

HIAS ADVOCACY RESOLUTION

At a time when the United States government and the American people are continuing to respond to the September 11th attacks, and undertaking a concerted struggle against terrorism, The Hebrew Immigrant Aid Society (HIAS) also reaffirms its commitment to the essential values of our free society and the positive contributions of immigration to our nation's welfare. Our over 120 year history of assisting vulnerable migrants teaches us that individuals who enter the United States intent on violence do not represent the millions of refugees and immigrants who have come to America because of what it stands for - freedom and opportunity. We further believe that our country has achieved its greatness and uniqueness precisely because of a commitment to civil liberties, ethnic diversity, and political and social pluralism.

As our country formulates policy to respond to terrorism – including important and necessary measures to strengthen border security – HIAS urges the U.S. government to demonstrate to all terrorists that they cannot undermine America's core values that shape our historic openness to immigrants and refugees. The fight against terrorism must be won while we continue to protect refugees and other immigrants who are vital contributors to our nation. We must also insure that ethnic and religious minorities are not scapegoated for these terrible crimes.

HIAS is deeply committed to working with partners in the U.S. government, international agencies, refugee and immigrant advocacy organizations, and the Jewish community to protect and assist migrants around the world.

HIAS strongly supports action by the Administration and Congress on the following refugee and immigration matters.

Refugees and Other Vulnerable Immigrants

In order to increase support for refugees abroad and restore refugee admissions to their historic level during the mid 1990s (90,000 - 142,000), the Administration should request and Congress should appropriate at least \$927 million for the Migration and Refugee Assistance (MRA)



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account and at least \$50 million to replenish the Emergency Refugee and Migration Assistance (ERMA) account. At least 90,000 refugee admissions should be authorized for fiscal year (FY) 2004.

The Office of Refugee Resettlement (ORR) of the Department of Health and Human Services should be funded at least at the \$614.2 million level to support vital refugee, asylee, torture survivor and trafficking victim assistance programs, as well as ORR's new responsibility for the care of unaccompanied alien minors.

The U.S. government should, as a policy, use a Joint Voluntary Agency (JVA) with direct ties to U.S. constituencies when processing refugees abroad for participation in the U.S. refugee program.

Due to the continued persecution, harassment and discrimination faced by religious minorities in the former Soviet Union (FSU), including Jews and Evangelical Christians, the United States should maintain a strong refugee resettlement program for this region and extend the Specter (formerly Lautenberg) Amendment that facilitates this program. The United States should also continue to open the FSU program to vulnerable non-Specter Amendment eligible refugees.

Protect asylum seekers by ending or strictly limiting the expedited removal system to bona fide immigration emergencies, identifying categories of potential refugees who are exempt from the expedited removal system, providing greater protection during the inspection, credible fear and parole processes, and eliminating the arbitrary one year deadline on asylum applications and the annual 10,000 slot cap on asylee adjustment of status.

Offer Temporary Protected Status (TPS) to Colombians and other vulnerable populations of immigrants whose personal safety would be seriously threatened by return to their home country because of armed conflict, environmental disaster, or other extraordinary and temporary conditions.

Protect unaccompanied children who are seeking a safe future in the United States by providing them with counsel and guardians ad litem to facilitate navigation of the difficult immigration process, and

quickly moving them out of detention into safe circumstances where they can receive the care they need.

Family Reunion Expand the number of annually available family immigration visas to substantially reduce the backlogs in many of these family visa categories.

Public Benefits Reinstate eligibility for welfare benefits to legal immigrants and refugees, particularly Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI) and Medicaid.

Due Process Restrict the use of mandatory detention – which can become a life sentence in certain cases.

Restore federal court judicial review of immigration decisions. Additionally, waivers should be restored so that Immigration Judges can balance equities when deciding immigration matters.

Recognize elementary notions of due process, proportionality, and fairness when considering the impact of previous criminal activity on immigration status. Allow greater access to waivers, so that immigrants do not suffer grave penalties for minor offenses – often committed many years before when conviction had no immigration consequences.

Expand due process protections for aliens who have been interdicted by U.S. authorities.

While protecting its national security, the United States should continue to defend the civil liberties of refugees and immigrants, specifically, but not exclusively, by:

- Requiring that the Government show that an alien threatened with deportation for lending aid to an organization - not officially designated by the government as a terrorist organization - either knew or should have known that they were aiding terrorist activities;
- Recognizing the important role of judges in reviewing Executive Branch actions such as bond determinations and attorney-client privilege, and in ensuring that the United States government acts consistently with the core American values of openness, fairness and due process;
- Protecting the freedom of speech of Lawful Permanent Residents returning from abroad; and
- Promptly charging and trying aliens held in INS custody.

While in principle opposing the use of classified information as a curtailment of Constitutional due process protections, the U.S. should seek a policy on the use of classified information that allows the government to utilize this evidence only when it is absolutely essential for national security or to protect a crucial source of information. In those cases where a court permits its use, the defendant must be provided with as wide an array of due process pro-

tections as is possible, including a non-classified summary of the evidence sufficient to prepare a defense.

Immigration Services and Enforcement

Because the Immigration and Naturalization Service (INS) is obligated to both enforce immigration laws and adjudicate applications for nonimmigrant and immigrant benefits, in significant part the result has been an inconsistent record in both areas. This unfortunate situation warrants a reorganization plan that separates the enforcement and service functions, provides senior level unified leadership, and appropriately funds the service function. The services branch, to be effective, should be assured of adequate funding. Optimally, the immigration inspections functions of the INS should be placed in the services branch of any new immigration structure, or at least in the central immigration coordinating office.

Policies and adequate funding should be provided to the INS, or any replacement agency or agencies, so that it can improve efficiency and reduce backlogs in processing naturalization, adjustment of status and other applications; create a culture of customer service; and enhance opportunities for refugees and other immigrants to successfully integrate into American society.

Local law enforcement agencies should not be called upon to enforce federal immigration law. Doing so would damage the relationship between law enforcement agencies and the communities they serve and decrease the effectiveness of policing. To insure consistency and professionalism in the application of U.S. immigration laws, federal authorities should instead expand and enhance their capacity to enforce immigration laws and apprehend violators of these laws.

Legalization of Undocumented Migrants

Permanently restore Section 245(i) that allows qualified immigrant visa petitioners to remain in the United States while they await processing of their applications.

Provide parity in benefits for all immigrants covered by the 1997 NACARA legislation, as well as extend these benefits to similarly situated Haitians, Liberians and Hondurans thereby allowing these immigrants to apply for permanent residency.

Update the date of registry from 1972 to 1986 thereby allowing individuals of good moral character who have lived in the United States since the registry date to apply for permanent residency.

Eliminate the three and ten year bars currently being placed on the legal reentry of aliens who overstay their visas.

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