

A CALL TO ACTION:

Asian Americans & Pacific Islanders
Say “No” to Georgia



COMMUNITY TOOLKIT

ASIAN PACIFIC AMERICAN
LEGAL CENTER



ASIAN AMERICAN
JUSTICE CENTER

ASIAN AMERICAN
INSTITUTE



ASIAN
LAW CAUCUS

MEMBERS OF
ASIAN AMERICAN CENTER
FOR ADVANCING JUSTICE

INTRODUCTION

July 2011

Dear Advocate,

Thank you for joining our campaign fight against states' anti-immigrant laws, like Arizona's SB 1070, Georgia's HB 87 and similar laws passed in Alabama, Indiana, South Carolina and Utah, and call for the passage of comprehensive immigration reform. Our goal is to create strong momentum from advocates and community members to help prevent enforcement-only laws at the state level from being enacted and to fix our broken immigration system at the federal level.

We have produced this toolkit to assist you in your advocacy efforts. The Asian American Center for Advancing Justice – which is comprised of the Asian American Justice Center (AAJC), the Asian American Institute (AAI), the Asian Law Caucus (ALC) and the Asian Pacific American Legal Center (APALC) - is engaged in and supporting legal challenges to Arizona's SB 1070, Alabama's HB 56 and the copycat bills passed in Georgia and Utah. We created this toolkit to help community members and community advocates build support for comprehensive immigration reform.

This toolkit describes the many ways you can get involved – from text messaging to visiting your legislators – and provides all the background information you'll need to prepare. This toolkit also contains talking points and background information on HB 87 and other SB 1070-type laws and comprehensive immigration reform. Please contact us and let us know how you plan to take action!

If you need additional information about SB 1070 or similar bills and how they affect the Asian American and Pacific Islander community, please take a look at AAJC's website, at <http://www.advancingequality.org/noaz>.

For further information, please feel free to contact Connie Choi at cchoi@apalc.org, Erin Oshiro at eoshiro@advancingequality.org or Jessica Chia at jchia@advancingequality.org.

Thank you again for voicing your opposition against anti-immigrant legislation and your support for comprehensive immigration reform. Together, we can enact real change!

Sincerely,

Connie Choi
Staff Attorney, Asian Pacific American Legal Center

Erin Oshiro
Senior Staff Attorney, Asian American Justice Center

Jessica Chia
Staff Attorney and NAPABA Law Foundation Partners and In-House Counsel Community Law Fellow, Asian American Justice Center

THE IMPACT OF SB 1070-TYPE LAWS ON ASIAN AMERICANS AND PACIFIC ISLANDERS

On April 23, 2010, Arizona Governor Janice Brewer signed into law SB 1070, a sweeping anti-immigrant enforcement bill that greatly enhances the ability of state and local law enforcement to stop, question, arrest, and detain anyone who the officer “reasonably suspects” is undocumented. A little over one year later, on May 13, 2011, Georgia Governor Nathan Deal signed HB 87 into law. Four other states – Alabama, Indiana, South Carolina and Utah - have also passed similar laws and additional states are considering these types of enforcement-only bills. Although the most harmful parts of some of these laws have not gone into effect because of ongoing litigation, these “SB 1070 copycats” still pose challenges to immigrants and communities of color. Although bills like SB 1070 are largely regarded as targeting the Latino community, these bills will impact Asian Americans and Pacific Islanders (APIs) who live in states where these laws are passed.

A Growing National AAPI Population

Although the Asian American population is only about 5.6% of the total U.S. population, the Asian American population increased by almost 5.5 million during the last 10 years to a total of more than 17 million Asian Americans. This represents a 46 percent increase since 2000 and shows that Asian Americans continue to be one of the fastest growing populations. Thirty-six states had Asian American growth rates above 50 percent, including three states - Arizona (95%), Georgia (85%) and Utah (60%) – which chose to enact harmful anti-immigrant legislation in the last year. There are also undocumented APIs in communities across the U.S. Nationwide, there are approximately 1.2 million undocumented Asian Americans.¹

Even if APIs in Georgia are a small community in absolute numbers, it is clearly a fast-growing and diverse community. Georgia is now home to 365,497 Asian Americans. Of that number, nearly 30% are Asian Indian, 17% Korean, 15% Vietnamese and 14% Chinese. Nationally, roughly two-thirds of Asian Americans are foreign-born and approximately 31% of those individuals are now naturalized citizens.

AAPI Citizens and Legal Residents are Affected

The effect of SB 1070 and similar laws is that essentially anyone who believes they may be questioned about their immigration status, even if they are citizens or green card holders, will need to carry “papers” on them at all times. For example, Jim Shee, a 70-year-old U.S.-born citizen of Chinese and Spanish descent and plaintiff in a lawsuit by APALC and AAJC and other national civil rights groups challenging SB 1070, has already been stopped twice by Arizona police asking to see his “papers.” Expansion of immigration enforcement power to local law enforcement places all minorities, including APIs, under constant suspicion and vulnerable to harassment.

Laws such as these will encourage police to stop and question people who look or sound “foreign” on the basis of minor infractions, such as having a broken taillight, jaywalking or having an overgrown lawn. This will directly impact many APIs, including citizens and green card holders. Newer immigrants are

¹ Migration Policy Institute, “Frequently Requested Statistics on Immigrants and Immigration in the United States,” (Dec. 2010), available at <http://www.migrationinformation.org/USFocus/display.cfm?ID=818#2>.

particularly vulnerable due to their culture, dress and varying levels of English ability. Nationally, 48% of Asian Americans reported speaking English “less than very well.”

As a result, AAPIs will be afraid to emerge from their homes out of fear that they will be stopped. They will be deterred from speaking languages other than English and celebrating their cultural traditions to avoid unwanted scrutiny by law enforcement, violating the fundamental right of free speech and expression.

These enforcement-only laws will not only affect immigrants, but those who associate with and help them. The Asian American Legal Advocacy Center in Georgia, who is a plaintiff in litigation in that state, has had to expend their limited resources on responding to HB 87’s impact on AAPIs in that state. Even business owners, like the 90-member strong Asian Chamber of Commerce in Arizona, who is also a plaintiff, fear their members will be targeted. Asians and Latinos wield significant economic power. For example, they have a combined purchasing power of more than \$24 billion in Georgia and \$37 billion in Arizona.²

SB 1070 deterred Chinese small business owners from conducting business in Arizona, due to a shortage of low-paid workers and a drop in customers. Many Asian business owners are choosing to leave the state³ further devastating local economies struggling to survive the national recession. In Georgia, Asian- and Latino-owned businesses generated sales and receipts of \$12 billion and employ nearly 75,000 workers. It is likely that the recently-enacted laws in Georgia, Utah and Indiana may have a similar detrimental impact on those states’ economies and communities. Georgia’s agricultural industry, for example, has already been impacted by the new law. There are estimates that the state could lose hundreds of millions of dollars as a result of lost crops and related impacts.

SB 1070-Type Laws Makes AAPIs Less Safe

HB 87, SB 1070 and similar bills will push many in the AAPI immigrant population further into the shadows. It will deter undocumented AAPI immigrants, or green card holders and citizens who have undocumented family members and friends, from reporting crimes, sharing information, or serving as witnesses for fear of being deported. These individuals will become more likely targets of crime, since the perpetrator knows the victim will not report the incident.

The laws will especially affect victims of domestic violence, who will choose not to seek protection for fear that doing so would lead to the deportation of their husbands. AAPI victims of domestic violence, who already tend to underreport abuse at home, will be even more afraid to call for help.⁴

The laws will also divert scarce resources to investigating immigration rather than solving serious crimes. Instead of protecting the community, police will instead be forced to the difficult and time-consuming job of seeking out undocumented immigrants. This will waste scarce police time and resources in a time if already severe budget shortages.

² California Immigrant Policy Center, “Looking Forward Immigrant Contributions to the Golden State” (2010), available at <http://www.caimmigrant.org/contributions.html>.

³ China Press, “SB 1070 is Driving Chinese Businesses out of Arizona” (June 6, 2010), available at <http://newamericamedia.org/2010/06/sb-1070-is-driving-chinese-businesses-out-of-arizona.php>.

⁴ Center for Disease Control and Prevention. *Preventing Intimate Partner Violence and Sexual Violence in Racial/Ethnic Minority Communities*. Rep. Atlanta: Division of Violence Prevention National Center for Injury Prevention and Control Coordinating Center for Environmental Health and Injury Prevention Centers for Disease Control and Prevention, 2007.

The Need for Comprehensive Reform

As AAPIs, we need to call for reforms that will:

- **Bring families together:** Reduce backlogs for family-based immigration visas in order to reunite families who are separated by waiting lists for years or even decades.
- **Ensure due process:** Enforce respect for constitutional due process and demand fair treatment of those in detention and immigration proceedings.
- **Provide a path to citizenship for the undocumented:** Enable the undocumented to emerge from the shadows and contribute more fully to our **nation**.
- **Improve the naturalization process: Decrease** barriers to naturalization to ensure that citizenship is attainable for immigrants who seek full inclusion into the U.S.

Immigration weaves and strengthens the fabric of America and has defined the character and success of our nation. AAPIs must call for comprehensive immigration reform NOW.

NATIONAL RESPONSE TO SB 1070 COPYCATS AND THE NEED FOR COMPREHENSIVE IMMIGRATION REFORM

Arizona's SB 1070, HB 87 and similar bills recently passed in other states were largely a local response to the federal government's inability to fix the broken immigration system. It has sparked both vocal support and outrage nationwide, highlighting the urgency to pass comprehensive immigration reform at the federal level.

SUPPORT FOR SB 1070 AND COPYCAT BILLS

Governor Janice Brewer's decision to sign SB 1070 into law was premised on widespread support for the bill among Arizonans.⁵ Indeed, support for SB 1070 has manifested in the form of copycat legislation being introduced in states across the country.⁶

In 2011, legislators in at least 30 states, including California, Florida, Texas and Virginia, introduced similar legislation. This steadily growing list of states includes ones where many Asians Americans and Pacific Islanders (AAPI) and other minority groups reside. These state legislators are seeing a political opportunity to leverage legitimate concerns about illegal immigration to pursue a broad anti-immigrant or outright racist agenda. As of July 2011, 20 of those state legislatures refused to consider or move forward with the bills. As of early July, five states – Alabama, Georgia, Indiana, South Carolina and Utah – had signed into law bills similar to or inspired by Arizona's SB 1070.

