

New Destinations & Hispanic Immigrants:

**Promoting
Inclusive Policies**

Together, Americas Society and Council of the Americas (AS/COA) unite opinion leaders to exchange ideas and create solutions to the challenges of the Americas today.

The Americas Society (AS), the recipient of a grant from the Rockefeller Foundation to produce this compendium, is the premier forum dedicated to education, debate and dialogue in the Americas. Its mission is to foster an understanding of the contemporary political, social and economic issues confronting the Americas, and to increase public awareness and appreciation of the diverse cultural heritage of the Americas and the importance of the inter-American relationship.

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Foreword

In the United States and across the hemisphere, countries have long struggled with how to respond to waves of immigrants and integrate them into society. This is particularly true in the U.S., where failed national attempts at comprehensive immigration reform have opened the door for state and local policymakers to choose between policies that welcome immigrants and policies aimed at discouraging their settlement in new communities.

With this in mind, Americas Society (AS), with support from the Rockefeller Foundation, promotes dialogue and information sharing among the private sector, public sector and community groups to advance Latino integration in the U.S., with a focus on the immigrant population. The AS Hispanic Integration Initiative, leveraging the relationship with its affiliate organization Council of the Americas (COA), supports the further integration of immigrant workers into businesses and local communities while creating a more mobilized and visible business sector with regard to issues of immigrant integration. Achieving greater overall integration of Hispanic immigrants and Latinos into American society is a public policy imperative that will bring benefits for society and the corporate bottom line.

The AS/COA work both nationally and in what are referred to as new gateway cities to highlight and build on private-sector efforts to facilitate Hispanic integration, while building greater public recognition of Latinos' socioeconomic contributions. A national business coun-

cil—comprising companies at the forefront of integration efforts—anchors the initiative and provides guidance and models of integration best practices.

Since 2007, AS has spearheaded primary and secondary research of best practices to promote integration in the following new gateway cities: Atlanta, Georgia; Nashville, Tennessee; New Orleans, Louisiana; Omaha, Nebraska; and Portland, Oregon. In each city, AS conducted multiple site visits, built networks of public, private and community leaders, held public and private programs to further integration efforts and improve the overall welcoming environment for immigrants, and released city-specific white papers. The AS has also brought attention to the efforts in these cities through national-level forums on Capitol Hill with U.S. senators and representatives.

In these times of critical debate on immigration legislation and the backlash against immigrants, AS/COA believe that greater integration and appreciation for immigrants and their contributions to society will ultimately help advance immigration reform. For that reason, AS is releasing this compendium of immigration-related articles, most of which originally appeared in some form in *Americas Quarterly* (AQ). Only with a greater understanding of the present-day struggles and contributions of immigrants can individuals and policymakers determine how to foster a welcoming, inclusive environment that draws on the many talents that Latinos bring to new communities.

—May 2011

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Introduction

By Jason Marczak & Richard André

The failure to pass the Comprehensive Immigration Reform Act in June 2007 triggered four years of increasingly contentious policies aimed at immigrants in the United States. Select politicians and media outlets capitalized on the progressively divisive debate to stoke their supporters' anxieties of how immigrants would continue to change communities, especially those in new gateway destinations unaccustomed to the changing demographics brought by immigration.

The U.S. is a nation of immigrants, but throughout history its citizens have conveniently forgotten these origins. In fact, immigration levels today pale in comparison to those from 1860 to 1920, where at its peak in 1890, the foreign-born population as a percentage of the U.S. population exceeded that of today by 7.4 percent (12.5 percent in 2009 versus 19.9 percent in 1890). Then, just as today, economic insecurity brought with it fears of immigration, and immigrants became scapegoats during difficult times.

But a key difference between the immigrants of the past and those of today is their settlement patterns. Traditional gateway states like New York, California, Texas, and Illinois continue to receive the bulk

of immigrants. But at the same time, the 2010 U.S. Census shows that over the last decade the Latino population grew significantly in new destinations such as South Carolina (148 percent increase), Alabama (145 percent) and Tennessee (134 percent). This contributes to the climate of fear witnessed in parts of the United States.

These new immigrant gateway states are the battlegrounds for educating the public that today's immigrants are not any different from them, their parents or their grandparents—who are also likely to be immigrants. The main region of origin has shifted over the generations (from Europe to Latin America), but the overwhelming majority of immigrants still come to the United States in search of a better life for themselves and their families. And, contrary to stereotypes, the foreign born contribute to local and national economies working in professions ranging from construction to health care to information technology.

In fact, the U.S. is part of an immigrant hemisphere. Nicaraguans cross the border to Costa Rica. Haitians seek opportunity in the Dominican Republic. Paraguayans and Bolivians resettle in Argentina, as had the Italians a century earlier. The point is that challenges of immigrant integration

in the U.S. are not unique among our hemispheric neighbors. But what is unique is the patchwork of immigration legislation that is steadily being developed across the country.

Since 2007, Americas Society and Council of the Americas have witnessed firsthand the struggles and successes of medium-size cities adjusting to their growing immigrant and overall Latino populations. Local responses to demographic changes vary, but the cities that most rapidly integrate their immigrant and overall Latino populations are those that are best placed to avoid reactionary politics and instead concentrate on building progressive, cross-sector initiatives that address immigrants' most pressing needs—including English-

Over the last decade, the Latino population grew significantly in new destinations. This is what contributes to the climate of fear in parts of the U.S.

language acquisition and financial literacy—while fostering the development of new businesses that are inevitably created. For example, according to a November 2008 study issued under the auspices of the Small Business Administration, immigrants are almost 30 percent more likely to launch a business than nonimmigrants.

This compendium of articles—largely consisting of stories that appeared in some form in *Americas Quarterly*—seeks to address the complexity of immigration. The articles present a multifaceted picture of what immigrants, policymakers and the general public face when trying to devise an approach to immigration that responds to the interests and needs of actors across society. Each article offers a unique focus on different Hispanic immigrant groups, geographic locations and personal experiences.

The anti-immigrant argument that resonates most with Americans is the economic argument—that immigrants, particularly the undocumented population, take jobs away from Americans and abuse social

services without paying taxes. U.S. Labor Secretary Hilda L. Solis, in her article “Immigrants and America’s Future” (p. 8), refutes this argument, asserting instead that our strong immigrant workforce is vital to U.S. competitiveness in a global market. The secretary warns, however, that to provide opportunities and to truly tap into the potential of this growing population—which includes youth—the U.S. must recognize the contributions of immigrants and fix the broken immigration system.

Though Secretary Solis advocates for national immigration reform and more progressive attitudes toward immigration in the U.S., the chances of comprehensive reform are uncertain ahead of the 2012 presidential election. In lieu of federal legislation on the issue, the private sector has stepped in to fill the void by promoting integration through workplace programs. The article “Immigration and Integration: The Role of the Private Sector” (p. 11) by Alexandra Délano and Jason Marczak shows how companies that invest in the professional development of their immigrant or Latino employees—through classes in financial literacy and English as a second language or by providing health care—develop a more qualified, loyal workforce. Délano and Marczak join Secretary Solis in recognizing immigrants’ economic contributions and noting how their socioeconomic mobility will ultimately make the U.S. economy more competitive.

