

A View from the Base By Joaquín Bustelo

HERE IN ATLANTA, there was a very serious discussion both in meetings and on the Spanish-language talk radio station beginning a week ago over whether we should continue to call on the Senators to vote yes. And at least for the Senate, we stuck with calling for a yes vote.

That's not based on some cost-benefit analysis by the leaders, but on community sentiment. The community is desperate for legalization, even one bought at a very high price. To understand why, look at the daily list of roadblocks and similar police activity, aimed mainly at catching undocumented people driving without licenses, either to feed the ICE deportation machine or simply to fleece them with fines (which the police departments keep). This is from "pase la voz," an advertiser-supported text alert service to warn people about the roadblocks that has hundreds of thousands of subscribers throughout the Southeast. The original post contained real-time warnings of about 20 police roadblocks that day.

I think we should listen to this Atlanta community. Why? Three reasons:

1) The adult portion of the community are overwhelmingly working-class immigrants from Mexico and Central America. Half or more are still undocumented, and most of the rest used to be undocumented. The half of the Latino community that was born in the United States are mostly the children of current or former undocumented immigrants.

2) This community is under siege and has been under siege for more than a decade, but especially since the double whammy of the depression and the emergence of *polimigra* (the local police-immigration hook up), with Atlanta metro area counties being among the first to implement 287(g) programs [local-federal partnership for enforcement], and construction — a sector with a huge concentration of Latinos here — being hardest hit.

3) This community has resisted, and

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Immigration "Reform"

ON ONE LEVEL, even discussing the U.S. Senate's tortuous immigration reform bill may seem pointless, given that anything that might be passed by the current chamber of horrors known as the House of Representatives will unquestionably be even worse, and absolutely unsupportable for any supporter of immigrant rights — or basic human rights for that matter.

Nonetheless, the discussion matters because this legislation, or the lack of it, heavily impacts the real lives of millions of people in this country — people who live in permanent insecurity but are becoming increasingly vocal about their rights and their families' futures. That's why we present, in the following three contributions, a sampling of voices and arguments on what the "comprehensive immigration reform" as passed by the Senate might, or might not, mean.

The views represented here reflect, in part, regional variations in how the crisis facing undocumented immigrants and their communities is experienced (Georgia, the Midwest, the Southwest) as well as other factors, and certainly they are not exhaustive. Regardless of the outcome of this particular legislative round, the struggle for authentic immigration reform, for citizenship and against the obscene militarization of the border must remain a high priority for the social justice movement.

As a resolution adopted at the recent national convention of Solidarity, the socialist organization that sponsors this magazine, states: "Solidarity supports the fight of the immigrant communities for a just immigration reform that legalizes the undocumented and stops the criminalization of immigrants and the militarization of the border." — The ATC editors

created a community-rooted immigrant rights movement that now has hundreds of veteran activists, a network stretching from Alabama through Tennessee, Georgia, and the Carolinas that is completely horizontal and nevertheless has the capacity for concerted action. Its center of gravity is Atlanta, the largest Latino community in the heart of the territory that the slaveowners' rebellion sought to separate from the Union.

The immigrant rights movement in the Southeast, which is centered in Atlanta, I believe is the strongest such movement in the country. It is very deeply rooted in the community. This is due not only to the leadership of Teodoro Maus and Adelina Nicholls, the two central figures in the movement and the other activists they have gathered around them, but also to the character of the community.

In metro Atlanta, this community was born with NAFTA and the pre-1996 Olympics building boom. There were no pre-existing groups with a presence here like the National Council of La Raza, LULAC, GI Forum, etc. The few tens of thousands of Latinos in Georgia had not produced a leading social layer or network.

The actual movement that exists today first jelled around a petition campaign against a state law (but mandated by Washington) denying driver's licenses to those without Social Security numbers, i.e. the undocumented. A year later, in 2003, the initial nucleus organized a demonstration of 3,000-4,000 people as part of the AFL-CIO sponsored "Immigrant Workers Freedom Ride." It was the largest local action held during that campaign.

That success allowed the central leader of the activists to move from being the marginalized head of the civil rights committee of the Coordinating Committee of Latino Community Leaders to being its president, with people from the activist wing filling most positions on the board. There was a lot more organizing and protesting over the next couple of years, and then in 2006 there was the explosive immigrant rights upsurge against the Sensenbrenner Bill.

