



Despite lots of attention and heated debate about our nation's broken immigration system, comprehensive immigration reform did not become a reality when Congress adjourned at the end of 2010. Congress could not reach an agreement even on partial but critically important measures, such as the DREAM Act that would have allowed undocumented students who have graduated from high school to earn eventual legal status by completing two years of college or serving in the U.S. military.

In the absence of any bipartisan consensus on comprehensive immigration reform, immigrant communities and American businesses continue to face expanding and harsh enforcement measures at the federal and state levels.

In this policy update, six immigration policy advocates from across the country share their perspectives and insights on federal and state legislative or administrative actions coming down the pike during these challenging times for immigrants and refugees. We hope their analyses will inform your understanding of the current policy climate and invite you to let us know what information would be helpful to you in the future.

The opinions expressed in this policy update are the views of the authors and do not necessarily reflect the views of GCIR, its members, and funders.



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My expectation is that in 2011 and 2012 the divisive, confrontational politics of immigration will continue to overshadow the opportunities for consensus on real reform. The angry rhetoric is being driven by campaign politics. Some politicians have made a name for themselves and developed a small but vocal following within the conservative base by using anti-immigration rhetoric. There is no countervailing model for pro-immigrant messages that give politicians the courage to lean into the issue. So, for the majority of political campaigns the lesson is that anti-immigration rhetoric results in some gain and pro-immigration language may not hurt but it won't help. We must work to change that calculus.

I expect that local politicians will continue to try and advance their careers by vying to be the toughest lawmaker in America. However, recent legislative defeats of anti-immigrant proposals (AZ, KS, NE, CO, IA SD, UT, et al) indicate that the anti-immigration crowd may have overreached on this issue and that the economic and social consequences of these proposals are becoming more apparent.

The Administration and reform advocates need to seize this opportunity to build long-term support for CIR by giving progressives the courage to push back AND simultaneously pursue opportunities for discreet relief. CIR may not pass

in the 112th Congress, but advocates can use this time to draw a sharper contrast between the anti-immigrant politicians who offer no solutions and a vision of immigration reform that contributes to the economy and expands opportunity for all (work that our Immigration Policy Center will be very involved with). This requires prioritizing discrete reforms (administrative or legislative) that can be accomplished now, and which can also reshape the tone of the debate (which is almost exclusively discussed in enforcement terms). The Administration must be pushed to adopt realistic administrative reforms (prosecutorial discretion for DREAM act kids, waivers on the 3/10 year bars, affirming the right to counsel and other due process protections) that not only might help legislative reforms but that can help change the debate by raising the issue/values of family unity, proportionality, due process, etc. Advocates must also engage in more strategic, coordinated legal/litigation strategies that will help force the Administration and Congress to pursue reforms (work that our Legal Action Center will be very involved with). →

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Comprehensive or progressive immigration reform is presently dead at the federal level for the next several years. In its wake, the policy paradigm of “attrition through enforcement” will continue to dominate the political and organizing discourse for the foreseeable future. The attrition through enforcement paradigm is likely to play out on a federal, state and local level. At the federal level, Secure Communities, the Criminal Alien Program, and other ICE enforcement measures will continue to be ramped out across the country. We are also likely to see strong pushes by anti-immigrants for other restrictive and enforcement related legislation. More insidious attrition paradigms, including state legislation modeled after Arizona, will continue to be at the forefront of state politics and force an immigration and enforcement conversation at the state and local level. Aside from Arizona copycat legislation, many states are likely to entertain more subtle forms of criminalization that focus specifically on the criminal justice system. Locally, city councils, county commissioners, elected officials, and law enforcement will absolutely be forced to take positions on immigration issues, particularly criminalization paradigms and enforcement. This presents an opportunity for the immigrant rights community to engage on a highly localized level in order to build political, legal and intellectual power as a way to craft a response to these attrition programs. The primary issue will be around criminalization—as issue which the immigrant rights community has poorly addressed to date. However, with a concerted focus on education, media and organizing work, immigrant communities can directly confront the abject lies this paradigm has succeeded in planting into the popular discourse. Dismantling these untruths on a local and state level can help build community power, redefine the discourse around immigration, and plant the seeds for future immigration reform that is both just and tenable.

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Immigrant rights organizations, legal and service providers, organizers, and philanthropic partners should adapt strategies moving forward that focus resources on: 1) know your rights, public education and abuse documentation to minimize detentions and deportations in the immediate; 2) stop-gap advocacy efforts to stop and/or lessen harmful policies adopted at the local and state level; and 3) build the strategic alliances and political, community, legal and intellectual power necessary to demonstrate the shortcomings and harmful consequences of enforcement-only programs, and shift the momentum back toward just and workable policies at the local, state and federal level.