Daniel Altschuler takes a youth perspective toward the debate on immigration legislation and immigrants’ pursuit of the American Dream with his article “What’s Next for the Dreamers?” (p. 15). The Development, Relief, and Education for Alien Minors (DREAM) Act would create a path to citizenship for 2 million undocumented youth through military service or two years of university study. Altschuler echoes Secretary Solis’ call to invest in our immigrant youth, who will continue to play a key role in the U.S. workforce in the coming years, especially as baby boomers retire. Until legislation like DREAM passes at a federal level, millions of young, undocumented immigrants—many of whom have spent their entire lives in the U.S.—will continue to face the threat of deportation and be denied the educational and employment opportunities they deserve.

Not only have comprehensive immigration reform and progressive laws like DREAM failed to pass, but punitive anti-

immigrant legislation and practices have gained traction across the United States. Arizona's SB 1070, for example, is predicated on the same misguided economic arguments that Solis and Délano and Marczak debunk in their respective articles. Anti-immigration practices and deportations take a huge toll on immigrant communities and families, argues Cheryl Little in "The War on Immigrants: Stories from the Front Lines" (p. 19). While the U.S. Immigration and Customs Enforcement (ICE) is tasked with detaining and deporting undocumented immigrants, this responsibility is increasingly falling under the jurisdiction of local law enforcement. Little argues that the U.S. must reverse this trend, and instead push for legislation that treats immigrants humanely, strengthens our economy and ensures that law enforcement focuses on fighting real threats.

Pro-immigrant advocates have been pushing for immigration and the pursuit of opportunity to be viewed as a human right, not a matter of green cards or border security. This idea has an audience in countries across the Americas that grapple with the complexities of immigration, and Gas-

tón Chillier and Ernesto Semán profile Argentina's progressive model of immigration reform in "Argentina's Migration Solution" (p. 23). Argentina's Law 25.871 affirms that migration is an inalienable individual right, and that the Argentine Republic is committed to pursuing the path to citizenship for foreigners. Chillier and Semán make the point that the lessons from Argentina's experience in developing and implementing this law go beyond its borders.

Unfortunately immigration reform is not as easy as transplanting Argentina's law to the United States—there are a myriad of political and social nuances that make Law 25.871 specific to Argentina. Yet the benefits of an immigration policy that provides social rights while strengthening the economy and promoting security are undeniable. And while comprehensive reform in the U.S. may be years away, leaders from all sectors, whether politicians, supporters of the DREAM Act or businesspeople, are fighting so that immigrants can achieve what they came to this country to achieve—to live the American Dream.

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Immigrants and America's Future

It's time to put divisive and polarizing rhetoric aside and focus on solutions in the immigration debate.

By Hilda L. Solis

The formal name of the Statue of Liberty, which has greeted visitors sailing into New York harbor since 1886, is Liberty Enlightening the World. A bronze tablet inside the statue's pedestal displays a poem by Emma Lazarus that reads, in part, "Give me your tired, your poor/ Your huddled masses yearning to breathe free/The wretched refuse of your teeming shore." Those words have welcomed generations of immigrants to the United States.

Countless families across the U.S. can trace their heritage to immigrants—many of whom arrived under the shadow of the Statue of Liberty. But wherever they come from, immigrants make the trek to the United States for the same reason: to make a better life for themselves and their children. These "new Americans" became the building blocks of our nation's communities. And the succeeding generations continue to make our nation prosperous and keep our great cities thriving.

It was generations of immigrants that built our nation, and by working constructively to fix our broken immigration system, we can lay the economic foundation that America needs to win the future. Unfortunately the debate over immigrants' role

in our nation has grown increasingly polarized and heated. This need not be so.

Immigration continues to bring countless benefits to our nation, even with an immigration system in need of reform. But if America is to win the future, we have to restore responsibility and accountability to our broken system. We must also strengthen our nation's economic competitiveness by creating a legal framework that meets our diverse needs for the twenty-first century.

The numbers paint a vivid picture of immigrants' contributions to our economy. Foreign-born workers represent 15 percent of the nation's labor force. Of these workers, 54 percent are 25 to 44 years old. By comparison, the average age of a U.S.-born worker is 42. The aging of the U.S.-born population and its birth rate make clear that America's workforce can be replenished only by immigration. In fact, through 2050, immigrants and their children will account for 60 percent of population growth in the U.S., and nearly all of the new additions under the age of 65 will be immigrants.

Immigrants work in all types of occupations. They are teachers, scientists, engineers, and construction workers. They play a valuable role in our communities and our economy—as neighbors, friends and fam-

ily members. They sustain crucial lower-skill industries such as agriculture, fruit and vegetable processing, apparel manufacturing, leather and leather products manufacturing, and meatpacking. Immigrant workers are revitalizing rural areas with ties to these sectors by fueling population growth.

The immigrant population also pumps up job growth by spurring the creation of new businesses to serve them as consumers. One figure shows how critical this growth is to America's future economic security: over the next 75 years, documented immigrants are expected to provide a net benefit of approximately \$611 billion in current value to the U.S. Social Security system.

But immigrants are professionals, too. Census data show that roughly one in eight immigrants has an advanced degree. That's another fact often overlooked when assessing the value of immigration to America's global competitiveness. Immigrants account for 28 percent of doctoral degrees awarded in all fields, and over 40 percent of doctoral degrees awarded in science and technology.

Entrepreneurship is also critical to sustaining America's economic power. Today's immigrant-entrepreneurs, like their predecessors, play a key role. Immigrants are credited with 24 percent of patents and founded or cofounded over 25 percent of engineering and technology companies in the U.S. between 1995 and 2005.

These statistics show how crucial immigration is to our national goals. As President Obama stated, "Instead of just being a nation that buys what is made overseas, we can make things in America and sell them around the globe." America has everything it needs to compete in today's global economy. Our nation is full of bold entrepreneurs ready to develop new ideas. Our colleges and universities are the best in the world, and we have bright young people—both U.S. and foreign born.

Yet, to realize our full potential, we need policies that will ensure we win the global competition for new jobs and industries. This requires ensuring that our workforce is the best trained and best skilled, and that our workplaces are safe and healthy. We need to ensure that the next Intel is created in America and hires American workers.

Winning the future and building a competitive America demands an immigration system that works. It must honor our tradition as a nation of laws and a nation of immigrants. It must secure our bor-

ders, dismantle human trafficking groups, and set clear rules and priorities for future immigration that level the playing field for American workers and employers.

INVESTING IN OUR YOUTH

The immigration-related policies that the Obama Administration is advancing to achieve its aims are reflected in President Obama's fiscal year 2012 budget. For example, to foster student development, the President has called for \$1.2 billion for Hispanic-Serving Institutions and a \$150 million investment in a new initiative to increase college access and completion and improve educational productivity. These actions—which will benefit all students—will help America restore its international leadership in the number of college graduates, while supporting institutions that produce a large share of math- and science-oriented minority students.

The budget also proposes \$146 billion for research and development and maintains current funding levels for science, technology, engineering, and math. Funding is doubled for a comprehensive science and technology workforce program that brings graduates from historically underrepresented communities into these careers.

Through these investments, we are working to make college more affordable, revitalizing community colleges, connecting graduates to businesses that need their skills, and giving people with gaps in skills the training to secure employment.

But we must also build from the ground up. That is why the President's budget supports a competitive early learning challenge fund to encourage states to improve the quality of early childhood development programs. High-quality learning programs serving migrant children must be supported so that these children can overcome the unique challenges they face. These challenges stem from frequent moves and the resulting changes in curriculum, graduation requirements and academic achievement standards along with the barriers that come from high poverty rates.

And while many immigrants have achieved high levels of education, many others struggle to receive high school diplomas. English-language learners represent 10 percent of our nation's students in grades K–12. Of them, nearly 4.7 million attend K–12 schools in areas of the country that have less experience serving these types of students.