OPPOSITION TO SB 1070-STYLE BILLS

In states where SB 1070-style bills passed, there was widespread opposition, particularly among immigrants communities, as well as the business, faith-based and broader civil rights communities. For example, only days after Arizona's SB 1070 was signed into law, hundreds of thousands of activists and community members from all different walks of life went to the streets to protest the actions.⁷ Local city councils and officials have also announced intent to fight the law, including Tucson Mayor Walkup and the Flagstaff City Council.⁸ Similarly, state legislators and advocates in Georgia immediately called for repeal of Georgia's HB 87 after it passed.⁹ Community advocates in Alabama have been vocal in protesting that state's law since its passage.

⁵ Harris, Craig, Alia B. Rau, and Glen Creno. "Arizona Governor Signs Immigration Law; Foes Promise to Fight" (Apr. 24, 2010), Arizona Republic, available at <http://www.azcentral.com/news/articles/2010/04/23/20100423arizona-immigration-law-passed.html>.

⁶ Seth Freed Wessler, "Mapping the Spread of SB 1070" (July 1, 2010), Colorlines, available at http://colorlines.com/archives/2010/06/mapping_the_nationwide_spread_of_arizonas_sb_1070.html.

⁷ Nintzel, Jim. "May Day Protest: Thousands Assemble Downtown To Protest SB 1070" (May 2, 2010), *Tucson Weekly*, available at <http://www.tucsonweekly.com/TheRange/archives/2010/05/02/may-day-protest-thousands-assemble-downtown-to-protest-sb-1070>.

⁸ Dylan Smith, "Tucson, Flagstaff to Sue Over SB 1070," *Tucson Sentinel*, May 5, 2010, available at http://www.tucsonsentinel.com/local/report/050510_1070_suits/.

⁹ See, "Senator Brown Calls for Repeal of HB 87", *Valdosta Daily Times*, June 2, 2011, available at: <http://valdostadailytimes.com/todays-top-stories/x1697308600/Sen-Brown-calls-for-repeal-of-HB-87>; petition to repeal HB 87, available at: <http://www.change.org/petitions/repeal-hb-87-we-deserve-the-right-to-be-here>.

Public figures, from the President and members of Congress, including Rep. Grijalva (D-Ariz.), to police chiefs and United Nations human rights experts, have also made public statements raising concerns as to the law's negative effects.¹⁰ Beyond the specific impacted states, several municipalities have passed resolutions condemning SB 1070 and copycat bills. Other municipalities enacted a ban of work-related travel to or an economic boycott of Arizona, including Austin, Boston, Boulder, El Paso, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, St. Paul, and Washington, DC.

AAPIC communities also have not remained silent. Countless numbers of AAPIC organizations have also condemned the new law, including the Asian American Justice Center, National Federation of Filipino American Association, Japanese American Citizens League, OCA, South Asian Americans Leading Together, and the Congressional Asian Pacific American Caucus.¹¹

LEGAL CHALLENGES

So far, civil rights groups have filed lawsuits challenging the laws in Arizona, Georgia, Indiana and Utah. Alabama, which passed the most far-reaching of all these bills, will undoubtedly face a legal challenge as well.

In Arizona, the Asian Pacific American Legal Center (APALC) and Asian American Justice Center (AAJC), along with other national civil rights organizations, filed a lawsuit – *Friendly House v. Whiting* - on May 17, 2010, to challenge the constitutionality of SB 1070. The coalition filing the lawsuit also includes the American Civil Liberties Union (ACLU), Mexican American Legal Defense and Education Fund, National Immigration Law Center (NILC), National Association for the Advancement of Colored People, ACLU of Arizona, and the National Day Laborer Organizing Network. The civil rights organizations represent nearly two dozen named plaintiffs, including labor, domestic violence, day labor, human services and social justice organizations, along with 10 individuals who would allegedly be subject to harassment or arrest. AAPIC plaintiffs include the Japanese American Citizens' League, South Asians for Safe Families; Asian Chamber of Commerce; and Muslim American Society. "Fighting SB 1070 is critical for APAs in Arizona as this civil rights violation impacts all communities," said Ted Namba, Arizona JAAC civil rights chair. "Arizona is setting a terrible precedence in the civil rights arena with SB 1070."¹² Two API individuals have also joined the case, including Jim Shee, an elderly Arizona resident and U.S. citizen of Chinese and Spanish descent.

In Georgia, the Asian Law Caucus, affiliated with both AAJC and APALC, is co-counsel in a lawsuit – *Georgia Latino Alliance for Human Rights v. Deal* - brought with the ACLU, NILC and other leading civil rights organizations challenging the constitutionality of Georgia's copycat bill. The Asian American Legal Advocacy Center of Georgia, the Center for Pan Asian Community Services, Inc., and the Georgia Chapter of OCA are plaintiffs in the Georgia lawsuit. On June 27, 2011, the federal district court in Atlanta issued an order preventing two of HB 87's most egregious provisions from taking effect.

¹⁰ Wendland, Joel. "Political Affairs Magazine - A Real Solution: Replace SB 1070 with Comprehensive Immigration Reform." *Political Affairs Magazine* -. 02 June 2010, available at <http://www.politicalaffairs.net/article/view/9405/1/392/>.

¹¹ Asian Pacific American Legal Center, "Asian American Civil Rights Organizations Oppose Arizona's New Anti-Immigrant Law in National Day of Action" (May 28, 2010), Press Release, available at <http://www.advancingequality.org/en/rel/366/>.

¹² Lynda Lin, "Asian Americans Join Fight Against Arizona's Immigration Law: Activists say the new law that criminalizes being undocumented will affect all communities of color," *Pacific Citizen*, May 7, 2010, available at http://www.pacificcitizen.org/site/NEWS/tabid/54/selectedmoduleid/373/ArticleID/595/Default.aspx?title=Asian_Americans_Who_in_Fight_Against_Arizona%E2%80%99s_Immigration_Law.

In Alabama, AAJC and the Asian Law Caucus, along with other leading civil rights and immigrants' rights groups, are co-counsel in a lawsuit – *Hispanic Interest Coalition of Alabama v. Bentley* – challenging the constitutionality of Alabama's copycat law. Alabama's law, HB 56, goes beyond even Arizona's and Georgia's bills. Among other things, Alabama's law contains provisions that will discourage undocumented immigrant children from attending public school – a right which is protected by Supreme Court cases.

Lastly, in Utah, APALC and AAJC recently took the lead in filing an *amicus* brief in support of a lawsuit – *Utah Coalition of La Raza v. Herbert* - brought by the ACLU, NILC and others challenging the SB 1070-style bill passed by Utah. More than 22 civil rights and immigrants' rights groups, including 12 AAPI organizations, joined the *amicus* brief, which focused on the harm to immigrant communities and communities of color that will result from the enforcement-only approach.

The claims for all of the pending lawsuits are similar because they challenge the constitutionality of these immigration enforcement bills on various grounds. For more details on any of the ongoing litigation, please contact Erin Oshiro at eoshiro@advancingequality.org or visit AAJC's website: www.advancingequality.org.

THE NEED FOR A FEDERAL RESPONSE

In recent years, there has been a rapid increase in the pace of state and local anti-immigrant legislation. In just the first quarter of 2011, state legislators in 50 states and Puerto Rico introduced 1,538 bills and resolutions relating to immigrants and refugees.¹³

While the U.S. Department of Justice did file a suit challenging SB 1070, which led to a current injunction preventing Arizona from implementing the most harmful parts of SB 1070, the federal government has not yet challenged the laws passed in Georgia, Indiana or Utah. Further, these types of lawsuits are not adequate substitutes for comprehensive immigration reform legislation. Ultimately, laws like SB 1070 demonstrate the failure of the immigration system and the need for federal action to overhaul it.

¹³ 2011 Immigration-Related Laws, Bills and Resolutions in the States (January-March 2011), National Conference of State Legislatures, available at <http://www.ncsl.org/default.aspx?tabid=13114>.

SUMMARY OF GEORGIA'S IMMIGRATION LAW (HB 87)

On May 13, 2011, Georgia Governor Nathan Deal signed into law House Bill ("HB") 87, or the Illegal Immigration Reform and Enforcement Act of 2011. Introduced by sponsor Matt Ramsey, HB 87 contains several provisions which raise serious civil liberties concerns, including authorizing state and local police to verify the immigration status of certain suspects (including at traffic stops); punishing those who knowingly transport or harbor undocumented immigrants; providing additional incentives for localities to enter into 287(g) or "Secure Communities;" and requiring all public employers and many private employers to use the flawed E-Verify database.

In response to a lawsuit challenging the constitutionality of HB 87, on June 27, 2011, a federal district court in Atlanta declared that two of HB 87's provisions could not take effect. Some sections of HB 87 went into effect on July 1, 2011, and some provisions will go into effect in the future.

Below is an analysis of its key provisions:

Enforcement of Immigration Law:

- *Police officers may demand identity documents of anyone they investigate during an otherwise lawful stop. Police officers may verify an individual's immigration status when an individual cannot show one of five enumerated documents or "other information" the individual provides that is "sufficient" to prove identity. In determining what information is "sufficient" and whose status to verify, officers will often use racial profiling - consideration of how a person looks, talks or dresses – in making their decision. See Section 8 for further details. **** This section of HB 87 is not in effect because of the ongoing lawsuit.***
- *Police officers are authorized to arrest and detain individuals officers receives verification are undocumented. **** This section of HB 87 is not in effect because of the ongoing lawsuit.***
- Any agency providing or administering a public benefit must require every applicant to provide documentation of status. See Section 17. ****Effective January 1, 2012.**
- The Attorney General may bring a lawsuit against any Georgia official or agency to force them to enforce provisions of the bill. See Sections 12, 18, 20.

