating paperwork from decades ago just because an individual lives near the U.S.-Mexico border or has a Hispanic-sounding name is wrong and deeply troubling. UUSJ urges Congress to demand an investigation of discriminatory practices and misconduct of State Department officials in this regard.

Appropriate levels of budgeting for DHS/ICE/CBP: The Administration has been seeking significant increases for the agencies that manage border control and immigration enforcement, while inadequately funding Federal units that process refugee resettlement. UUSJ strongly opposes increases for ICE’s

⁴ “Access to Counsel in Immigration Court,” American Immigration Council (September 2016) <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>. This report analyzes the government’s own court records in immigration cases. Using the Freedom of Information Act (FOIA), court records were obtained from the Executive Office for Immigration Review (EOIR), the division of the Department of Justice that conducts immigration court proceedings. The complete EOIR administrative database included 6,165,128 individual immigration proceedings spanning fiscal years 1951 to 2013. These data were reduced to an analytical sample of 1,206,633 individual removal cases in which immigration judges reached a decision on the merits between fiscal years 2007 and 2012. The analysis set out in this report appears in expanded form, together with a detailed methodological appendix, in Ingrid Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (December 2015): 1–91.

detention and enforcement work or funding a border wall. Walls and the practices currently used by ICE to detain and punish immigrants (including excessive detention, family detention, family separation, abuse and neglect) are ineffective, unduly expensive and cruel. ICE's budget has jumped by almost \$1 billion in the past two years, and it has been obtaining emergency funding in non-transparent ways after overspending on enforcement and detention activities well beyond what Congress has authorized. We urge Congress to apply intensive oversight and curtail these agencies' ill-considered spending.

2020 Census: Including a question on citizenship status in the 2020 Census will negatively impact the quality of information (since the question may cause some families to avoid responding) and result in under-reporting from predominantly-immigrant communities. UUSJ urges this question not be added to the Census.

In summary, fair and comprehensive immigration reform should be a bipartisan objective of paramount importance and priority. Previous attempts have failed due to a lack of tenacity, commitment and focused determination on the part of Congressional leaders and both political parties. We can no longer afford to ignore the inhumane and counterproductive consequences of an immigration system that is outdated, discriminatory, unworkable and unchecked. The recent onslaught of executive actions is enacting irreversible harm to the spiritual conscience of our nation. By preventing asylum-seekers and refugees from seeking protection in the US, deporting and detaining hard-working residents of color, disrupting American businesses and institutions, and destroying families and communities, these policies permanently damage our collective humanity.

If you have any questions or wish to reply to or discuss these issues, please contact the UUSJ Immigration Task Group chair, Charlotte Jones Carroll cjonescarroll@aol.com. Or email advocacy@uusj.org.