



Immigration Reform: Political Calculus *versus* Transformative Opportunity

by Eva Paterson, Claudia Peña, and Miguel Gavaldón

IN 2006 THE EQUAL JUSTICE SOCIETY (EJS), A national strategy group that heightens consciousness on race in the law and popular discourse, engaged the issue of immigration reform with this question: “Immigration and African Americans: conflict or common interest?” Our response has been “both” rather than “either/or.” But why should anyone other than immigrants care about immigration reform? The fact of the matter is, if you are an advocate for racial

or economic justice, you should care about immigrants’ rights. If you are an advocate for workers, women, children, lesbian, gay, and transgender groups, immigrants’ rights should matter to you.

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Here's why.

While the Obama administration has promised immigration reform, President Barack Obama has thus far provided no evidence that his platform will look much different from the "comprehensive immigration reform"—known as the Comprehensive Immigration Reform Act of 2007—proposed during the George W. Bush administration, which failed to garner support from both right-wing nationalists and leftist immigrants' rights advocates. But the draconian immigration enforcement provisions of the legislation survived nonetheless, further trampling civil rights and due process, with policies such as mass raids and deportation, family detention and racial profiling, and the undermining of rights for all workers.

In June 2009, several organizations largely in Washington, D.C., launched the Reform Immigration for America Campaign.¹ As with the Obama administration, these organizations appear to advocate a form of comprehensive immigration reform, which also does not differ much from the platform proposed during the Bush administration.

While the campaign's adeptness at political calculus (that is, what is perceived to be politically feasible) is clear, based on our review of the campaign's Web site and materials, EJS is concerned that this campaign may *not* advance progressive values. The campaign's platform falls short of fully respecting the human rights

of immigrants and does not adequately address the labor rights of immigrant and native-born workers.²

The Reform Immigration for America campaign has preemptively paved the way for legislation based on concessions to powerful corporations and appears to give up on the potential for immigration reform to become a powerful vehicle for alliance building with African Americans and other native-born communities of color as well as labor, socially conscious business entrepreneurs, and other constituencies.

Drawing on racial justice and civil-rights lenses, we offer two key principles regarding immigration reform that we hope the Obama administration and the Reform Immigration for America campaign will take into account: (1) the protection of workers' rights and (2) an end to draconian immigration enforcement.

Protect Workers' Rights

How often do we hear, "Immigrants take our jobs"? Then we hear people blaming immigrants for being willing to be paid less than domestic workers and to tolerate poor working conditions. Immigrants are simply doing what most of us do: trying to get by and ultimately thrive. It is the combination of policies surrounding immigrant labor, and the lack of enforcement of U.S. labor laws, that harms domestic workers.

One policy that creates significant problems for immigrant and native workers is the implementation of guest-worker programs, which comprehensive immigration reform proponents continue to support. Guest-worker programs provide permits for temporary workers without affording the additional benefits normally granted to immigrants (i.e., family reunification, access to social services, and a path to citizenship). Guest-worker programs have been likened to indentured servitude because they tie employment access and legal status to a particular employer.

In temporary-worker programs, employer abuses are common and widespread. These programs only provide U.S. corporations with a steady stream of vulnerable and disposable workers who have no right to unionize, demand



fair working conditions, or gain access to affordable legal representation. Because guest workers are unfamiliar with U.S. labor law—and thus vulnerable to exploitation—employers take advantage of them by paying them less, working them more, and failing to offer basic worker-safety protections. This behavior drives down labor standards for all workers, often resulting in a “race to the bottom” for immigrants’ and citizens’ wages and working conditions.

When there is no pool of vulnerable workers whom employers can exploit, employers must follow the labor laws that unions and advocates have fought so hard to guarantee. If employer sanctions are repealed, employer verifications eliminated, and every worker has the right to organize, employers would have nothing with which to threaten immigrant workers. Thus, immigrant workers could join forces with domestic workers to increase benefits for all employees.

End Draconian Immigration Enforcement

Imagine this scenario: You and your two children are asleep. Suddenly, you awake to hear a loud banging and then, “Open the door—police!” Groggy, you open the door, with your children crying in the hallway, and suddenly you are frisked. When asked to produce documentation, you cannot and are subsequently thrown into a van. After a day or two at a detention center, you are deported to your home country. Phone calls with your children—who remain in the United States—make you more determined than ever to return and continue to pursue the American dream.

Immigration enforcement in the United States has become a system of draconian measures. Home and workplace raids occur frequently, and collaboration between local law enforcement and ICE (U.S. Immigration and Customs Enforcement) has only increased the high level of fear and insecurity in immigrant communities. ICE and, increasingly, local police departments openly use racial profiling methods to target “suspected” undocumented immigrants.

Despite the vast resources allocated to immigration enforcement, migration to the United States has not declined. Indeed, over the years the numbers have increased. Instead of employing

these disruptive, ad hoc, and largely inefficient enforcement measures, the United States should focus on the root causes of the immigration problem: forced migration and unauthorized immigration status. Despite the fact that efforts at “comprehensive immigration reform” have not minimized the number of undocumented people in the United States, immigration reform allocates billions of dollars to support the continuation of enforcement.

Principles and Politics

Drafting a platform for immigration reform is a political minefield. The organizers of the Reform Immigration for America campaign deserve congratulations for countering the xenophobia and racism that underlie so much of the opposition to immigration reform. They should also be applauded for ensuring that President Obama keeps his commitment to immigration reform.

Nonetheless, we challenge our colleagues in the mission to reform immigration policy to engage in a discourse that is firmly grounded in human and civil-rights principles as well as committed to just working conditions for all. With the support of progressive communities across the nation and around the world, we believe that President Obama as well as immigrant organizers in Washington, D.C., and elsewhere are ready to step up to that challenge.

ENDNOTES

1. The campaign’s Web site describes the effort as a project of the Tides Advocacy Fund (www.reformimmigrationforamerica.org/blog/about/). The link to the agenda of the campaign’s June 3–5 summit conference connects to the Web site of the Center for Community Change (www.communitychange.org/our-projects/firm/summit/when).
2. The campaign’s platform “Immigration Reform in the 111th Congress: Principles of Immigration Reform” is available at www.immigrationforum.org/images/uploads/Campaign/CAbbott/PrinciplesCampaignLaunchFinal.pdf.

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