Punishment of people who transport or harbor undocumented immigrants:

- *Criminalizes transporting or harboring an undocumented immigrant. As a result, those who give a ride to a neighbor or invite a friend or family member from out of state to visit will be subject to prosecution, fines and/or incarceration if state authorities determine that they knew the other person was "illegal." See Section 7. **** This section of HB 87 is not in effect because of the ongoing lawsuit.***

Mandates Use of Employee Verification Database:

- HB 87 would require all public employers (and their contractors and subcontractors), as well as many private employers, to verify that their newly hired employees are eligible to work in the United States by using the E-verify system. See Section 3 (public employers) and Section 12 (private employers). E-Verify, a voluntary federal electronic employment verification program, is riddled with errors and subject to employer abuse. **** First rollout effective January 1, 2012.**

Incentivizes localities to use “Secure Communities” and the 287(g) program:

- Under “Secure Communities,” the fingerprints of everyone arrested and booked are not only checked against FBI criminal history records, but also checked against DHS immigration records, to facilitate removal of undocumented immigrants. The 287(g) program authorizes local law enforcement to enforce federal immigration law, which the Department of Homeland Security’s Office of the Inspector General has found to lack accountability and oversight. Police chiefs, legislators and community leaders across the country have spoken out on the racial profiling inherent in both of these programs.
- Section 11 of HB 87 provides incentive programs and grants to local law enforcement agencies to use these programs.

For a more information or a complete copy of HB 87, please contact Erin Oshiro (eoshiro@advancingequality.org) or Jessica Chia (jchia@advancingequality.org).

Opposition to Georgia House Bill 87

On May 31, 2011, Governor Nathan Deal signed into law HB 87, or the Illegal Immigration Reform and Enforcement Act of 2011. This Arizona copycat bill would, among many things, authorize state and local police to verify the immigration status of certain suspects. The Georgia law would allow police to demand papers demonstrating citizenship or immigration status during traffic stops, criminalize Georgians who interact daily with undocumented individuals, and require private employers to verify that newly hired employees are eligible to work in the United States.

On June 2, 2011, the American Civil Liberties Union, the National Immigration Law Center, and a coalition of other civil rights groups, including the Southern Poverty Law Center and the Asian Law Caucus, filed a class action lawsuit challenging Georgia's anti-immigrant law. The lawsuit charges that the draconian immigration law invites racial profiling, subjects the State to tremendous costs, and is unconstitutional because it interferes with federal law.

On June 27, 2011, the federal district court in Atlanta ruled that two key provisions in HB 87 – Sections 7 (permitting police to request identity documents and to detain individuals suspected of being undocumented) and 8 (transporting and/or harboring undocumented immigrants) – could not go into effect while the litigation is ongoing. The other sections of HB 87 have or will go into effect as permitted by the law.

HB 87 will promote racial profiling

Georgia is home to more than 900,000 immigrants and an estimated 425,000 of those immigrants are illegal¹⁴. Being home to one of the fastest growing Asian populations in the country, this law must be struck down because it encourages racial profiling of Asian Americans and immigrants. Despite language that superficially purports to prohibit enforcement based on race and national origin, in reality, those are the only factors police can rely on in order to suspect undocumented status¹⁵. Starting July 1, when the law is scheduled to take effect, all Georgians will have to carry identification on them at all times in order to avoid being detained while police try to determine their status, effectively turning Georgia into a police state¹⁶.

HB 87 will subject the State to tremendous costs

This bill has drawn stiff opposition from Georgia's agricultural and tourism industries because of fear that the law will damage the state's economy by scaring away migrant workers. HB 87 will impede the economic recovery desperately needed in the state and country. Arizona's SB 1070 has cost that state upwards of \$140 million in canceled conventions¹⁷. Georgia is already experiencing similar economic

¹⁴ Redmon, Jeremy. "House passes Arizona-style bill aimed at illegal immigration." *Atlanta Journal-Constitution* (2011). www.ajc.com/news/georgia-politics-elections/house-passes-arizona-style-859989.html; see also Pedro, Joseph. "New Immigration Law in Georgia Has Asian Community Up in Arms." *Passport Magazine* (2011). www.passportmagazine.com/blog/archives/2782-New-Immigration-Law-in-Georgia-Has-Asian-Community-Up-in-Arms.html

¹⁵ American Civil Liberties Union. "ACLU of Georgia Urges Lawmakers to Reject Arizona-Style Racial Profiling Bills." (Feb 4 2011). www.acluga.org/news/2011/02/04/aclu-of-georgia-urges-lawmakers-to-reject-arizona-style-racial-profiling-bills/

¹⁶ ACLU of Georgia. "HB 87, "Show Me Your Papers" Bill, is Unconstitutional and Violates Core American Values (2011). www.acluga.org/HB87legislativesummarysheet.pdf.

¹⁷ *Id.*

downfall because of HB 87. For example, the U.S. Human Rights Network has already announced it will cancel plans to hold its annual conference in Atlanta because of HB 87¹⁸. There are estimates that Georgia's agricultural industry could lose hundreds of millions of dollars because there will not be enough workers to harvest crops.

HB 87 also mandates that private employers use E-Verify databases to verify workers are eligible to work in the U.S. However, E-Verify databases are loaded with errors, and businesses that use E-Verify have reported that 10-15% of eligible workers were deemed ineligible by the system¹⁹. These frequent errors disproportionately affect lawful residents and naturalized citizens, affecting the large immigrant working community in Georgia. One study indicated that foreign-born workers experienced error rates *20 times higher* than the error rate for native-born workers. Not only does this negatively affect immigrant workers, but also immigrant business owners. Asians and Latinos wield significant economic power in Georgia, with about \$23 billion in consumer purchasing power, and their businesses also had sales and receipts of \$12 billion²⁰. The bill would complicate hiring procedures and cost them time and money, which many immigrant owners cannot afford.

HB 87 is unconstitutional because it violates federal law

The legislative record makes clear that a primary motivating factor in passing HB 87 was the Georgia General Assembly's disagreement with federal immigration policy²¹. The Supremacy Clause of the U.S. Constitution gives federal power and authority over immigration matters. Thus, immigration is exclusively under federal oversight, and the Georgia law violates the Constitution.

HB 87 also violates the Fourth Amendment, which prohibits unreasonable seizures and arrests. This law usurps federal authority by subjecting Georgians, citizens and non-citizens who have federal permission to be in the U.S., to unlawful interrogations, searches, and seizures. Law enforcement need only reasonable suspicion of someone's immigration status, and even upon minor traffic violations, police are able to hold people until they obtain proper documentation proving their legal status.

The bill also outlaws the use of consular identification cards, which several foreign governments issue to their citizens, for any official purpose²². Without the prescribed documentation, individuals will be subject to lengthy investigations into immigration status. Thus, HB 87 violates the Equal Protection and Due Process Clauses of the Fourteenth Amendment by unlawfully discriminating against people who hold certain kinds of identity documents.

¹⁸ Redmon, Jeremy. "Governor signs Arizona-style immigration bill into law." *Atlanta Journal-Constitution* (2011).

www.ajc.com/news/georgia-politics-elections/governor-signs-arizona-style-944703.html.

¹⁹ ACLU of Georgia. "HB 87, "Show Me Your Papers" Bill, is Unconstitutional and Violates Core American Values (2011).

www.acluga.org/HB87legislativesummarysheet.pdf.

²⁰ Pedro, Joseph. "New Immigration Law in Georgia Has Asian Community Up in Arms." *Passport Magazine* (2011).

www.passportmagazine.com/blog/archives/2782-New-Immigration-Law-in-Georgia-Has-Asian-Community-Up-in-Arms.html.

²¹ Compl. at ¶ 69, *Georgia Latino Alliance for Human Rights v. Deal* (N.D. Ga., 2011) Available online at <http://aalegal.org/wp-content/uploads/2011/06/Original-Complaint.pdf>.

²² *Id.* at ¶ 186.

SB 1070 COPYCAT: RACIAL PROFILING & NATIONAL ORIGIN DISCRIMINATION

Know your rights when it comes to incidents of racial profiling

SB 1070 Copycat: Racial Profiling & National Origin Discrimination

Racial profiling occurs when law enforcement officers arrest or detain individuals based on their race, ethnicity, or national origin. National origin discrimination occurs when someone receives less favorable treatment because of his or her birthplace, ancestry, or culture. SB 1070 copycat legislation expands police power by allowing officers to use skin color, language fluency, accent, and style of dress as grounds for making warrantless arrests. SB 1070 copycats encourage racial profiling by increasing the chance that police will stop, arrest, and detain minorities without just cause.

The Racial Profiling of Asian Americans and Pacific Islanders

Asian Americans and Pacific Islanders (AAPI) are no strangers to the problem of racial profiling and xenophobia. In 1999, Dr. Wen Ho Lee, a nuclear scientist and naturalized U.S. citizen from Taiwan, was fired from his job at the Los Alamos weapons research facility and accused of spying for China. Before his exoneration, he suffered through 9 months of mistreatment and solitary confinement.

Since 9/11, South Asians and Muslims have faced racial profiling in the name of “national security,” where they were collected in large-scale round-ups and raids, leading to prolonged detention, secret immigration trials and deportation, often for minor violations. No successful terrorism conviction has resulted from these post-9/11 sweeps.

APA youths, in particular, have been subjected to racial profiling, based on the relatively new stereotype of the “Asian gang banger.”²³ For example, in the early 1990s, police in a number of small cities, such as Garden Grove, California, began to try to spot and profile gang members based on a combination of various visual cues, including “Asian” physical features, “gang clothing” and “gang cars.” APA youths wearing baggy clothes and driving customized Japanese cars were routinely stopped by the police, questioned, and photographed. Their photos were placed in “mug books,” used to identify criminals and gang members, even though the police, in most cases, found no evidence of criminal activity or gang affiliation.²⁴ In Seattle in 2001, a group of 14 Asian American youths were stopped by police under the pretext of jaywalking, and were required to stand against a wall for almost an hour. During their detention an officer repeatedly asked if they spoke English and told them about his visits to “their” country during his army service.²⁵

National estimates show that about 4% of the Asian American population has been racially profiled.

