

Democratic Statement of Principles on Immigration Policy

Below we set forth our statement of principles on the critical issue of immigration. We welcome this historic opportunity to re-craft our immigration policies in ways that better reflect our core values of family unity, fundamental fairness and economic opportunity. We believe the principles we set forth appropriately recognize the significant contributions immigrants make to our country and how much we all will gain from a more rational and responsible immigration policy. We are committed to immigration reforms that fix our broken immigration system and result in improved border security and controls.

Family Reunification

The current statutory ceilings for family and employment-based immigrant visas are no longer adequate and have resulted in unacceptable immigration backlogs. Immigrants in the United States work hard and pay their taxes to provide their families with a better chance for the future. It would be unjust to deny them the opportunity to be reunified with their families. The fact that the sibling of a United States citizen born in the Philippines must wait twenty-two years to adjust status is just one example of our unfair immigration policy.

We need to reunify families and allow husbands and wives and children and parents to remain together. To accomplish this goal not only do we need to reduce the time it takes for the U.S. Citizenship and Immigration Services (USCIS) to approve family-based and employment-based petitions, but we need to adjust the current family and employment immigrant visa ceilings. We should also review other obstacles in our current immigration laws that are separating families, such as section 245(i) of the Immigration and Nationality Act (INA), which should be permanently restored.

Earned Access to Legalization

An earned legalization program would adjust the status of the many hard-working, tax-paying immigrants, as well as students educated here, who have resided in the United States for many years. Legalizing these immigrants would provide employers with a more stable and secure workforce and improve the wages and working conditions of all workers. It would also allow immigrants to come out of the shadows, be identified and registered as living in the United States and allow our nation to more effectively use its resources to root out the real terrorists.

Many of the undocumented are from Mexico, Canada, Central and South America, the Caribbean, Asia, Africa and Europe. We should create a fair, uniform earned adjustment program that benefits all immigrants regardless of their country of origin.

Eligible immigrants should be long-time, hard-working residents of good moral character, with no criminal problems and who are otherwise eligible to become U.S. citizens. Permanent

residence should be available to those who are enrolled in English language and U.S. civics courses, demonstrate ties to their community and are admissible under our immigration laws.

Immigrant Student Adjustment

There are tens of thousands of young students, who, despite their successes both in and out of the classroom, face a future of uncertainty due to limited access to affordable tuition, restrictions on financial aid, and undocumented immigration status. Given that so many of these students were brought by their parents to the United States at a young age and are undocumented through no fault of their own, we are committed to supporting these dedicated students in their efforts to reach their educational goals.

We support legislative initiatives that, at minimum, would grant states the right to decide who is a resident of their state for purposes of higher education benefits and grant immigrant students lawful permanent resident status, as well as full and equal access to federal financial aid.

Border Safety and Protection

We must provide safety, security and stability at our borders. We are committed to ensuring that our border patrol agents have the necessary resources to enforce the law. We also have the responsibility to our nation's newcomers to ensure safety and due process protections at our borders.

The chief cause of fatalities and safety hazards at our border is the ill fit between our immigration policies and reality. By providing orderly entry at our borders, we will enhance border safety and take a significant step towards shutting down the smugglers' market.

Enhanced Temporary Worker Program

An enhanced temporary worker program should provide an appropriate mechanism for workers who wish to move between their home country and the U.S. to benefit from new economic opportunities and serve as a way for recent arrivals to the U.S. to earn permanent status. Any such program must be structurally different from past guestworker programs to avoid the troubling legacy of exploitation and abuse.

We must be clear that any temporary worker program should not undermine the jobs, wages and worker protections of U.S. workers. It is important that both immigrants and United States citizens have meaningful access to educational opportunities and job advancement that increase economic success for all and contribute to the economic well being of our nation. It must, therefore, be market focused to ensure that U.S. workers are not displaced and no hard working persons are left behind. Moreover, this program cannot stand alone; it must be tied to our legalization and family reunification priorities.

Participants in an enhanced temporary worker program must be given the same labor protections afforded U.S. workers, including the right to organize, the right to change jobs freely – not only between employers, but across economic sectors – and the fully enforced legal protection of their wages, hours and working conditions.

They should have an opportunity to become permanent residents and eventually citizens; they should also be allowed to bring their families to the United States. High-skilled temporary workers have both of these options; the same standards should apply to any temporary worker program for other essential workers.

At the same time, we recognize that some temporary workers would prefer to return to their own countries, if they could live in dignity and with economic stability and hope for their childrens' future. Therefore, we support international development for our neighbors and friends around the globe.

Civil Liberties

We believe the civil liberties and constitutional rights of immigrants and visitors must be respected. Our immigration laws should be administered fairly, without discrimination against particular groups or communities. Immigration judges, operating through fair and open hearings and subject to meaningful judicial review, can provide the due process required by the Constitution only if their independence and impartiality is respected. We oppose mandatory and indefinite detention of immigrants and support adherence to guidelines that assure appropriate conditions of detention, including access to legal counsel. The rights and welfare of children must be a priority and unaccompanied minors deserve special protections, including guardians ad litem and a right to counsel.

We believe that state and local police lack the authority to enforce federal immigration law. To extend such authority to local law enforcement would undermine the safety of our communities by eroding the trust that has developed between the police and immigrant community. It would also spread local resources too thin and undermine our country's ongoing efforts to combat terrorism and secure our homeland. Furthermore, tasking local police with enforcement of immigration law would encourage racial profiling and civil rights violations.

Fairness for Immigrants and Legal Residents

We must also address the unfinished business of the last Congress. First and foremost, we must fix the 1996 immigration laws. This includes restoring due process protections to permanent residents and other long-term residents affected by the 1996 immigration laws, ending discrimination against legal residents and reforming the USCIS to reduce the processing backlog. In addition, we must address the special needs of agricultural workers and employers as reflected in the AgJOBS Bill, H.R. 3142, of the 108th Congress.

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