Still others lack access to higher education.

These students are integral to our twenty-first century economy. But a sad reality is that many who have grown up as Americans and pledge allegiance to the American flag live in daily fear of deportation. That is why the President supports enactment of the DREAM (Development, Relief, and Education for Alien Minors) Act. Continued failure to give these children an opportunity to fulfill their potential and to contribute to our economy harms them and, ultimately, the economic prosperity of our nation.

The U.S. is one of the world's most open societies. Yet despite the undeniable contributions of immigrants to all walks of life, the debate about the role of immigrants in our communities attracts increasingly heated rhetoric.

IMMIGRANT INTEGRATION

Through civic, economic and linguistic integration efforts, we can more effectively communicate and demonstrate the successes and contributions of everyone in our communities. With this aim in mind, the President proposed \$20 million to promote citizenship through education and preparation programs for new immigrants.

These programs replicate the promising integration practices already used in communities across the country and expand innovative English-language learning tools. For all communities, substantial investments have been made to strengthen civil rights enforcement against racial, ethnic, sexual orientation, religious, and gender discrimination.

At the same time, this administration takes very seriously its responsibility to enforce immigration laws and secure our borders.

Just as these laws are being enforced, so too are we enforcing labor and employment laws. For example, last December the Department of Labor recovered nearly \$160,000 in back wages owed to 110 garment workers in Los Angeles after it was found that the contractor, Joe's Jeans, failed to pay the minimum wage and overtime.

The ability of the company to enjoy high profits on the backs of vulnerable workers is an abuse and affront to the law. In enforcing labor and employment laws, the department is combating a reliance on vulnerable workers while leveling the playing field for law-abiding employers who follow the nation's labor and employment laws.

We are also strengthening protections for U.S. and foreign workers in non-immigrant visa programs. Reforms to the H-2A visa—a program for temporary agricultural workers—increased worker wages while providing greater access to jobs for domestic workers.

These reforms will help make the agriculture industry a better place to work by ensuring that U.S. and foreign workers receive equal wages and by providing transparency through the creation of a national electronic job registry.

They will also combat employment abuses by prohibiting employers from shifting to workers the costs associated with recruitment, visas, border crossing, and other fees mandated by the government. As a result of these reforms, it will be possible for those working hard on American soil to receive fair pay while at the same time expanding opportunities for U.S. workers.

The H-2B visa program, which allows employers to use foreign workers in areas where domestic workers are scarce, is also being improved. Through these reforms the department is working to create a level playing field in which employers can sustain and grow their businesses while ensuring that domestic workers have access to jobs and all workers are protected.

Immigration is closely tied to our nation's history. Each year, more immigrants take the citizenship oath, committing themselves to the future of our great country. We cannot deny the instrumental role that both immigrants and native-born Americans play in winning the future. Through worker training, education and integration, and enforcement and reform of the immigration system, America can compete globally and continue to welcome immigrants with open arms.

Hilda L. Solis is the 25th secretary of labor and the first Latina to hold the position in U.S. history. This article appears in the Spring 2011 issue of Americas Quarterly.

Immigration & Integration:

The Role of the Private Sector

With national immigration reform stalled, the business community is increasingly stepping in with initiatives that recognize the socioeconomic contributions of Hispanic immigrant workers and Latinos overall.

By Alexandra Délano & Jason Marczak

The 2010 U.S. Census underlined not only the dramatic growth of the U.S. Hispanic population but also its high mobility. In the last decade, data have shown that the number of Hispanics jumped by 43 percent—from 35.3 million in 2000 to 50.5 million in 2010—with this group accounting for over half of the total U.S. population increase. Latinos also continue to move to new destinations. Since 1990, the percentage of those living in the nine states with the historically highest concentrations of Hispanics shrank by 10 percentage points to a total of 76 percent.

The rise of the Hispanic population, together with an immigrant population estimated at 38.5 million (more than half of which is from Latin America), continues to spark a variety of public policies and private-sector responses. The most worrisome has been the explosion of anti-immigrant bills in state legislatures, which lawmakers claim to be a reaction to the absence of nationwide comprehensive immigration reform (CIR) and lack of enforcement.

More than 6,600 immigration-related bills were introduced at the state level between 2005 and 2010. Although only 838 bills were enacted, this level of activity is a

clear illustration of the anxieties and fears that exist in many parts of the country.¹

The most controversial bills focus on the estimated 10.8 million undocumented immigrants, approximately 62 percent of whom are from Mexico, 5 percent from El Salvador, 4 percent from Guatemala, and 3 percent from Honduras.² But as the debate about Arizona's SB 1070 demonstrated, these bills and the political climate to which they respond (and create) also affect U.S. citizens of Hispanic ancestry.

According to a 2010 Pew Hispanic Center survey, 61 percent of Latinos—a 7 percent increase from 2007—said that discrimination is a “major problem” that hampers their socioeconomic mobility. The correlation between discrimination against Hispanics and the growing anti-immigrant environment is no coincidence.³ Moreover, 34 percent of all Hispanics said they, a family member or a close friend had been the victim of racial or ethnic bias in the past five years. Besides the obvious personal implications, discrimination affects job prospects, educational opportunities and overall community cohesion.

Nevertheless, the anti-immigrant legislation has also triggered a constructive response from the private sector. Since 2007,

when proposed immigration reforms failed in Congress, many medium- and large-size businesses have spoken out about the socioeconomic contributions of immigrants and increased their own programs to facilitate immigrants' integration into U.S. society.

PRIVATE SECTOR FILLS THE VOID

As the U.S. population ages, the country's future economic growth and competitiveness will depend on new entrants into the labor market, and those entrants will increasingly be foreign born or—given recent data on fertility rates—Hispanic. These populations are already making vast contributions to their communities. Supporting their integration can only enhance these contributions.

CIR and other legislation—whether progressive state or local policies or laws that overturn regressive, anti-immigrant policies—can provide a critical opening for steering the national immigration debate from reforming the U.S. immigration system to maximizing immigrants' socioeconomic contributions. However, legislative reforms—even if they include provisions for increasing funding for integration programs—are only part of the answer.

That's why U.S. businesses are stepping in to fill the void. Many corporate leaders are recognizing that employer-led integration efforts carry important social and business benefits—from new promotional opportunities that enhance worker retention and productivity to positive brand association that boosts consumption and profits. Across the country, private-sector firms are promoting integration through employer-led programs and through initiatives involving partnerships between companies, community groups and/or local governments to develop programs that focus on language instruction, skills training, financial literacy,

civic engagement, and health and wellness.

One example of the efforts of private-sector firms is the proliferation of programs to improve language proficiency—a crucial factor for socioeconomic mobility. Companies such as The Norsan Group, Miller & Long Concrete Construction, Northrop Grumman Shipbuilding, Tyson Foods, McDonald's USA, and American Apparel offer on-site English courses before or after work, between shifts or on weekends.

Employees often balance a second job or other commitments with a desire to learn the language. Thus, the most successful programs work collaboratively with employees to determine the best time for classes. In research conducted nationwide and in select new gateway cities, we also found that incentives such as a certificate or promotional opportunities encourage course completion and reward good performance.

For example, Roslyn Dickerson, regional senior vice-president of Americas corporate and public affairs at InterContinental Hotels Group, explains that the company helps its workforce to develop personally and professionally. Employees are given help in moving up the career ladder through courses in English or, in some cases, attaining citizenship. Not only does integration develop talent internally but it also makes the hotel a place “where people like to come to work,” which, Dickerson notes, strengthens the company's image and builds its customer base.