Racial Profiling Does Not Work

²³ Harris, David A. 2002. *Profiles in Injustice: Why Racial Profiling Cannot Work*, New York: The New York Press.

²⁴ *Id.*

²⁵ American Civil Liberties Union, *Racial Profiling: Definition* (2005), available at <http://www.aclu.org/racialjustice/racialprofiling/21741res20051123.html>.

By focusing on factors unrelated to criminal activity, this practice diverts vital law enforcement time and resources from pursuing real threats to public safety. Racial profiling also threatens to erode the trust upon which the police-public partnership is built. Law enforcement's use of racial profiling negatively affects police-community relations by casting a shadow of suspicion on minority communities. As a result, members of these communities will be less likely to report crimes against others and against themselves, which makes all communities less safe. Lastly, racial profiling violates constitutional protections and human rights.

Know Your Rights

Basic rights that you should know you have:

- **You have the right to remain silent.** The Fifth Amendment of the U.S. Constitution guarantees individuals the right not to answer questions posed to them by law enforcement or other government agents. Law enforcement agents may ask questions, but individuals cannot be arrested simply for refusing to answer them.
- **You have the right to be free from “unreasonable searches and seizures.”** Without a search warrant, law enforcement and other government agents may not search your home or office without your consent.

More information about your rights against racial profiling, including what to do if the police, immigration agents or the FBI, may be found at <http://rightsworkinggroup.org/content/racial-profiling-resources>.

TALKING POINTS:

Uniting Our Voices against Georgia's New Immigration Law

Talking about Georgia's HB 87 can be difficult. However, this law provides Asian Americans and Pacific Islanders (AAPI) to explain what the dangerous consequences of anti-immigrant fervor are. Below are talking points for when you encounter questions as to why you oppose HB 87:

I oppose Georgia's law because it encourages racial profiling, betrays American values and is unconstitutional.

1. *This law is unconstitutional.*

The U.S. Constitution gave the federal government the responsibility to regulate immigration, not the states. Because of Georgia's brazen attempt to create its own immigration scheme, residents are put at risk of improper investigation and arrest. HB 87 invites racial profiling against AAPIs and other people of color, violating our constitutional right of equal protection, prohibition of unreasonable seizures, and free speech of AAPIs who may be perceived as foreign based on their language or accent.

2. *This law undermines public safety by diverting scarce law enforcement resources and eroding trust between law enforcement and AAPIs.*

Border enforcement is a serious concern that must be resolved by the federal government, but HB 87 does nothing to make the border safer. Instead, it goes after people who fail to carry their "papers," not drug smugglers and kidnappers who threaten communities on both sides of the border. Rather it diverts limited resources from law enforcement's primary responsibility of protecting the community and promoting public safety. It also makes AAPI crime witnesses and victims, including victims of domestic violence, reluctant to come forward and work with police.

3. *Racial profiling and "show me your papers" tactics are un-American.*

This law encourages racial profiling of any person who appears foreign. AAPIs will be deprived of their rights simply by the way that they look or talk. Federal agents receive extensive training to determine whether someone is undocumented, but local police do not. Instead they will rely on their own bias, targeting anyone who looks or sounds foreign to confirm their legal status in the U.S. This law makes all AAPIs, including green card holders and U.S. citizens, potential suspects and increases the likelihood of arbitrary arrest and detention.

4. *HB 87 puts Georgia wholly out of step with American values of fairness and equality.*

The right to be free from discrimination is the cornerstone of the enjoyment of other fundamental rights. HB 87 is a modern-day Chinese Exclusion Act, targeting people on the basis of their race and ethnicity, something that people cannot change.

Consequently, we need workable solutions that uphold our nation's values and move us forward together. This law is:

1. Bad For Civil Liberties. Everyone will be required to carry ID verifying their legal status in the U.S. or face arrest. This will lead to citizens and green card holders being racially profiled and wrongfully detained.
2. Bad for Community Safety. HB 87 will lead to increased fear and mistrust of police. This means decreased crime reporting and cooperation with authorities. In turn, this means less safety.
3. Bad for Business. Immigrants, who will be alienated by this law, contribute substantially to Georgia's businesses as business owners, workers and consumers. Businesses cannot afford this law and many will close or leave, unable to withstand the constant police pressure.
4. Bad for Georgia. Our state is in a financial crisis. But HB 87 assures that the state and local authorities will be trapped in lawsuits for years to come. Lawsuits will come from people who believe that police are not enforcing immigration law, and will come from victims of racial profiling and illegal detentions. Georgia cannot afford such frivolous and expensive lawsuits.
5. Bad for the Country. Many other states have introduced copycat legislation. Fighting against SB 1070 here is a fight for everyone in the U.S. We need real solutions at the federal level. Congress needs to act now.

Many Georgians are legitimately frustrated at Congress and the President for not moving forward on comprehensive immigration reform. Below are 2 sample answers that address this concern:

#1

I understand why the people of Georgia are frustrated. For years, politicians in Washington have used immigration to play politics rather than to fix what they all know is a broken system. But the solution to partisan posturing and bills designed to sound tough but not solve the problem is not to do the same thing they've done in Washington at the state and local levels. And the solution isn't to turn this into a police state, where we all have to carry national identity papers with us at all times or risk being hauled off by the police in handcuffs in front of our kids because we didn't have a driver's license or passport with us while taking a walk in our own neighborhood. The solution is to solve this problem, and to do it now. That means securing our borders so we don't ever have this problem again, and requiring that anyone who is here without papers get legal, by obeying our laws, paying our taxes, and learning English, so we stop spending tens of billions a year on enforcement programs that don't work and instead turn undocumented immigrants into taxpaying U.S. citizens.

#2

The people of Georgia, like the people of every state, have every reason to be frustrated that politicians in Washington haven't solved the immigration problem. But the same politicians who passed this law in Georgia also passed a bill requiring President Obama to show his birth certificate to be on the ballot in 2012. And they're the same politicians who've been arguing against immigration reform for years in Washington, proposing solutions they know won't work, like somehow magically finding and deporting 12 million undocumented immigrants, which would cost nearly \$500 billion we don't have, and cause millions of American citizens to be mistakenly detained until they could prove that they were Americans. We don't need politicians to feed on our legitimate concerns or our prejudices. We need leaders who will solve this problem once and for all, by securing our borders, cracking down on employers who hire undocumented immigrants, and requiring those who came here years ago and want

to become American citizens to show their commitment to this country by obeying our laws, paying our taxes, and learning our language, so we turn these immigrants into taxpaying American citizens.

SB 1070 Copycats: QUESTIONS & ANSWERS

Countering Common Arguments

Q: These laws prohibit racial profiling, so why are you claiming that is a problem?

The standards for determination of whether an individual is undocumented under SB 1070 copycats are difficult to apply because they are not supposed to take into account factors that are associated with racial profiling. And yet, what other factors will the police have in front of them besides a person's skin color, accent, or other ethnic or national feature when they decide to ask a person for his papers to prove his lawful immigration status? This law will inevitably lead to violations of people's basic rights to due process.

Q: These laws are the same as federal law already so what is the big deal? Hasn't it always been against the law to enter the U.S. and live and work here without proper papers?

The laws that apply to whether a person is entitled to be in the U.S. are federal laws that are supposed to be written by Congress, not by the states. Otherwise, we could have 50 different versions of what "breaking the law" means.

Q: We are just doing what the federal government failed to do, what is the problem with that?

States are passing laws that heighten the risk of arbitrary treatment of non-citizens and U.S. citizens alike, and increase the possibility that people's constitutional rights will be violated.

Q: Non-citizens should know better than to walk around without their passports or documents proving who they are and what they are doing in this country. Why would anyone who is here lawfully not carry their papers with them?

The people who can be stopped based on the requisite standards under these laws include more than only undocumented immigrants. They could be people who are in the process of applying for a green card in the U.S., asylum seekers, and victims of torture or human trafficking. They could be people who have strong citizenship claims.

Many lawful residents, visitors, and immigrants will be unable to provide one of the requisite forms of identification to avoid investigation and detention.²⁶ Millions of Americans do not have documentary proof of citizenship readily available.²⁷ Approximately 13 million U.S. citizens do not have ready access

²⁶ HB 497 Section § 76-9-1004 also provides a list of acceptable documents to create the presumption of lawful presence. These documents are: (a) a valid Utah driver license issued on or after January 1, 2010; (b) a valid Utah identification card issued on or after January 1, 2010; (c) a valid tribal enrollment card or other valid form of tribal membership identification that includes photo identification; or (d) a valid identification document that (i) includes a photo or biometric identifier of the holder of the document; and (ii) is issued by a federal, state or local governmental agency that requires proof or verification of legal presence in the United States as a condition of issuance of the document. H.B. 497 § 76-9-1004(1)(a)-(d).

²⁷ The Brennan Center for Justice, *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification 2* (Nov. 2006), available at http://www.brennancenter.org/page/-/d/download_file_39242.pdf.

to citizenship documents.²⁸ As many as 21 million Americans do not have valid government-issued photo identification.²⁹

Q: What's wrong with having the police stop and question someone briefly? If police can't check into a person's immigration status, how can the federal government enforce immigration laws? What about those who have committed crimes?

The U.S. has always upheld the importance of privacy rights, and the U.S. Constitution protects every person, no matter whether s/he is a citizen of the U.S. or of another country. This includes protection from unwarranted searches and seizures, including questioning and interrogation by the police, except in certain circumstances where a risk of danger exists.

While it is true that some non-citizens who have committed serious crimes may be in the U.S. without proper documents, the vast majority of undocumented immigrants have not committed serious crimes and pose no threat to society whatsoever.

We disagree with the notion that anyone in the country without documents is necessarily a dangerous or violent criminal and therefore poses a danger to our society. For example, the law mandates that we allow asylum seekers to apply for protection and that we may not punish them for illegally crossing our borders during their flight from persecution.