We had a demonstration of 75,000 people, the largest protest ever held in Atlanta as far as anyone knows. We also had the first "Day without Immigrants" in the country, on March 24, which was then picked up by Los Angeles activists and others to project the May 1 "Great American Boycott."

It's very important to understand that this was much more like a Latin American "paro cívico" than a workers' strike. A *paro cívico* is when many social layers, including business owners, unions, etc., agree on a moratorium on normal activities to protest,

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The Senate's Immigration Reform: The Case for Critical Support

By Milton Fisk

WHILE I NEVER approved of the for-profit health insurance industry, I eventually supported the Affordable Care Act. Nor do I now support buying 400 miles of border fencing or the long waits for legal status which the recently passed Senate immigration bill requires, even though I would now support that bill. Not all support need be unqualified, and mine in these cases is *critical support*.

Giving critical support is not an outcome of summing up our evaluations of what we think are the positive and negative features of a proposal. We get a more reliable sense of the outcome of a proposal by asking how its various features are likely to interact. A key element in the immigration reform interaction will be the struggles sparked in implementing the proposal. Will the positive features open enough space for those whom they benefit and their allies to begin struggles against the negative features?

The core of the Senate bill, which deals with undocumented immigrants arriving before 2012, is a process with three stages. The first is provisional residency with the right to work and travel without fear of deportation. The second is permanent residency with the right to means-tested benefits — like Medicaid and subsidies for private health insurance — after five years as permanent resident.

The third is citizenship, which, with some exceptions, is available only 13 years after receiving provisional residency. Each step is subject to income, work, and fee requirements that many may fail to satisfy.

Each stage provides more protection for exercising rights. Even as provisional residents, immigrant workers would be less vulnerable. They could protest unfair treatment without an employer's threat to expose them as undocumented. Support groups and unions could defend them on grounds of worker rights. The Senate bill provides immigrant workers protection from wrongful termination and withholding back pay.

Of course, employers will continue to use threats of dismissal, which if carried out could ruin employees' chances to advance to permanent residency or citizenship. But

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Cinco de Mayo in Detroit. The rightwing's nightmare?

such threats will not be as threatening to workers with legal status.

This aspect of the Senate bill should encourage a trend toward organizing for greater equality not just for labor but also for oppressed communities, principally in the cities. Organizing around transportation, schools, neighborhoods and law enforcement should integrate new voices when legal residency is not the issue.

Over time, this trend should give the immigrant community, working with its allies, the strength it needs to begin to challenge the Senate bill's worst features.

The immigrant community will need this strength to ensure decent treatment for immigrants arriving without documents after 2011. The more heavily militarized border will still be porous. The Senate bill simply kicks the can down the road. Those who came before 2012 and acquire legal status will become a force for weakening restrictions on crossing the border for those who come later.

Partial Reforms

Legal steps toward justice for African Americans, taken over the course of more than a century, were always partial. But each step opened the way to a movement

for greater equality at the next step. Despite their limitations, those steps warranted critical support.

In a parallel way, the Affordable Care Act of 2010 advanced the trend toward health care justice despite its negative features. The most striking way it did this was by expanding the single-payer domain beyond Medicare to all those earning up to 138% of the Federal Poverty Level. This now sets the stage for a movement to close the remaining gap in single-payer coverage between 138% of FPL and eligibility for Medicare.

It's certainly true that under the Senate bill, affluent immigrants will find it easier than those less affluent to satisfy many of the requirements for residency and citizenship. Requirements for fees, income, language, education and employment favor the better off. Those who entered the United States before age 16, and have finished high school and

either two years of college or four years of the military — the DREAMers — can get citizenship in less than half the time of others. Yet they are more likely to come from more affluent backgrounds.

Do these class biases make the bill unsupportable? In capitalist society, a bias favoring the more affluent enters into most major legislative proposals. Despite this, passing the Senate immigration bill can lead to movements that remedy its limitations, thereby significantly lightening the burden of oppression on national minorities.

Without actionable alternatives, failure to support proposals like the Senate bill because of their negative features, and in spite of their potential for encouraging positive movements, leads in the direction of a total abstention from legislative politics.