Similarly, financial institutions with a large current and prospective Hispanic customer base have introduced programs to increase individual and household socioeconomic well-being. Wells Fargo, Bank of America, JPMorgan Chase & Co., and HSBC Bank USA are among firms providing information about their products at consulates while offering special assistance to customers to facilitate access to credit and savings accounts.

Local and national banks and credit unions also collaborate with community groups to offer financial literacy and home ownership programs. This helps Hispanics build confidence in using financial institutions—a necessary goal given that 19.3 percent of Hispanic households are unbanked and 24 percent are underbanked.⁴ Beyond promoting saving and investment, financial literacy boosts community safety by encouraging individuals to deposit cash instead of carrying it with them.

As the U.S. population ages, the country's future economic growth will depend on new entrants into the labor market, who will increasingly be foreign born or Hispanic.

Education and skills development courses help workers move up in a company and also allow employers to promote internally, which retains talent and saves recruiting costs. “If we invest in team members, they are likely to be devoted to our company,” says Gary Denton, manager of human resources at the Tyson Foods plant in Goodlettsville, Tennessee. “We retain them, and they’re our future supervisors.” This approach is also being taken in companies such as Western Union and State Farm Insurance.

INNOVATIVE APPROACHES TO COUNTER FALSE PERCEPTIONS

A key issue in the current immigration debate is the type of language and messages used by media, government and public figures. Misconceptions and misinformation about immigrants are part of the explanation for much of the xenophobia and anti-immigrant rhetoric that we see today.

Through media campaigns, research and working groups, some businesses are working to improve society’s understanding of the Latino community and foster an environment for collaboration and improved communication between immigrant groups and native-born populations. This is the case in New Orleans, Louisiana, where the Latino population increased 58.1 percent in the seven-parish metro area from 2000 to 2010 as part of the post-Hurricane Katrina rebuilding effort. There, local public broadcasting stations offer bilingual cultural programming to encourage greater understanding between the English- and Spanish-speaking populations.

At the same time, through sponsorships and collaboration with Hispanic groups in outreach campaigns, businesses such as Telmundo, Univision, Wal-Mart Stores, Inc., and ConAgra Foods have promoted Latino civic engagement. One model is the programming of Vme TV—a Spanish-language public broadcasting station with 38 affiliate stations and an estimated 2 million viewers per week—that operates with the recognition that Hispanics have the same breadth and diversity of interests as the general market. Its content attempts to promote positive images and a healthy environment where the diversity of cultures within the Hispanic population is recognized and respected.

Media—whether television, print, radio, or Internet—were powerful tools for encourag-

ing participation in the 2010 U.S. Census by presenting the message that being counted is the first step to being an active community participant. Similarly, Latino empowerment efforts are carried out through voter registration campaigns, especially during presidential election years. Providing information about citizenship and voting rights facilitates political participation among Hispanics, while also reinforcing immigrants’ desire and commitment to root themselves in the fabric of their local communities. Business involvement in these efforts allows companies to reach out to Latinos in new ways while fostering a better understanding of immigrant groups within society.

In various U.S. cities, businesses continue to come together to build coalitions to support legislation beneficial to the immigrant community or defeat proposed policies that would lead to increased discrimination. For example, the defeat of a proposed English-only bill in Nashville, Tennessee, in January 2009 was recognized as a model for other cities seeking to bring together a broad coalition of groups (advocacy networks, civil rights groups, religious groups, schools,

Education and skills development courses help workers move up in a company and also allow employers to promote internally and retain talent.

immigration experts, business leaders, and community organizations) to oppose legislation that would have had a negative impact on immigrant integration. The Nashville for All of Us coalition argued that the initiative would damage the city’s reputation for tolerance and diversity and would drive away immigrant workers and internationally-owned businesses; the city’s 206 foreign-owned companies provide an estimated 34,000 jobs. The bill’s passage would not only have punished undocumented immigrants, but also refugees and other migrants with legal status as well as foreign executives visiting local operations.

The measure was opposed by what are considered some of the most powerful forces in town, including the chamber of commerce, the visitors bureau, church leaders, Mayor Karl Dean, then-Governor Phil Bredesen, and chancellors and presidents of the local universities. Similar groups such as The Coalition for a Working Oregon, the Kansas Business Coalition and the Idaho Business Coalition for Immigration Reform have been formed to fight proposals they see as hostile to immigrant workers, to promote positive messages about immigrants' contributions and to add the voice of businesses to the debate through research and lobbying efforts.

Calls for a comprehensive reform over the last decade have yet to lead to a federal policy resolution. Instead, the debates in Congress and in state and local assemblies reinforce that changes in immigration laws are complicated and time-consuming and, in the end, can lead to more restrictionist measures.

As the Migration Policy Institute proposed in March 2011, much can be done at the executive level—without consulting Congress—to address some of the most pressing issues facing immigrants.⁵ This includes establishing a White House Office on Immigrant Integration, which would coordinate immigration policy across agencies and with select local officials.

Similarly, much can be done (and is already being done) at the state and local levels through legislation, special offices and welcome centers. The most successful of these initiatives combine the efforts of nonstate actors—including businesses, community groups and public institutions—to protect the rights of American citizens and migrants alike while maximizing the social and economic benefits of migration. Such groups interact daily with immigrant groups and can provide input that is invaluable for creating better policies that represent local communities (including both immigrants and native-born populations) and promote constructive dialogue.

Even without CIR, many in the private sector are showing that an alternative exists to policies that result in discrimination. The reality is that over the last decade the foreign-born population grew by close to 70 percent in new destinations such as South Carolina, Alabama and Tennessee. There and across the country, integration programs are crucial for the intended beneficiaries and their employers, and can also serve to break down barriers and combat stereotypes toward Hispanics and immigrants overall.

By doing so, businesses are not only improving the productivity of their own workforce and companies, they are also providing a constructive, subtle way to address the anti-immigrant climate in their communities.

For source citations see: www.as-coa.org/new_destinations_ad-jm

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What's Next for the Dreamers?

DREAM Act advocates face an uphill battle in securing legislative passage after last year's defeat in the U.S. Senate.

By Daniel Altschuler

Activists don't have the luxury of an off-season. After bruising defeats, they must choose between giving up or dusting themselves off and regrouping.

So it has been in early 2011 for pro-immigrant youth activist organizations fighting for the Development, Relief, and Education for Alien Minors (DREAM) Act, which offers undocumented young people who grew up in the United States—Dreamers—an earned path to citizenship through military service or two years of college attendance.

If passed, approximately 2 million undocumented youths would be eligible for DREAM. These are young people who have been raised and educated in the U.S. but are unable to apply their skills in the formal labor market or the military. Of this number, roughly 100,000 already have at least an associate's degree and well over 500,000 have either completed high school or passed an equivalency test.

But after DREAM failed to pass in the U.S. Senate in December 2010, pro-immigrant advocates have had serious cause for despair. With the current composition of Congress, any legislation that appears to legalize undocumented immi-

grants has very little chance of passing before the next presidential term begins in 2013. To make matters worse, anti-immigrant state legislative proposals—such as the measures adopted in Arizona last year—have spread like wildfire across Republican-controlled state legislatures.

But the youth organizations that emerged to press for DREAM are not accepting defeat. Instead, they have shifted their energies to consolidating their movement and focusing on new fronts: state congresses and the federal executive branch.