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With the failure of comprehensive immigration reform, we expect significant expansion of both federal and state enforcement. For the first time, Democrats in Washington introduced a drivers license bill to restrict drivers licenses based on immigration status. Even though we managed, against all odds, to defeat the bills in both the House and the Senate, we now face continuing attempts by both Democrats and Republicans to continue the fight on licenses. We also defeated an English-only bill, and continue to fight hard against budget cuts that drastically affect immigrants. We are continuing our federal level advocacy through coordinated action with our sister state coalitions to push the Administration to provide administrative relief and move forward some pieces of immigration reform. At the same time, we feel our focus must be on building a strong effort to fight enforcement locally, including a proactive effort to impact detainer policies that would affect the numbers of people in the jail-to-detention pipeline. We are also organizing around human rights and ICE and CBP violations in the Northern Border area with a documentation and community organizing project.

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While the outlook is still grim and anti-immigrants are scoring wins in some places, we also believe that the conservatives may have overstepped their bounds. In Washington, New Mexico, Arizona and Colorado, →

among others, anti-immigrant bills have been defeated. We believe it is essential to start to think very creatively about how to reach out to those who do not support immigrants or are being turned against immigrants by the economic downturn. To us, the “middle” includes not the political middle only, but also includes largely progressive union workers who feel that immigrants are taking their jobs, or Asians who do not feel represented in the comprehensive immigration reform debate. If we are to eventually win, we must begin to focus on how to build and rebuild our support in numerous communities that get us to a majority. We will be focusing significant effort on strategies that include immigrant integration, such as English Language access through innovative technologies, citizenship and naturalization, and education organization around ELL students. We believe we must reach more people, while at the same time engaging our base, in order to lay the groundwork for any reform proposal.



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The first quarter of 2011 forecasts an aggressive push this year by policymakers to address immigration reform through state legislation, reflecting a broad perception that the federal institutions will not take action themselves to present meaningful solutions to the urgent immigration challenges faced in this country. The recently concluded Arkansas session is illustrative of the immigration reform battles that are occurring in state legislatures throughout the United States. After an SB1070 copycat ballot petition was defeated in the summer of 2010, Arkansas legislators took a piecemeal approach to pursue the tenets of the original petition, introducing nine separate bills this session that targeted undocumented citizens, including anti-DREAM and E-verify acts as well as legislative initiatives denying public benefits to those without notarized proof of citizenship, obligating effective English oral communication for some professions, requiring state publications to be in English and written English language tests for drivers' licenses. Demonstrating a lack of public support for these anti-immigrant efforts, all of the bills were defeated, and many did not make it out of committee. Moving forward, it will be imperative for activists and donors to continue support to state organizations to sustain their engagement in policy processes, meanwhile, aggregating state experiences to impress urgency on the Administration to introduce federal CIR. States like Arkansas cannot afford the social and economic costs of anti-immigrant state legislation, which fail to address the root problems of our broken immigration system.

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Ryan Bates

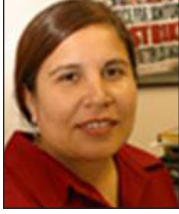
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In Michigan, we are facing a broad range of attacks against immigrant workers and families in the legislature. Everything is on the table, from a copy of Arizona's controversial SB 1070, to bills that attack immigrant workers through the E-Verify system, to measures that would cut off immigrant children's access to public benefits. These challenges are not occurring in isolation, but are happening in tandem with budget measures that will raise taxes on the elderly and on working families to fund tax cuts for business. We believe that we must work diligently to beat back this legislative agenda, while also pursuing a proactive local agenda of civil rights and economic empowerment through community organizing.

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At the federal level, we are doubtful that Congress will move anything meaningful this year. We hope that the President can be persuaded to grant some form of administrative relief; however, the prospects depend greatly on the political landscape heading into the 2012 election. →



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Immigration reform that contains a path to citizenship, reduction of the backlog, and expanded protections for workers is unlikely to pass in 2011. This assessment is based on the fact that we need 218 votes in the House of Representatives now controlled by the Republicans and the willingness of Democratic leadership to expend political capital of any kind to move forward pro-immigrant legislation. Senator Schumer is having conversations with ultra-conservative forces within the Republican Party with the hope of having support from them on CIR. The DREAM Act is a bill that will be introduced in the Senate. The Administration should now be focused on reining in DHS Secretary Napolitano and terminating or amending programs that are contributing to the mass deportation of our community. This includes Secure Communities but no means is this the only ICE/Police program that should be cut. They should also proactively execute policies that protect the interests of U.S. citizen children and spouses from the deportation of their loved ones, allow for DREAM-eligible students to remain in the United States, and stop ICE attorneys from appealing the decisions of immigration judges when they grant deferrals from deportation. Finally, the Administration should reprioritize from enforcing on employers who are simply hiring the undocumented to those that are abusing workers and taking advantage of any laws for their own interests.

CHIRLA is providing direct support for families who are caught up in these enforcement operations, organizing them to speak out against these abuses, advocating with local law enforcement to refrain from turning people to ICE, participating in aggressive advocacy against the Administration's increased enforcement, and building voting power that takes into account and influences a pro-immigrant political environment. CHIRLA is also working to advance pro-immigrant policies at the state level and organizing a strong constituent voice for these issues.

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