



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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AALDEF STATEMENT ON U.S. IMMIGRATION REFORM POLICY

As the full Senate considers immigration reform in the coming weeks, the Asian American Legal Defense and Education Fund (AALDEF), a 32-year-old national civil rights organization, calls upon Congress to uphold basic human rights principles in its legislative proposals and to reject any effort to criminalize immigrants based solely on their immigration status.

The Asian American community and the individuals we represent—immigrants and refugees of more than 40 countries and ethnicities—shoulder mounting liabilities as our labyrinthine and chronically under-funded immigration system sets them up for failure and undue hardship.

Since September 11, our government has assumed unprecedented power in the name of national security while undermining the fundamental human rights of individuals. Despite the failure of post-9.11 dragnets, such as the Special Registration program and mass detention of immigrants, our policymakers have eagerly embraced the conflation of civil violations of immigration law with criminal laws. In its deliberations, Congress must neither strengthen nor extend ineffective and unrealistic provisions, including the modern-day bracero program promoted by the Bush Administration or H.R. 4437, the Sensenbrenner bill in the House.

Millions of undocumented immigrant workers have toiled in the most dangerous and least desirable jobs in our country, without the benefit of minimum wage, health and safety protections, or Social Security. In the twenty years since AALDEF opposed the adoption of “employer sanctions” under the Immigration Reform and Control Act (IRCA) of 1986, our communities have experienced drastic deterioration of workplace protections and the segregation of our workforce—one above ground, one underground—to the benefit of businesses that ignore workers’ rights and human rights. Calling human beings “illegal”—because they fall outside the confines of laws fashioned from discriminatory policies—is simply unacceptable. Furthermore, an enforcement-heavy approach to immigration reform will only undercut proposed adjustment of status programs for immigrant workers.

Unless U.S. immigration policies conform to basic human rights principles, the schisms in our society will only deepen to the detriment of all communities:

- **Adjustment of status.** Immigration reform must recognize the human rights of undocumented immigrants already present in the U.S. and allow them to adjust their status and fully participate in the economy, with full workplace protections. Without such reform, millions will continue to work in sweatshop conditions and suffer indefinite isolation from loved ones abroad, under continual threat of detention or deportation because of their immigration status.
- **Family Reunification.** Any legislative proposal must ensure that our government clears existing backlogs and has sufficient funds to engage in the fair and orderly processing of applications. For many abroad, the insurmountable backlog of cases continues to keep families apart, while severe delays in processing prevent millions of individuals from establishing legal status. If enacted, legislative proposals such as H.R. 4437 would



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otherwise criminalize millions of women and children present in the U.S. without a court hearing, making it impossible for families to stay united.

- **Enforce Worker Protections for All.** Congressional repeal of the employer sanctions enacted in 1986 is central to meaningful immigration policy reform. The universal human right to make a living has been steadily undermined in the meantime. Undocumented immigrants find themselves with fewer legal protections as unscrupulous employers exploit them by paying substandard wages in often-inhumane conditions. The federal government must strengthen and fully enforce labor law protections such as minimum wage and overtime for all workers, to reverse the current race to the bottom.
- **End Discriminatory and Inhumane Immigration Practices.** Racial, ethnic, and religious profiling, and the placement of any individual in detention for civil violations of immigration laws, are anathema to human rights and must end immediately. Tens of thousands of immigrants are detained indefinitely in jails across the country, many in secret or without access to lawyers, while systemic inhumane treatment of immigrants by federal agents has been documented by the government's own agencies. Congress must also reject any proposal to misuse state or local law enforcement employees for federal immigration enforcement. It is funding and resources for restoring full due process rights with judicial review—and not abusive treatment outside of public view—that will ensure that our immigration system is fair and just.

We urge Congress and the President to honor the language of the UN Declaration of Human Rights in any proposal for comprehensive immigration reform: "...a recognition of inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Only then will our nation embark on a path to reform befitting of our democracy and meaningful to all Americans.

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The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.