DREAM, which was first introduced in the Senate by Senators Dick Durbin (D-IL) and Orrin Hatch (R-UT) in 2001 and has since been an important piece of comprehensive immigration reform (CIR) negotiations, has long enjoyed bipartisan support.

But the combination of the rising influence of the Tea Party on Republican legislators, unprecedented Republican unity and conservative Democrats' re-election concerns proved too much for DREAM's passage in 2010. Despite pro-immigrant advocates' concessions, such as reducing the age limit of immigrants who could qualify (from 34 to 29 years), lengthening the waiting period for citizenship to at least 13 years, eliminat-

ing Dreamers' eligibility for certain government benefits, and increasing the fees beneficiaries would have to pay, the legislation could not overcome multiple filibusters at the close of the last Congress.

When the bill failed, Dreamers were distraught. Their organizing efforts had apparently come to naught, and the changing dynamics in Washington following the midterm elections made DREAM's passage before 2013 improbable. But, hours after youth leaders cried outside the Senate's chamber following the bill's failure, Dreamers were already preparing for the next fight, leading defiant chants before exiting the Capitol.

Faced with devastating defeat, student leaders responded with aplomb—the sign of a maturing youth movement that a single legislative defeat could not undo.

DREAM'S ORIGINS

The push for DREAM began in the early 2000s. At first, pro-immigrant advocates called on youth to come to Washington DC to tell their stories to highlight the lost opportunities that result from the current system. Over time, however, the Dreamers' role evolved. Youth activists started forming their own organizations around the country and eventually created a national network in late 2008 called United We Dream (UWD). In 2010, Dreamer actions and protests played a critical role in shaping the legislative agenda, demonstrating the Dreamers' transformation from poster children to protagonists.

Throughout 2009, pro-immigrant advocates geared up to push for CIR—omnibus immigration legislation that would include DREAM and a package to increase the supply of visas for agricultural and high-skilled workers, provide an earned path to legalization for other unauthor-

ized immigrants already in the country, reduce visa backlogs, and increase immigration and border enforcement.

But by early 2010, it was clear to Dreamers that CIR would not become a reality. José Luís Marantes, UWD's cofounder, noted, "The moment that broke the camel's back was in the 2010 State of the Union, in which only 13 words were given to immigration reform, with no promise of delivering anything."

Dreamers responded by pushing for a transition to a stand-alone bill. And in early 2010, the Dreamers drew nationwide attention to their cause when four students walked 1,500 miles from Miami to Washington DC on a well-publicized Trail of Dreams.

By May, Dreamers had become increasingly impatient with the reluctance of national pro-CIR advocates—including the Congressional Hispanic Caucus—to push for a stand-alone bill. Some advocates turned to civil disobedience. As part of The Dream is Coming project, five students demanding support for the bill staged a sit-in at a district office of one-time DREAM proponent Senator John McCain (R-AZ). But McCain refused to meet their demands, and four of the students were arrested and placed in deportation proceedings.

And this was only the beginning.

In the following months, Dreamers throughout the UWD network raised awareness through marches, pray-ins at congressional offices and tens of thousands of calls and faxes to Congress. Their efforts helped DREAM become a central item in U.S. political debate during 2010, emerging from obscurity to the editorial pages of major newspapers across the country.

Ultimately, advocates convinced recalcitrant Democratic legislators to introduce a stand-alone DREAM bill in September and again in the lame duck session beginning in November. Their efforts in key states and on Capitol Hill helped DREAM pass the House of Representatives and come tantalizingly close—just five votes—to passing the Senate in December.

THE MARCH FORWARD

But when they gathered for the UWD's national congress in Memphis in March 2011, Dreamers found themselves in a tricky position. Despite their emergent strength, Dreamers face a House of Representatives leadership that will almost certainly not consider DREAM. Furthermore,

Of the youth eligible for DREAM, roughly 100,000 have at least an associate's degree and over 500,000 have completed high school or passed an equivalency test.

Democrats possess a diminished majority in the Senate, and many Senate Democrats from relatively conservative states are loath to touch the immigration issue given the prospect of tough re-election fights in 2012.

The challenge, then, is how to consolidate youth power and redirect it to new battles that could create another legislative opening for DREAM.

The primary focus at the UWD congress was to strengthen its affiliated state and local grassroots organizations and build a national network capable of sustaining direct action. This involved training youth leaders in matters ranging from the mundane (for example, how to structure an organization and create a legal entity) to the intellectual (such as the history of immigration in the U.S. and nonviolent direct action).

Already, Dreamers have publicized powerful stories of young people's aspirations to learn and serve being thwarted by a system that leaves them unable to study and work and in constant fear of being deported. Their challenge now is to expand their audience and their base.

Social media and online activism have been—and will continue to be—keys to Dreamers' outreach efforts among potential immigrant and nonimmigrant allies. But virtual activism is no substitute for traditional alliance-building. To build their bases of support, Dreamers hope to foster alliances with the African-American community, LGBTQ (lesbian, gay, bisexual, transgender, and queer) groups and other immigrant rights organizations.

Like their anti-immigrant foes, Dreamers' shifted their focus in early 2011 to state and local legislative battles. With dozens of states considering restrictionist bills—copycats of Arizona's SB 1070, bills challenging birthright citizenship, and bills cutting undocumented immigrants from public services including primary education—mobilizing immigrant communities and allies will be critical to both defeating these bills and pushing for DREAM's passage.

Already, Dreamers have joined pro-immigrant allies in denouncing these restrictionist bills. And these broad efforts have helped lead to the defeat of such bills in at least 10 states including Arizona, where bills seeking to deny birthright citizenship to children of unauthorized immigrants and prevent undocumented people from attending community college or receiving medical aid have failed in 2011. In states such as Georgia, Ala-

bama and South Carolina, however, anti-immigrant legislation has advanced quickly.

Dreamers' state-level strategies are not just reactive; these young activists also see glimmers of hope in immigrant-friendly states. As of April 2011, 11 states, including Texas, Utah and Kansas, offer in-state college tuition to undocumented students. In mid-April, Maryland became the latest state to pass its version of such legislation with Governor Martin O'Malley's spokesperson emphasizing that the state "should not place additional burdens on those [undocumented] students to achieve their dream of higher education." New in-state tuition legislation also has advanced

As of April 2011, 11 states, including Texas, Utah and Kansas, offer in-state college tuition to undocumented students.

in Connecticut, and a New York DREAM Act—which would make Dreamers eligible for financial aid, work authorization, and drivers' licenses—was introduced in the state senate. California's version of the DREAM Act would make these youth eligible for state financial aid. (It had passed the assembly's Higher Education Committee as of this article's publication.)

Nonetheless, legislators in some states that already have in-state tuition guarantees, including the new governor of New Mexico, Susana Martinez, are calling for repeal. But, with strong organizing, Dreamers hope to repel these opponents and expand the number of states that offer them affordable college education.

Wins in any of these states are far from guaranteed, but even one victory could prove important for building momentum and maintaining activists' morale.

The Dreamers' new strategy also has a national component. While congressional representatives may receive less pressure from Dreamers now that passing a federal bill is unlikely in the short term, the White House and the Department of

Homeland Security (DHS) in particular, will almost certainly feel the heat.

With annual deportations under President Obama (nearly 400,000 in 2010) outpacing those under President George W. Bush, Dreamers have launched the Education Not Deportation (END) campaign to help undocumented students fight deportation and stay in school. END publicizes and fights deportation cases with the hope of protecting undocumented students and to “unveil the moral crisis caused by the current enforcement, detention, and deportation policies,” according to UWD board member Felipe Matos.