Q: You say that we need for comprehensive immigration reform, in order to respond to SB 1070 copycats. But didn't we reform the system back in 1986? We offered amnesty for undocumented immigrants and look where we are now. What's to say new reform won't just fix things temporarily and let the problem get worse in the long run?

The 1986 law did allow people to legalize, and addressed problems for so many undocumented persons at that time. That was good, but it didn't regulate the flow of workers to adjust to labor demands. The 1986 law didn't address the other problems in the system-- that's why we now call for comprehensive immigration reform, to address the whole system, not just individual problems within that system. The immigration system hasn't been upgraded or reformed in 20 years. That's a long time and things have changed. For example, the number of legal visas available for lower-skilled workers for the entire country is 5,000. That doesn't begin to address our needs.

Q: I'm sick of putting up with so much illegal immigration. They've broken the law and just shouldn't be here, why not deport them?

The majority of Americans believe that is impractical and inconsistent with our values to deport approximately 12 million people. Instead they want leadership to reform the immigration system so that those who aren't authorized to be here can come out of the shadows and get on a path to legalization. There are many immigrants who are undocumented but have lived here for many years, working, paying taxes, and learning English. Many have family members who are citizens or green card holders. It makes sense to find solutions that allow these people to continue working and contributing to our society.

²⁸ *Id.*

²⁹ *Id.*

Q: I'm an immigrant and I came here legally. I waited and did everything I was supposed to. It angers me that there are so many illegal immigrants who didn't play by the rules like I did.

Many undocumented immigrants came here legally (with a visa) in the first place. When they try to legalize their status they find out that there are very few avenues available for people to legalize their status. For example, applicants from Mexico, the Philippines, China, and India wait a minimum of 10 years for their green cards to be granted. There are many undocumented immigrants who have now been here many years, working, paying taxes, and learning English. It makes sense to allow these persons to continue working and contributing to our society.

GETTING ENGAGED: HOW YOU CAN IMPACT IMMIGRATION REFORM

There are number of ways community members can get involved and support comprehensive immigration reform.

Call your legislators and tell them to support comprehensive immigration reform.

You can encourage members of your community to make phone calls to their lawmakers. This form of grassroots lobbying can have a large impact. Members of Congress record and track the number of phone calls they receive in favor of or against a particular piece of legislation or issue. Phone calls let legislators know what their constituents are thinking when they cannot check in with their home district.

Calling your lawmakers is easy! Remember that they are *your* public servants, and you have the right to let them know how you feel they should vote on certain bills.

To call your Representative or Senator, you will need the following items or pieces of information:

- A telephone or cell phone.
- Your zip code and the name of your State. In some cases, you may need your address.
- The telephone number of the U.S. Capitol switchboard – (202) 224-3121
- The name and number of the bill you are calling about. For bills in the House of Representatives, the bill number will begin with H.R. (such as H.R. 1234). For bills in the Senate, the bill number will begin with S. (such as S. 456). Be aware that bills in the House and Senate are handled separately, so the same bill can have a different number in the House and Senate.
- Whether you want your representative or Senator to support the bill or not to support the bill.

To call your Representative or Senator, follow these steps:

- Call the U.S. Capitol switchboard at (202) 224-3121. It's best to call in the morning so you don't have any problems because of different time zones between your state and Washington, D.C.
- When the operator at the switchboard picks up, let them know that you'd like to be connected to the office of your Representative or Senator.
 - If you want to speak with your Representative's office, you'll need to give the operator your zip code. Some congressional districts are smaller than a zip code, so you may need to give the operator your full address so they can determine your Representative. The operator will then connect you to your Representative's office.
 - If you want to speak with your Senator's office, you'll need to identify what State you live in. Every state has two Senators, so you can ask the operator to give you one phone number to call later and to connect you directly with the other office. The operator will then connect you to your Senator's office.
- When a staffer at the Representative or Senator's office picks up, politely introduce yourself and say that you'd like the Representative/Senator to support (or oppose) the bill you're calling about. Be sure to identify the bill by both its name and number. The staffer may ask you for your address or zip code to confirm that you live in their district. The staffer will make a note of your call and your support/opposition to the bill.

- Congratulations! You've successfully called your Members of Congress and have exercised your rights!

Share your story as part of AAJC's Family Immigration Stories Campaign.

The Asian American Justice Center is gathering family immigration stories to prepare for the ongoing debate this nation is having on immigration and immigrant rights. From the halls of Congress to the dining room tables of average citizens, immigration reform is on the minds of all Americans. Despite this collective recognition that our immigration system is broken, too little attention has been paid to protect and improve the cornerstone of American immigration policy – family reunification. In fact, there are politicians who wish to dismantle the family immigration system and deny families from being together.

Family immigration policy disproportionately affects Asian Americans. In 2008, for example, nearly 40 percent of family preference visas were issued to immigrants from Asian countries. Your stories will help show members of Congress the importance of the family immigration system to Asian Americans and the communities in which we live and work.

Please take a few moments of your time to submit your story at:

<http://tinyurl.com/StorySurvey>

You can also support our Family Immigration Stories campaign by joining our Facebook page at

<http://tinyurl.com/FamilyStories>

Send a letter to your Member of Congress encouraging them to support comprehensive immigration reform.

You can encourage members of your community to write letters to their lawmakers. This form of grassroots lobbying can have a large impact. Like phone calls, letters let legislators know what their constituents are thinking when they cannot check in with their home district. Calling your lawmakers is easy! Remember that they are *your* public servants, and you have the right to let them know how you feel they should vote on certain bills. Feel free to use the following sample letter to write your representative, or update it with information specific to your district.

<<DATE>>

The Honorable (Name of your Member of Congress)

Address

Washington, DC

Dear Representative/Senator (Last Name):

I write to express my strong support for moving forward on comprehensive immigration reform this year. Together we must advance a practical solution that will regain control over the broken immigration system, help the economy, and move this country forward.

Everyone agrees that our immigration system is broken and in desperate need of repair. The status quo is unacceptable – we have divided families and communities, outdated immigration systems, and ineffective enforcement strategies. We need to move forward with a common sense, American solution that secures the border, protects the rights of all workers, and modernizes our legal immigration programs. A key element of this reform is requiring undocumented immigrants in this country to register, go through background checks, pay back taxes, and study English in order to be eligible to apply for U.S. citizenship.

This comprehensive approach will secure our borders, level the playing field for workers, and stop dishonest businesses from gaining an unfair advantage. It will make undocumented immigrants into legal taxpayers and bring needed money into the federal budget. The other options – maintaining the status quo or trying to force 12 million illegal immigrants to leave the country – are neither viable nor desirable.

The American people expect Congress and the White House to advance real solutions to this important challenge. I look forward to working with you to address comprehensive immigration reform this year.

Respectfully,

<<NAME>>

Send an op-ed to your local newspaper or ethnic media outlet.

A few news articles and editorials support the credibility of your arguments. If a story that appeared in a representative's hometown paper supports your arguments or shows local concern for an issue, it can be very persuasive. You can write an op-ed for your local newspaper on your issue.

Visit your local legislator.

We are encouraging advocates to meet with their Members of Congress and ask that they work for the passage of comprehensive immigration reform. This brief section will give you the basic information you need before, during, and after your meetings.

What are we trying to do?

We need to win comprehensive immigration reform. The task is an urgent one. Because of our current immigration mess, millions of families have either been separated because of immigration raids, remain separated because of our unjust visa backlog, or risk being separated because of deportation.

We need to make sure that your Senators and Representative will do the right thing for our families, our communities, our values and our economy, and that they ask President Obama to communicate his support for immigration reform to Congress.

Your visits will take place in the midst of a nationwide effort, in which, across the country, many Asian Americans and others will meet with their legislators to advocate on behalf of comprehensive immigration reform.

Ultimately, to win comprehensive immigration reform, we will need to reach the crucial number of 279 votes: that is, 218 votes in the House of Representatives, 60 votes in the Senate, and 1 Presidential signature. Your efforts to press your Members of Congress to support immigration reform will help us achieve that goal.

To set up your own meeting, follow these easy steps:

BEFORE THE MEETING

Find out who represents you in Congress. Go to www.senate.gov and www.house.gov to find out who your Senators and Representatives are.

Do a background check. Refer to online biographical sketches or check campaign statements, news articles or additional sources of information to learn about your Representative's or Senator's prior occupation, religion, political and social memberships, areas of interest, and positions on issues such as the economy, health care, the environment—as well as immigration. This information can help inform how you approach your meeting.

Check in with allies in DC or at a state organization. There are valuable resources in Washington, DC, and in your state with background knowledge on the roles that Representative and Senators played in past rounds of immigration reform. If you are part of a national or regional/state network or organization, we encourage you to talk with your point person on immigration. Please let this organization know that you have scheduled a visit with your Representative or Senator.

Schedule a Meeting. Call and ask to speak to the member's scheduler in your home state/district, or write a letter to request a meeting. A sample letter to request a meeting is attached. When you speak to the scheduler, tell them:

- The name of the city or town in their district/state you will visit from.
- That you would like to set up an appointment to meet with your Representative/Senator (or his/her staff) and are interested in discussing immigration.
- How many people will attend the meeting. If you plan to have prominent community leaders attend the meeting, mention that as well.

If the office does not respond to you, call or write again and be persistent! Remember that they are *your* public servants.

Determine who should be in the meeting. Who best represents your organization or coalition that can also help to build a relationship with this Member of Congress? Are there close allies that could build trust or respect with this Member of Congress, if they came? Is there a family that is directly affected by our unjust immigration laws? Be sure to assign roles to participants, including the leader/facilitator.

Prepare your materials. Included in this Toolkit are materials to help you make your case and that you might want to leave behind with your Member of Congress. You may also want to include other materials, such as news clippings of a local pro-immigration reform event.

DURING THE MEETING

Credential and introduce yourselves. In 5 minutes or less, explain what groups are represented, their membership, and other information that the Member or staffer should know about those who attend the meeting. Share your stories: what connects you to this issue, why is it important for your family or community?