President Obama and DHS Secretary Janet Napolitano have reiterated their support for the DREAM Act and insist that—while they are obligated to enforce the law—they are prioritizing criminals, not Dreamers, for removal.

But students are still facing deportation. And while Dreamers alone do not have enough electoral power to prompt major action from the President (after

all, they cannot vote), they continue to fight and publicize deportation cases—especially within the Latino community.

With the 2010 U.S. Census reporting that more than 50 million Latinos now live in the U.S., Dreamers hope to force the President to reconsider such deportations as his administration begins the campaign for the 2012 elections.

The past year has brought both unprecedented victories and stinging defeats for the Dreamers. In the short term, the obstacles in Congress remain too formidable and the national immigration conversation too ugly for DREAM to have a chance of passing at the federal level.

Through their organizing efforts across the country, Dreamers may offer the best hope for shifting that conversation and opening the door again for immigrant-friendly legislation like DREAM.

As undocumented students who live under the constant shadow of deportation from the country in which they grew up, their futures depend on their movement's success.

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The War on Immigrants:

Stories from the Front Lines

Anti-immigration policies are hurting real people and families and undermining U.S. ideals of justice. They are also making our communities less safe.

By Cheryl Little

The U.S. Government's War on Terror has transgressed into a War on Immigrants. Under President George W. Bush and continuing under President Barack Obama, Washington's attempt to secure the nation's borders has sent not only waves of fear through our immigrant communities but has shocked those who cherish the principles upon which our country was founded.

Federal dragnets with code names like Operation Endgame and Return to Sender have targeted immigrants who have broken no criminal laws, yet are treated like hardened criminals, with no right to a court-appointed lawyer. Efforts by local sheriffs anxious to enter into 287(g) agreements with Immigration and Customs Enforcement (ICE) to arrest suspected unauthorized immigrants also has contributed to a record number of deportations. In 2010, the Department of Homeland Security (DHS) deported nearly 400,000 immigrants at a cost of \$5 billion.¹ ICE detainees represent the fastest growing prison population in the United States.

The new laws, programs and strategies aimed at controlling unauthorized immigration have not only failed to make us safer, but they have also ignited

popular anti-immigrant sentiment.

Immigrant neighborhoods around the country have been the target of massive sweeps by both local and federal law enforcement. City and state officials have reacted by passing laws punishing immigrants and those who offer them shelter. While federal courts have stepped in to put the brakes on local anti-immigrant ordinances like those in Hazleton, Pennsylvania, and Avon Park, Florida, regressive state laws are creeping up across the country. These threaten to turn local police into immigration agents, devastate state economies and further demonize immigrants.

And, as a weakening economy has produced disgruntled Americans into a search for scapegoats, many hardworking, tax-paying immigrants—with significant ties to the U.S., full-time jobs, and American spouses and/or children—have been forced underground. Even when they have been victims of hate crimes, they avoid contact with law enforcement.

The Florida Immigrant Advocacy Center (FIAC) protects the basic rights of immigrants and has documented their stories in order to put a face on the injustices being committed against them. Our work has provided ample evidence that the barrage

ICE detainees represent the fastest growing prison population in the United States.

of anti-immigrant laws and regulations, often propelled by right-wing rhetoric, is an assault on the fundamental civil liberties of all. Our research also makes clear that driving immigrants further underground does nothing to fix our broken immigration system. It only makes matters worse.

OVERZEALOUS LAW ENFORCEMENT

A first step toward changing this situation must be to move away from focusing exclusively on law enforcement as a solution.

ICE falsely claims that it is targeting “the most dangerous criminal aliens,” like murderers and rapists, but ICE’s own statistics prove otherwise.² Secure Communities—a DHS program launched in March 2008 to identify undocumented immigrants in U.S. jails—screens the fingerprints of anyone arrested by local police, not just those convicted of crimes. With such a wide net, it’s not surprising that 80 percent of persons flagged by this program are far from dangerous criminals.³

As with the misguided 287(g) program, without narrow tailoring and adequate safeguards, Secure Communities lends itself to abuse by local law enforcement agencies, which can use traffic stops as pretexts for racial profiling for the purpose of funneling individuals, most of whom are Latino, into the deportation process.

Florida, one of the first states to get Secure Communities, provides some poignant examples of this current trend. A FIAC survey of 70 detainees at the Broward Transitional Center in fall 2010 was telling. Nearly two-thirds of detainees had no criminal history, and most of the rest had only low-level traffic violations. Some were simply passengers in cars stopped for routine traffic violations. And all but two of the detainees interviewed were Hispanic. For every two persons interviewed, one minor child—generally a U.S. citizen—had lost a parent or caregiver to immigration detention.

Florida’s rates of noncriminal deportations are among the nation’s highest. In Orange County, home to Orlando and Disney World, 63 percent of Secure Communities deportees were not convicted of any crime. Equally shameful are the numbers for Palm Beach County (62 percent), Broward County (57 percent), and Miami-Dade County (51 percent).⁴ These rates more than double the 26 percent of noncriminal Secure Communities deportees from Arizona’s Maricopa County, which is notorious for Sheriff Joe Arpaio’s tough-on-immigrants stance.⁵

These deportations are not only a drain on federal coffers—they ravage the economy. If all undocumented immigrants were removed from Florida, the state would lose \$43.9 billion in economic activity.⁶ By contrast, a January 2010 report by the Center for American Progress and Immigration Policy Center concludes that immigration reform would result in at least a \$1.5 trillion cumulative increase in GDP over 10 years.

Further, increased reliance by ICE on local law enforcement to do their work damages relations between local police and the communities they are sworn to protect. Fearing deportation, many victims will not report domestic violence or other crimes. And everyone is at risk when the bonds of trust with the police are broken.

Immigrants who live in constant fear of deportation remain easy targets of crime. In March 2009, a woman posing as an immigration officer abducted a baby from a migrant worker at a county health clinic in Plant City, Florida. Police said that the woman threatened to deport the mother if she didn’t hand over the baby girl. After talking to relatives, the parents reported the missing baby and she was ultimately reunited with her family.

CHILDREN ARE VICTIMS

The crackdown has traumatized immigrant families. In many cases, families have been forced apart when parents are detained or deported, leaving children to fend for themselves with relatives or strangers. While ICE has the right to arrest those without legal status, the manner in which they do so is disturbing.

In late March 2011, for example, ICE surrounded an elementary school in Detroit, targeting parents who were dropping off their children. Earlier that month, agents from the same field office conducted an illegal search of a man’s home. They detained his wife and refused to let him bring her

medication before she was deported.

Children are often among the most deeply affected by ICE actions. After roundups, children have been left with non-family caregivers or placed in state care. Crying infants have been pulled from their mothers by armed officers who deny them any opportunity to make arrangements for their children's care. Even nursing mothers have been detained and forced to leave their babies behind, as have mothers with sick children.

Perhaps the greatest fear parents have is losing their American-born children forever. Blanca Benitez-Banegas knows this firsthand. Blanca and her common-law husband came to the United States in 1999 after Hurricane Mitch. While here, she gave birth to two sons. But a Miami traffic stop shortly before Christmas in 2006 brutally divided the family. The two boys were placed in foster care even though Blanca begged ICE to place them with her sister, a legal permanent resident, in Houston, Texas.

For two months Blanca had no idea of her sons' location and the boys were left without information about their parents. When Blanca was transferred back to Florida from a Texas jail she had no idea that a court hearing was scheduled to determine who would have custody of her boys. If she did not retain custody, she might not see them again during the 10 years she would be barred from returning to the United States following deportation. Thanks to the Honduran Consulate and pro bono lawyers, Blanca retained custody and her sons returned with her to Honduras.

CAUGHT IN THE BLACK HOLE

Once detained, immigrants often fall into a black hole. Parents held by ICE have limited access to the outside world. It can take weeks for them to get permission to call an attorney or loved ones to let them know where they are. Without the benefit of legal representation, parents often unknowingly waive their rights and are quickly deported.

The number of children affected is alarming. According to a 2010 study by the non-partisan Urban Institute, for the National Council of La Raza, 5.5 million children in the U.S. had at least one undocumented parent, putting them at risk of being separated from their parents.⁷ This 5.5 million sum amounts to 7 percent of all U.S. children, or about 1 in every 14. Nearly three-quarters of these chil-

dren were U.S. citizens or legal residents.

Older children—many brought to the U.S. as toddlers by their parents—are also being deported. That's what happened to 18-year-old college student Juan Gómez. Juan was 18 months old when his family came to the U.S. from Colombia in 1991 on a tourist visa and applied for asylum. Their case was pending for 11 years. Meanwhile, Juan excelled in school, scoring 1410 on the SAT, and volunteered at a shelter.

Seventeen years after their arrival in the U.S., Juan and his family were arrested and taken to jail in handcuffs by ICE. The family was separated and neither Juan nor his brother Alex was allowed to communicate with their parents while in jail. Outraged, Juan's classmates launched a campaign on Facebook to secure their release. The result-

Driving immigrants further underground does nothing to fix our broken immigration system. It only makes matters worse.

ing publicity led to the family's temporary release in July 2007. Even then, the parents were deported in October of that year.

In August 2008, Juan was accepted to Georgetown University and he will graduate in May 2011. While JPMorgan Chase in New York has offered him a job, his future is uncertain. Absent passage of the Development, Relief, and Education for Minors (DREAM) Act or other legislation creating a pathway for unauthorized immigrants to earn legal status, Juan will remain in legal limbo or, worse, face deportation.

NO SAFE HAVEN

The new laws, programs and strategies aimed at controlling immigration have fueled an anti-immigrant hysteria. The fear and misery caused by ICE sweeps are widespread, stretching from Hispanic to Haitian communities, and leave few safe havens.

Not surprisingly, this harassment has escalated to real violence. Undocumented immigrants in border states are frequently

targeted by robbers, armed civilians and rival smugglers. Attacks against Guatemalans are so common in South Florida that perpetrators call their assaults “Guat-bashings.” Mexicans are easy prey for armed thugs who break into their homes, take their money and belongings and even shoot them. They call it “Chico-hunting.” Most crimes go unreported because the victims fear ICE detention.

The Southern Poverty Law Center (SPLC) notes an 80 percent growth in 2009 alone in “furious anti-immigrant vigilante groups.”⁸ These private citizens have attempted to take matters into their own hands. For example, in October 2007 a condominium president in Deerfield Beach, Florida, posted a letter informing residents—70 percent of whom are Brazilian—that she was asking ICE to enter the building and “do a door-to-door documentation of everyone’s legal status.”⁹

These types of actions must be changed from the top. In January 2011, President Obama reiterated his commitment to enacting smart immigration reform to address the millions of undocumented immigrants now “living in the shadows.” Yet tens of thousands of immigrants are being detained and deported even though they pay taxes, have U.S. citizen relatives, contribute to their communities,

and have lived in the U.S. for years.

The U.S. can cope with the new groups of immigrants and, at the same time, protect national security without tarnishing our principles of justice. How? With reality-based immigration reform that permits government officials to track the whereabouts of immigrants, that responds to the demands of the U.S. labor market, and preserves the fundamental principle of family unity. Such reform will also undermine the power of smugglers and unscrupulous employers who exploit immigrants. By permitting undocumented immigrants already in the United States to embark on a path to legalization, and controlling future immigration through legal channels, enforcement efforts could focus instead on identifying those with true intent to do us harm.

Clearly, we need to enforce immigration law, but we need laws that can be reasonably enforced. Lawmakers at all levels should abandon measures that squander our funds and misdirect our attention by criminalizing immigrants for civil violations. Legislative reform that treats immigrants humanely will strengthen our economy and will ensure that law enforcement focuses on fighting real threats. Without this, the tragedies represented by the caseloads of agencies like FIAC will continue to grow.

For source citations see: www.as-coa.org/new_destinations_clittle

Cheryl Little is cofounder of the Florida Immigrant Advocacy Center and has served as executive director since 1996. An earlier version of this article appeared in the Summer 2008 issue of *Americas Quarterly*.

Argentina's Migration Solution

A revolutionary answer for immigration reform based on open dialogue and the recognition of migration as a human right.

By Gastón Chillier & Ernesto Semán

Most Latin American countries have regarded immigration policy as a function of border protection, using approaches that emphasize security and law enforcement, including strict regulation of work and residency permits. Such policies have not only failed in recent years to curb the growth of undocumented migrants, but they have also clashed with resolutions adopted in 2003 and 2008 by the Inter-American Court of Human Rights that guarantee the rights of migrants.

Argentina is a notable exception. Thanks to a law passed in 2004, it has emerged as a model for innovative immigration policymaking. The law incorporated the recognition of migration as a human right. But what really made it historic was the open, consultative process used to conceive, develop and pass the legislation.

How Argentina got there is an instructive story—and it may hold lessons for its neighbors and for other areas of the world.

A COUNTRY OF IMMIGRANTS STRUGGLES WITH ITS LIMITS

As a country known both as a source and a destination for immigrants, Argentina has always carved out a special place for itself in Latin America. In the nineteenth century, it forged a national identity through an open-door immigration policy that was geared selectively toward European immigrants. But migration from neighboring countries such as Bolivia, Chile and Paraguay increased steadily to the point that—by the 1960s—the number of immigrants from its neighbors outpaced arrivals from Europe.

In response, Argentina imposed stricter controls on the entry and exit of foreigners, beginning with legislation introduced in 1966. The legislation established new measures for deporting undocumented immigrants.

In 1981, under the military dictatorship, legislative decrees that allowed the state to expel migrants were codified into law for the first time as Law 22.439, also known as *la Ley Videla* (named after the military dictator Jorge Rafael Videla, who was later convicted of human rights violations). The law contained several provisions that affected

constitutional guarantees, including the right of authorities to detain and expel foreigners without judicial redress, the obligation of public officials to report the presence of unauthorized immigrants, and restrictions on their health care and education. For example, undocumented immigrants could receive emergency healthcare, but hospitals were then obligated to report them. The resolutions and decrees of the National Migration Office (first established in 1949) turned the office into a vehicle for the violation of migrant rights and precluded it from regulating immigration and addressing immigrants' status.

From the downfall of the military dictatorship in 1983 until 2003, Congress failed to repeal *la Ley Videla* or enact an immigration law in accordance with the constitution and international human rights treaties recognizing migrant rights. In fact, the executive branch expanded the law's discriminatory features and promoted the autonomy of the National Migration Office to establish criteria for admission and expulsion from the country without any legal oversight.

The continuation of *la Ley Videla* relegated close to 800,000 immigrants—most of whom came from neighboring countries—to “irregular” status, producing serious sociopolitical consequences.