Get the business card and contact information for any staffers you meet with.

Listen well. Make sure you do not do all of the talking. Much of lobbying is listening, looking for indications of the legislator's views, and finding opportunities to provide good information. Give your legislator opportunities to ask questions or state his or her opinion. Members and staff will appreciate the chance to be heard. Also, ask questions.

Follow the general talking points included in this toolkit.

Take notes. If the Member asks a question, answer honestly. If you don't know the answer, say that you don't know but you will find out, and then be sure to follow up.

AFTER THE MEETING

Follow up with the office you visited. Send a thank you email or note. Include additional materials or provide additional answers to questions that came up during the meeting. Follow up on anything you promised.

*This section reprinted courtesy of the National Immigration Forum. The original toolkit is available online at <http://www.immigrationforum.org/images/uploads/ToolkitforAprilVisits.pdf>.

Hosting Immigration-Related Events.

In order to build a broad coalition in support of comprehensive immigration reform, it's important to encourage community members to attend and host events.

HOW TO PLAN AN EVENT

Things to Consider When Planning an Event:

- **Decide on an audience.** Everything about the event, including the issues, co-sponsoring organizations, speakers, location, date, and time, should be designed with the audience in mind. Examples of audiences you might consider: target audience, general public, elected officials and coalition partners.
- **Choose a theme.** Choose one that has local appeal.
- **Work in coalition.** Recruit diverse organizations in your community to co-sponsor the event.
- **Appoint a planning team.** Put together a team of interested members and coalition partners to help decide details and share workload.
- **Schedule the event at a convenient time.** Avoid business hours, religious or government holidays, or dates when other community functions are scheduled.
- **Choose an accessible site for the event.** Choose a location that will attract a range of individuals from the community, preferably a well-known and wheelchair-accessible site such as a local school or community center with access to public transportation.
- **Select panelists.** Choose three or four nonpartisan, credible panelists who will bring media attention to the event. Panelists should bring different backgrounds to the forum. Pick speakers varying in age, race, ethnicity, gender, ability, and occupation.
- **Invite a familiar face to be a moderator.** A well-known, nonpartisan moderator who is respected in your community will generate interest in the event and give your work added credibility.
- **Plan media outreach and select a spokesperson.** Outreach to the media will help you advertise your event to the public and gain visibility for your organization.
- **Make it easy for the media.** Generally, events that are held earlier in the day receive the most amount of media coverage. The best times are between 10:00 a.m. and 3:00 p.m. on Tuesday, Wednesday, and Thursday. If you hold an event earlier than 9:00 a.m. or later than 3:00 p.m., you risk losing media attention because of start-up times and deadlines. If you hold a later event, tell reporters that evening events are important because that is when members of the community are most likely to attend. At the event, don't forget to allocate central, unobstructed space close to electrical outlets for TV camera crews and media personnel.

Ideas for Different Kinds of Events:

- **Host an issue forum.** Issue forums are community dialogues on current issues on which your organization is working. Issue forums should not last more than two hours. Issue forums are an excellent opportunity to generate in-depth public discussion and energize your community to speak out about important issues.

- **Host a panel discussion.** Ask office holders at the local, county, state, and federal levels to participate in a discussion of their experiences in politics.
- **Hold a press conference on an upcoming or recent congressional vote.** Press conferences are great ways to draw public attention to your organization's priority issues under consideration in Congress. At your event, highlight why the coming vote is important to your members, coalition partners and to your community, and urge your member of Congress to support or oppose the issue at hand.

Generating an Audience:

- **Send invitations to coalition partners and other important guests.** Invite as many groups as possible to participate, even if they did not help plan the event. A broad and diverse group of co-sponsors will have more credibility and will attract a much wider audience.
- **Invite the public.** In addition to reaching your neighbors and co-workers, make an extra effort to market the event to the people you would like to attend. Outreach to coalition partners and your community can help you gain visibility and expand membership.
- **Encourage the panelists and moderator to promote the forum.** Speakers may have access to mailings, media interviews, and other organizations with which they work. It is often in their best interest to promote an event where they will be featured.
- **Advertise your event for free on community calendars and through PSAs.** Most local papers and other community publications include a community calendar section that lists upcoming local events. Local radio stations may also promote your event on the air as a public service announcement (PSA).

Working with the Media:

Pre-Planning:

- **Make a list.** Compile a media list. Identify the reporters, editors, and departments in your state's newspapers and broadcast stations that focus on priority issues and are likely to use your organization's news. Create an information sheet that includes their phone and fax numbers and, if available, e-mail addresses.
- **Designate a media spokesperson.** Keep the spokesperson available to the media by placing their name on all news releases and mailings.

Prior to the Event:

- **Send a media advisory.** Three to five days prior to your event, fax a media advisory to the appropriate reporters on your media list. The advisory should include the "who, what, when, where and why" of the upcoming event. Be sure to include contact information in case reporters have any questions.
- **Follow-up.** Call reporters the day after you send your advisory. Explain that you are following up on your written materials. If they haven't seen the materials, offer to fax them again.
- **Prepare a news release.** The purpose of a news release is to capture a reporter's interest. Your news release should give full details of the event, including quotes from spokespersons and/or

participants. In addition to your story, the release should include an attention-grabbing headline and the name and phone number of a contact person. Try to keep the news release to only one side of one typed page. Distribute a news release to the reporters who come to your event. Afterward, fax or e-mail it to reporters on your media list who did not attend, and follow up with a phone call.

At the Event:

- **Prepare a table with a sign-in list and media kits.** Sign-in sheets help you identify what reporters have attended your event. Media kits should provide all the vital information a reporter will need to cover your event. Include items such as an event agenda, statements from the speakers, a copy of the news release, and background information on your organization and other event co-sponsors.
- **Talk with the media.** Help reporters write a complete story by talking with each reporter in attendance. Offer reporters a quick interview before or after the program.

After the Event:

- **Follow-up again.** Contact reporters who covered the event later that day to see if they need any additional information or quotes to complete their stories. Even if they already have enough information, you may get an opportunity to correct any inaccuracies. Also call reporters who did not attend the event to offer additional information, including the media kit, in case they intend to publish an article on your event.

Tips for Keeping Your Message on Target:

Media Advisories:

- **Keep it short.** Media advisories should be short and concise. Include only the vital details of your event: who, what, when, where, why.

News Releases:

- **Grab their attention.** Use the title line of your news release to attract attention. Think of the title as the ideal headline you would like to see or hear if the media covers the story.
- **Keep it direct.** Your news release should read like a news story. Say the most important things first, and use a catchy lead sentence to engage your reader.
- **Use catchy quotes.** Quotes in news releases should include a sound bite or visual image.

Interviews:

- **Plan ahead.** When possible, plan ahead for interviews by preparing 3-4 talking points. Identify the message you would most like to convey about the event or issue you will be discussing, and try to stick to it.

- **Take time to gather your thoughts.** If you receive an unexpected call from a reporter, ask what the topic is and deadline is for the story. If the deadline is not immediate, ask to call them back in ten minutes. Take the time to consider the issue and formulate what you want to say.
- **Nothing is ever “off the record” in an interview.** Never say anything to a reporter that you would not want to see in print.

*This section reprinted courtesy of the Leadership Conference on Civil Rights (LCCR) from the LCCR Grassroots Tool Kit.

BACKGROUND: ASIAN AMERICANS AND IMMIGRATION REFORM

Overview

Asian immigration to the United States dates back to the 17th century; however, U.S. immigration laws systematically prevented Asians from immigrating in significant numbers until 1965. According to the 2010 Census Data, there are more than 17 million Asian Americans living in the United States. According to the additional data released by the Census Bureau, a little over 61 (more than 8.6 million) of them are immigrants.

The breakdown of native-born and foreign-born U.S. citizens and noncitizens in the Asian American community is as follows:

- 38 percent are native-born U.S. citizens.
- 33 percent are naturalized U.S. citizens.
- 28 percent are not U.S. citizens.

Impact of the broken immigration system on the Asian American community

The majority of Asians immigrating to the United States do so through the family-based immigration system. In 2008 and 2009, 90 percent of immigrants from Asia came to the United States through family immigration.

Each year, the number of family members who apply for one of the visas through the family preference categories exceeds the number of visas available, meaning that family members must often wait years or even decades to reunite. Asian countries suffer from some of the worst family immigration visa backlogs in the world. More than 1.3 million qualifying family members of Asian Americans are estimated to be in these backlogs. In total, between 4 and 5 million people around the world are waiting in these backlogs.

In the employment-based immigration system, highly educated and skilled immigrants from China, India and the Philippines currently face possible waits of up to six years before they can become lawful permanent residents, or green card holders.

Finally, unless you have a qualifying U.S. citizen or green card holder family member who can petition for you, or have highly specialized skills and/or post-secondary education, it is virtually impossible to legally immigrate to the United States. As a result, the population of undocumented immigrants from Asia continues to rise.

As of 2008, the Department of Homeland Security's Office of Immigration Statistics estimates that 1.2 million undocumented immigrants in the United States originated from Asia. To put this number in context, there were 15.2 million Asian Americans living in the United States in July 2007. This would mean that nearly one in 10 Asian Americans do not have access to legal immigration status and all the protections and rights that entails.

Undocumented immigrants from Asia work in a wide range of essential industries, such as health care, domestic and childcare, restaurant and hospitality. But because they lack legal immigration status, these undocumented immigrants are vulnerable to exploitation by criminals or abuse by unscrupulous employers. Under the current immigration system, no matter how long such immigrants live and work in the United States or how much they contribute to our economy and community, they will never be able to become fully integrated members of our country.

Solution

In order to solve these problems, Asian Americans need an immigration system that will:

- Reduce the tremendous backlogs in the family immigration system and facilitate timely reunification of families;
- Provide legal status and a path to permanent residence for undocumented immigrants who work hard, pay taxes, undergo criminal and national security checks, and learn English and civics;
- Create legal ways for people who want to contribute to our economy to come work in the United States, coupled with innovative wage and labor protections for U.S. and immigrant workers; and
- Increase the availability of resources to help immigrants learn English and prepare for citizenship.

Additional Resources

More information on these and other immigration issues can be found on the AAJC Web site at www.advancingequality.org.

TALKING POINTS ON COMPREHENSIVE IMMIGRATION REFORM

For America's Families:

- *The family is the basic unit of our society*, and immigrants who have the support of strong families are more likely to contribute to society, pay taxes, and start businesses that create jobs. But our broken immigration system divides families and keeps loved ones apart for years and even decades, which discourages them from following the rules and working within the system.
- It doesn't make sense to spend billions of dollars rounding people up, breaking up families, shutting down businesses, and deporting people who are working, learning English, and putting down roots here. For immigrants who don't have legal status, we should require them to come out of the shadows and register, pay taxes, and start working toward becoming Americans, while *keeping their families together*.

For America's Workers:

- Reforming immigration will help *protect all workers from exploitation and unfair competition*. Currently, millions of workers -- one in twenty in the U.S. workforce -- are vulnerable to employers who seek unfair advantage over their competitors by not paying workers minimum wage or by ignoring labor rights protected by law. Bringing undocumented workers into the system will allow them to stand up for their rights and to unionize. When they are on equal footing with other workers, unscrupulous employers will not easily be able to pit one group of workers against another, driving down wages for all Americans.
- America should not settle for a downwardly spiraling competition for lower wage jobs. America needs more jobs, more rights for workers, and better wages, not more laws to keep workers out or keep workers down.
- Reforming immigration is an important part of *fixing the ailing economy*. The federal government has an obligation to reform immigration for all American workers.

For America's Economy:

- Today, almost every American company needs smart planning, to navigate through hard times and be ready for growth when the economy recovers. Unfortunately, for too many American businesses, the *unreliable and obsolete immigration system* makes planning for the future more difficult.
- Industries like agriculture that require a large workforce ready, willing, and able to work long and physically demanding days have been unable to plan their business strategies around a *stable workforce*. Since the beginning of the twentieth century, such sectors have relied on immigrant workers to do those jobs. The hospitality, restaurant, business services, and manufacturing sectors face similar problems.
- One of the challenges American businesses face today is the aging American workforce, the rapid retirement of the large Baby Boomer generation. To maintain a balanced and a stable workforce, American businesses must find younger workers, especially in manual labor jobs. With more and more U.S. citizen youth earning high school and college degrees, the trend is making the prospects of adequately filling jobs in certain sectors extremely difficult, even in this tough economy.

- Businesses across many industries—agriculture, hospitality, restaurant, business services, manufacturing, and others—want a *stable workforce*. They want their current immigrant workers to be authorized and legal to help their businesses to succeed.

For America's Security:

- *The immigration system we have today makes little sense in terms of America's security.* With few legal options to come in through the system, many seek ways to go around it. The broken system has spawned a thriving market for smugglers and has generated chaos on the border. A seemingly *random enforcement regime* targets ordinary immigrant workers and families, diverting resources away from protecting against genuine threats. Millions of immigrants are unknown to the government. Unscrupulous employers have little fear of punishment for recruiting and exploiting undocumented workers and undermining their honest competitors.
- Immigration reform will allow more immigrants to come with a visa, not with a smuggler. It will require undocumented immigrants to get right with the law, register with the government, and go through government background security checks. This screening process will separate ordinary immigrants who have come seeking opportunities to better their lives from those who may be exploiting opportunities a broken system provides to those who may be coming to do us harm.
- Enforcement resources can then be trained on employers who flaunt labor laws and exploit undocumented immigrants, on smugglers who traffic in drugs and guns who are creating chaos on the border, and on violent individuals inside the country who may pose a threat to public safety.
- *By getting ordinary immigrants in line for citizenship and prioritizing enforcement actions to target genuine threats, immigration reform will be good for America's security.*

*These talking points are reprinted courtesy of the Reform Immigration for America Campaign. To learn more about the campaign visit their website at <http://www.reformimmigrationforamerica.org/blog/why-reform/>

BACKGROUND: ASIAN AMERICANS AND FAMILY-SPONSORED IMMIGRATION

OVERVIEW

Family unity is the cornerstone of America's immigration laws. U.S. citizens and legal immigrants, or green card holders, may bring their closest family members from other countries to live permanently in America through the family-based immigration system. To apply for a family-based visa, immigrants must have a sponsor in the United States who will sign a contract promising to support them financially. In all, family sponsorship accounts for more than 66 percent of legal immigration in the United States.³⁰

In the family immigration system, qualifying relationships are grouped into two main categories: immediate relatives and family preference. Immediate relatives are the spouses, unmarried minor children and parents of U.S. citizens. Relatives in the family preference category are the unmarried or married adult children of citizens, spouses and unmarried children of green card holders, or the siblings of citizens. Neither citizens nor green card holders may sponsor more distant family members such as aunts, uncles and cousins. Only 480,000 people per year may immigrate through the family-based system. Of that number, family preference visas must account for at least 226,000.³¹

Each year, the number of family members who apply for one of the visas through the family preference categories exceeds the number of visas available. A combination of limits on overall visas and visa caps per country contributes to long wait times for reunification of immigrant families. These waiting periods extend for years and even decades. There are family members from China, India and the Philippines, for example, who have been waiting between 10 and 23 years.³²

Asian Americans are the most likely to have family members caught up on the visa backlogs. Nearly two-thirds of Asian Americans are foreign-born, the highest percentage of any major ethnic group, due to the exclusion of Asians to the U.S. until 1965.³³ With so many close loved ones overseas, Asian Americans rely on family sponsorship to keep their family units intact. Thus, although Asian Americans comprise only 5.6 percent of the U.S. population, they sponsor more than a third of all family-based immigrants.³⁴ Nearly half of the family members in the visa backlogs are relatives of Asian Americans.³⁵

ASIAN FAMILY IMMIGRATION IN 2010:

³⁰ U.S. Dep't of Homeland Security, Persons Obtaining Legal Permanent Resident Status by Broad Class of Admission and Region and Country of Birth: Fiscal Year 2010, available at <http://www.dhs.gov/files/statistics/publications/LPR10.shtm>.

³¹ Immigration and Naturalization Act, 8 U.S.C. 1151 (2010).

³² U.S. Dep't of State, Visa Bulletin for June 2011, available at http://www.travel.state.gov/visa/bulletin/bulletin_5452.html.

³³ U.S. Census Bureau, Selected Characteristics of the Native and Foreign-Born Populations, 2005-2009 American Community Survey 5-Year Estimates, available at http://factfinder.census.gov/servlet/STTable?_bm=y&-geo_id=01000US&-qr_name=ACS_2009_5YR_G00_S0501&-ds_name=ACS_2009_5YR_G00_

³⁴ Persons Obtaining Legal Permanent Resident Status by Broad Class of Admission and Region and Country of Birth: Fiscal Year 2010, *supra* note 1.

³⁵ U.S. Dep't of State, Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based Preferences Registered at the National Visa Center as of November 1, 2009, available at <http://www.travel.state.gov/pdf/WaitingListItem.pdf>.

More than an estimated 4.5 million people are in the worldwide family backlog.³⁶ According to the U.S. State Department, in November 2010 four Asian countries were among the top five with family members waiting abroad³⁷:

1. Mexico	1,377,024
2. Philippines	488,737
3. India	311,547
4. Vietnam	283,065
5. China – mainland born	260,551

³⁶ Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based Preferences Registered at the National Visa Center as of November 1, 2009, *supra* note 6.

³⁷ *Id.*

TALKING POINTS ON FAMILY REUNIFICATION

Family Immigration is a Cornerstone of the American Immigration System.

United States citizens and green card holders may bring close family members, including spouses, minor children, and parents, from other countries to live permanently in America through family-sponsored immigration. To apply for a family based visa, immigrants must have a sponsor in the United States who will sign a contract promising to support them financially.

The Family Is the Bedrock of American Society.

Our immigration system must keep families together. It's morally wrong to keep husbands, wives, and children apart for years or even decades at a time. People waiting for approval are not allowed to visit the United States, meaning they are not allowed to see their family members for the years they are waiting. Families sometimes wait 10, 15 or even 20 years to be reunited. A system that keeps family members separate hurts everyone, because the family is the basic unit of our society, and everything falls apart without it. We should be encouraging families to stay together, not forcing them to remain separate.

Family Immigration Reform is an American Solution.

Any policy that would keep family members apart for decades at a time, husband from wife, and mother from child, can't be an American solution. A real American solution would reward immigrants for following the law, not punish them. This reform does that by making sure that everyone who applies the right way will get to be with their loved ones in a reasonable amount of time.

The Current Immigration System is Broken, Outdated, and Needs to be Fixed.

The massive backlog in visa applications is another clear sign that the system is not working. Our rules were designed to ensure a steady, manageable flow of legal immigration and unite families. Yet the current system has not been updated in 20 years. We now have an out-of-control flow of illegal immigration, while legal immigrants, who have done everything by the book, are forced to spend years or decades separated from their families. Every year, thousands of visas also go unused because of bureaucratic red tape, meaning that an average of 20,000 immigrants who should legally receive a visa don't get one. The system is broken, and we need to fix it now.

Families Make America Stronger.

Immigrants who have the support of family members are more likely to integrate into the mainstream of American society and become productive taxpayers. Now more than ever, with the economy like it is today, we need more of the type of people who will be committed to their new country, work hard, play by the rules, start businesses and pay taxes. These families will expand our tax base, broaden tax revenues, and strengthen our economy. That's exactly what we get when immigrant families come together and support each other.

Family Immigration Supports Hardworking Legal Immigrants Who Contribute to America.

This reform is about helping legal immigrants unite with their families. Legal immigrants who have the support of strong families are more likely to work hard, pay taxes, and start businesses that create jobs. Immigrants who have played by the rules and brought their families here are committed to becoming Americans and giving back to this country.

Our Immigration System Shouldn't Punish Legal Immigrants Who Have Played by Our Rules.