Efforts to rectify the situation first met with little success. In the absence of reform, Argentine immigration policy was based on individual agreements with countries like Bolivia and Peru to regulate immigrant flows. These agreements failed to address the larger realities of such flows, and Argentine authorities often expelled immigrants despite the treaties. As a result, courts repeatedly upheld detentions and expulsions sanctioned by the immigration authorities, as there were no formal mechanisms to ensure justice for immigrants. In turn, the high cost of filing or pursuing an appeal generally made it an unlikely option.

In 1996, this unjust and unsustainable situation led to the creation of the Roundtable of Civil Society Organizations for the Defense of Migrant Rights, a diverse coalition of human rights groups. The roundtable sought to counter xenophobic rhetoric coming from state ministries and from the president. The organization worked for migrant rights and included a diverse coalition of immigrant associations, religious groups, unions, and academic institutions. A key goal was to expose the contradictions and inconsisten-

cies of *la Ley Videla* by sponsoring reports on abuses of migrants' human rights, bringing cases to court and submitting complaints to the Inter-American Human Rights System.

In 2000, the organization outlined a specific agenda to repeal *la Ley Videla* and to pass a new immigration law that respected the rights of foreigners. Criteria for the new legislation included administrative and judicial control over the National Migration Office, reform of deportation and detention procedures to guarantee due process, recognition of the rights of migrants and their families to normalize their immigration status, and elimination of discrimination and other forms of restrictive control in order to ensure access to constitutionally guaranteed social rights and services.

Representatives of the roundtable then began to meet weekly with politicians. They presented proposals to legislative committees (in particular the House Population Committee) and participated in public hearings. In the end, the group was instrumental in promoting public discussions and endorsing a bill by *Partido Socialista* Senator Rubén Giustiniani that ultimately passed in 2003 with broad political support. This open consultative process ultimately provided the framework for then-President Néstor Kirchner and the National Migration Office to join other political forces in Congress to pass the bill.

Meanwhile, Latin American migration to Argentina continued to rise, along with immigration from Eastern Europe, Asia and Africa. Census records from 2001—the latest year available—show that 4.6 percent of the 36 million Argentines were foreign-born and that 2.6 percent of the population was originally from a neighboring country.

A PERFECT COMBINATION OF PROCESS AND GOALS

Enacted in January 2004, Law 25.871, or *Ley de Migraciones* (Migration Law), recognizes the human right to migrate and affirms that migration “is an essential and inalienable individual right to be upheld by the Argentine Republic based on principles of equality and universality.” To bring all immigrants out of the shadows, the law calls on the state to “make available all appropriate measures to normalize the immigration status of foreigners.” It is revolutionary both in Argentina and globally insofar as the economic, social and political rights granted to immigrants.

One of the major achievements of the immigration law and its regulatory decree has been to ensure that migrants have access to the judicial system during the immigration process. This stipulation was a long-standing goal of individuals and groups that supported the new legislation. Before immigration reform, several court decisions had established minimal protective mechanisms. But under the *Ley de Migraciones*, equal access to the judicial system acts as a check on arbitrary administrative decisions. Under the law, those facing deportation proceedings are guaranteed free legal aid and translation services.

Since passage of the law, the courts—under Article 61—have been in charge of ruling on the harshest sentence an immigrant can receive: deportation. Furthermore, new procedures were mandated to modify the process of detaining individuals awaiting deportation. A judge must now always hear a case, which can only be requested by migration authorities and decided on by the courts once the deportation authorization has been completed.

The *Ley de Migraciones* also stipulates the right to family reunification—a hot-button issue around the world—for migrants and their “parents, spouses, unmarried children or older children with disabilities.”

In addition, a new category of temporary residency was created for the vast majority of migrants living in Argentina, most of whom are South American nationals. This new residency category, which applies to immigrants from Mercosur and other associated countries, allows people to legalize their residence in Argentina. They don't need a special work permit or a tourist visa, only a willingness to live in Argentina. This is truly historic in a country like Argentina—a nation that denied migrants' basic rights for 40 years. It goes a long way toward resolving historical patterns of discrimination by helping migrants establish official status with only minimal requirements.

Besides these new specific guarantees, a key feature of the *Ley de Migraciones* is its recognition of equal guarantees for the social rights of migrants, including access to health services, education, legal aid, work, and social security. One article in the law specifically focuses on education, prohibiting the denial of admission to any school based on legal status. The principle of equal access is also reflected in an article on health care.

The importance of integration to community-wide cohesion and socioeconomic growth was not ignored by the authors of the bill. In fact, the approach to integration is not too different from how other countries continue to discuss it today.

Article 14 declares the State “will favor initiatives to promote the integration of foreigners in their community of residence, especially those initiatives aimed at: the completion of Spanish language courses; the dissemination of useful information for proper integration. . . especially in reference to rights and obligations; knowledge and appreciation of the cultural, recreational, social, and economic and religious traditions of immigrants; [and] organizing training courses for living in a multicultural society and for the prevention

A key feature of the *Ley de Migraciones* is its recognition of equal guarantees for the social rights of migrants.

of discriminatory behavior for officials, public employees and private entities.”

Argentina's achievements in migrant rights partly reflect the role that human rights organizations have played through international litigation, public debates and the drafting of key texts. But there is still much to be done to fully recognize the rights of migrants. Top concerns include the absence of effective procedures to regulate migrants' status in compliance with the new law, the need for better guarantees of access to social services and the uneven application of the law regarding cases from Senegal and the Dominican Republic.

That is why the efforts of the roundtable did not end once the law was passed. The group continued to fight for a regulatory decree and the chance to correct certain aspects of the law.

In response, in June 2008, President Cristina Fernández de Kirchner formed an advisory committee for the regulation of the law, bringing together representatives of

human rights organizations, the United Nations (UN High Commissioner for Refugees and the International Organization for Migration), religious groups, and the Latin American Center for Immigration Studies.

The advisory committee worked for five months in dialogue with national immigration authorities on the most contested parts of the *Ley de Migraciones*: to reduce administrative discretion to reject filing procedures; to align the work of the National Migration Office in accordance with the new law; and to add new measures not included in the first draft of the law. They also clarified the procedures for denial of entry at borders and notification of deportation processes and for reducing immigrant detentions during migration procedures. The deliberations resulted in a new text. On May 6, 2010, six years after the passage of the *Ley de Migraciones*, Argentina's Executive signed a much-needed regulatory decree.

Today, there are more ways for migrants to receive a fair hearing in Argentina. In 2002, while the old immigration law was still in effect, the law school of the University of Buenos Aires, together with the Center for Legal and Social Studies and the Commission for the Protection of Refugees, created a free legal clinic for migrants and refugees. With this clinic


as a framework, in 2007 the National Public Defender's Office, a constitutionally sanctioned body that guarantees access to the justice system, joined forces with human rights organizations to create the Commission for Migrants and the Commission to Assist and Protect Refugees. These commissions established an agenda to meet the needs of migrant populations, including a key clause recognizing the rights of children without legal guardians.

Much remains to be done. Since the passage of the new immigration law, advisory mechanisms, legal sponsorship, and precedent established by Supreme Court decisions have initiated a new institutional framework for the defense of migrant rights through legal channels.

The lessons of the Argentine experience are valuable beyond its borders. Recognizing the importance of immigrants' rights is essential to crafting new immigration policies in our region and elsewhere—something unfortunately often left out of the debate.

While Argentina's immigration legislation cannot be replicated exactly, how it was produced is worth studying. Every country will have to find its own humane path toward addressing the new global reality: the migration of millions in search of better living conditions.

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