For some immigrants, a family member abroad is the only family they have. It's just wrong to create laws that punish immigrants who have done everything right and come to our country legally by telling them they can never be reunited with their closest family members who they promise to support and take care of. The average immigrant sponsors fewer than two dependents in a lifetime, and any sponsor is required by law to be able to support family members they bring over. We ought to be encouraging family members to be together, becoming productive taxpayers and supporting each other so we don't have to.

FEDERAL IMMIGRATION REFORM LEGISLATION

This section describes several key pieces of current federal legislation related to comprehensive immigration reform. To check for the most up-to-date federal legislative information, go to the *Thomas* website at <http://thomas.loc.gov/>.

CURRENT LEGISLATION PENDING

The Reuniting Families Act (H.R. 1796 112th Congress)

In May 2011, Representative Mike Honda (D-CA) reintroduced the Reuniting Families Act (H.R. 1796), a bill to reduce family immigration visa backlogs and to promote humane and timely reunification of immigrant families. The current family-based immigration system has not been updated in 20 years – keeping spouses, children and their parents separated for years and often decades. There are currently 4.5 million people in the family immigration backlog waiting unconscionable periods of time to reunite with their family members. The bill reflects our family values and reunites families to strengthen our communities and our economy. Specifically, the bill would include the following provisions:

- **Recapture of Immigrant Visas Lost to Bureaucratic Delay** – The bill recaptures unused employment-based and family-sponsored visas from fiscal years 1992-2011. For future fiscal years, unused visa numbers will “roll over” to the next fiscal year.
- **Reclassification of Spouses & Minor Children of Green Card Holders as Immediate Relatives** – The bill helps spouses and children under the age of 21 of lawful permanent residents who are waiting in line to reunite with their families by reclassifying them as immediate relatives.
- **Country Limits** – The bill addresses the decades-long backlogs for certain countries by raising the per-country immigration limits from 7 percent to 10 percent of total admissions.
- **Promoting Family Unity** – The bill increases the government’s discretion and flexibility in addressing numerous hardships, including family separation, caused by a provision that bars individuals unlawfully present in the United States from utilizing our legal immigration system.
- **Relief for Orphans and Widows** – The bill protects widows, widowers and orphans by allowing them to continue to wait in line for a visa after the death of the sponsoring relative.
- **Exemption from Immigrant Visa Limit for Certain Veterans from the Philippines** – The bill would honor the contribution of Filipino World War II veterans by reducing their children’s waiting times for an immigrant visa.
- **Equal Treatment for All Stepchildren** – The bill affords the same protection to children of fiancées of U.S. citizens from aging out of the visa application process that other immigrant visa holders have pursuant to the Child Status Protection Act. The bill provides equal treatment for stepchildren and

biological children by allowing stepchildren under the age of 21 to immigrate upon their parents' marriage (current age limit is 18).

- **Retention of Priority Dates** – The bill protects children not currently protected by the Child Status Protection Act because of a drafting error from aging out of the visa application process as a result of processing delays on the part of the U.S. Citizenship and Immigration Services or the Department of State. The bill also provides that a beneficiary of any family or employment-based petition shall retain his or her earliest priority date regardless of the category of subsequent petitions.
- **Uniting American Families Act** – The bill eliminates discrimination facing LGBT families throughout our immigration laws. It permits citizens and legal permanent residents in binational same-sex relationships to sponsor their foreign-born permanent partner for immigration to the U.S.

To learn more about the Reuniting Families Act, please go to Rep. Honda's website at <http://honda.house.gov> and click on "Reuniting Families Act" under "Recent Legislation."

The Development, Relief, and Education for Alien Minors Act (DREAM Act) (S. 952/H.R. 1842, 112th Congress)

The DREAM Act is bipartisan legislation that addresses the tragedy of young people who grew up in the United States and have graduated from our high schools, but whose future is circumscribed by our current immigration laws. Under current law, these young people generally derive their immigration status solely from their parents, and if their parents are undocumented or in immigration limbo, most have no mechanism to obtain legal residency, even if they have lived most of their lives here in the U.S. The DREAM Act would provide such a mechanism for those who are able to meet certain conditions.

The latest version of the DREAM Act, also known as the Development, Relief, and Education for Alien Minors Act, was introduced on May 11, 2011, by Dick Durbin (D-IL) and Harry Reid (D-NV) in the Senate (S. 952), and by Howard Berman (D-CA), Ileana Ros-Lehtinen (R-FL) and Lucille Roybal-Allard (D-CA) in the House (H.R. 1842). The DREAM Act would enact two major changes in current law:

- Permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military; and
- Eliminate a federal provision that penalizes states that provide in-state tuition without regard to immigration status.

If enacted, the DREAM Act would have a life-changing impact on the students who qualify, dramatically increasing their average future earnings—and consequently the amount of taxes they would pay—while significantly reducing criminal justice and social services costs to taxpayers.

KEY FEATURES OF THE DREAM ACT OF 2011

■ Path to legal residency: Who would qualify?

Under the DREAM Act, most students who came to the U.S. at age 15 or younger at least five years before the date of the bill's enactment and who have maintained good moral character since entering the U.S. would qualify for *conditional permanent resident status* upon acceptance to college, graduation from a U.S. high school, or being awarded a GED in the U.S. Students would not qualify for this relief if they had committed crimes, were a security risk, or were inadmissible or removable on certain other grounds. Under the Senate bill qualifying students must be under age 35, whereas under the House bill they must be under age 32.

■ **Conditional permanent resident status**

Conditional permanent resident status would be similar to lawful permanent resident status, except that it would be awarded for a limited duration—six years under normal circumstances— instead of indefinitely. Students with conditional permanent resident status would be able to work, drive, go to school, and otherwise participate normally in day-to-day activities on the same terms as other Americans, except that generally they would not be able to travel abroad for lengthy periods and they would not be eligible for Pell Grants or certain other federal financial aid grants. They would, however, be eligible for federal work study and student loans, and states would not be restricted from providing their own financial aid to these students. Time spent by young people in conditional permanent resident status would count towards the residency requirements for naturalization.

■ **Requirements to lift the condition and obtain regular lawful permanent resident status**

At the end of the conditional period, unrestricted lawful permanent resident status would be granted if, during the conditional period, the immigrant has maintained good moral character, avoided lengthy trips abroad, and met at least one of the following criteria:

- Graduated from a two-year college or certain vocational colleges, or studied for at least two years toward a B.A. or higher degree, or
- Served in the U.S. armed forces for at least two years.

The six-year time period for meeting these requirements would be extendable upon a showing of good cause, and the U.S. Department of Homeland Security would be empowered to waive the requirements altogether if compelling reasons, such as disability, prevent their completion and if removal of the student would result in exceptional and extremely unusual hardship to the student or to the student's spouse, parent, or child.

■ **In-state tuition: Restore state option**

The DREAM Act would also repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which currently discourages states from providing in-state tuition or other higher education benefits without regard to immigration status. Under section 505, states that provide a higher education benefit based on residency to undocumented immigrants must provide the same benefit to U.S. citizens in the same circumstances, regardless of their state of residence.

Since section 505 became law, twelve states have enacted laws permitting anyone, including undocumented immigrants, who attended and graduated from high school in the state to pay the in-state rate at public colleges and universities. The twelve states are Texas, California, Utah, Washington, Maryland, New York, Oklahoma, Illinois, Kansas, New Mexico, Nebraska, and Wisconsin. These states all

pay the section 505 penalty by providing the same in-state discount rate to current residents of other states who previously went to high school and graduated in the state. The DREAM Act would repeal this penalty. This would not require states to provide in-state tuition to undocumented immigrants, but rather would restore this decision to the states without encumbrance.

*This summary of the DREAM Act was prepared by the National Immigration Law Center. The original summary is available at <http://www.nilc.org/immlawpolicy/DREAM/dream-bills-summary-2011-05.pdf>.

Uniting American Families Act (H.R. 1537/S. 821, 112th Congress)

The Uniting American Families Act (UAFA) was introduced in the 112th Congress by Rep. Jerrold Nadler and Sen. Patrick Leahy (D-VT) on April 14, 2011. Our federal immigration law currently does not recognize same-sex relationships. UAFA would remedy this injustice and allow U.S. citizens and permanent residents to sponsor their same-sex partners (called “permanent partners” in UAFA) for family-based immigration.

The legislation amends the definitions sections of the Immigration and Nationality Act to include definitions for “permanent partner” and “permanent partnership.” UAFA defines “permanent partner” as an individual who is at least 18 years of age who is in a committed relationship with another individual at least 18 years of age who is not a first, second or third-degree blood relative, with the intent that this be a lifelong commitment. The individual must be financially interdependent with his or her partner, cannot be married or in another permanent partnership and must be unable to enter into a marriage recognized under the INA with the partner.

UAFA will provide lesbian and gay individuals the same opportunity as different-sex, married couples to sponsor their partner. Like different-sex couples, there are requirements such as providing proof of the relationship — including affidavits from friends and family or evidence of financial support. As with current immigration laws for married couples, UAFA would impose harsh penalties for fraud, including up to five years in prison and as much as \$250,000 in fines.

*This summary of the Uniting American Families Act was prepared Human Rights Campaign. The original summary is available at http://www.hrc.org/laws_and_elections/uafa.htm.

The Military Families Act (S. 1109, 112th Congress)

On May 26, 2011, Senators Menendez (D-NJ), Reid (D-NV), Durbin (D-IL), Schumer (D-NY), Akaka (D-HI), Leahy (D-VT), Bennet (D-CO), and Gillibrand (D-NY) introduced the Military Families Act. The Act would allow military personnel’s immediate family members to become permanent residents of the United States. It would instruct the Department of Homeland Security to adjust the status of the parent, spouse or child of military personnel to that of lawful permanent resident, including those presently in active military service and those who are serving or who have served honorably as a member of the Selected Reserve of the Ready Reserve in the Iraq and Afghanistan wars. The law would also apply to immediate family members of anyone injured or killed in the line of duty in those conflicts, as well as children of Filipino World War II veterans. The bill provides much-deserved relief to the many legal immigrants who serve honorably in our Armed Forces whose loved ones do not automatically earn residency status.