In sum, the Senate bill deserves critical support for opening up several forms of legal status to undocumented immigrants. It deserves criticism for the numerous high hurdles it puts in the way of these forms of legal status. Many features of this comprehensive bill would, as stand-alone measures, deserve rejection. But those who can get over the hurdles could, with their allies, use their new rights to lower those hurdles. §

Organizations and Leaders' Critique of S.744

A Statement by the Mexican American Political Association

[This statement, dated July 18, 2013, appears on the website of the Mexican American Political Association, www.mapa.org.]

AFTER MUCH REFLECTION, we have concluded that S.744 does more harm than good to the cause of fair and humane immigration reform.

What follows is a more complete explanation of our major concerns about S. 744:

S.744's Registered Provisional Immigrant (RPI) program will exclude and/or disqualify over time 5 million undocumented persons from adjustment of status.

With the exceptions of the beneficiaries of the Dream Act and AgJobs programs, S.744's legalization provisions fail most of the 11 million undocumented people in the United States. According to the recent Congressional Budget Office (CBO) study only eight of the 11 plus million undocumented persons in the U.S. will initially achieve RPI status.

Moreover, a recent analysis by leading immigration attorney and national advocate Peter Schey of the Center for Human Rights and Constitutional Law (CHRCL), of Senate Bill 744's legalization provisions found that (1) for several reasons the entire population of Registered Provisional Immigrants may never be eligible to apply for permanent resident status or citizenship, and (2) even if these obstacles are overcome, at least half of the remaining approximately eight million undocumented immigrants may never qualify for permanent status (or citizenship) because of the onerous "continuous employment" and federal poverty guideline requirements, and the high costs combined with the requirement to pay past taxes. (<http://mexmigration.blogspot.com/2013/06/peter-schey-deconstructs-s-744.html>)

The RPI program will have a disproportionately negative impact on immigrant women who only have a 60% workforce participation rate according to a recent Migration Policy Institute (MPI) study. (<http://www.migrationpolicy.org/pubs/CIRbrief-2013House-SenateBills-Side-by-Side.pdf>)

In the face of these facts, those positing that "11 million will be legalized" are exaggerating. They do a disservice to both the U.S. public and, more importantly, to the millions of individuals and families who do

not know that they may be among the many excluded by S.744.

S.744's continuous employment and 125% of poverty income provisions subject RPI visa holders to workplace discrimination, exploitation and sexual harassment;

Even those "fortunate enough" to meet the requirements to gain RPI status are at high risk to become indentured servants locked into overly burdensome continuous employment and income obligations for at least 10 and perhaps 15 or more years given the "backlog/back of the line" and "border security" trigger provisions.

RPIs will be without health care and are ineligible for federal safety net benefits. They will be excluded from access to billions of dollars in previously paid social security benefits.

S.744 RPIs will be denied their most basic power as an employee — the right to withhold their labor if an employer abuses, harasses or exploits them. Conversely, employers will be empowered to engage in unlawful worksite and labor law violations. RPIs who resist employer abuses risk losing employment for 60 days or more. This puts them at high risk of losing RPI status and/or becoming ineligible for permanent resident status.

Female RPI card holders will be disproportionately affected. For example, S.744 grants some housewives "dependent" status; i.e. dependent on their husbands' continuous employment and their continuous relationship. In practice, "dependents" suffering domestic abuse, including children, will be significantly discouraged from leaving their homes or reporting abuse to the authorities.

Notably, the provisions obligating that permanent resident status not be awarded to qualified RPI card holders upon completion of the multi-year probationary period, unless the border is "secure" and the backlog of pre-existing visa applications are resolved, create a scenario of inevitable and unpredictable delays.

There will be no objective way to "prove" border security concerns have been met as S.744 is written, or assurances that resolving 100% of the current visa backlog can be accomplished in 10 or 20 years, or ever.

For example, the current backlog

includes cases more than 20 years old. S.744's "backlog" and "border security" requirements guarantee an indeterminate number of years of delay before RPI status holders can even apply for permanent resident status.

At the same time, S.744 significantly increases judges, courts and the legal mechanisms to detain and deport those excluded from RPI status or ultimately denied lawful permanent resident status.

E-Verify "Fatally Flawed"

S.744's E-verify program is fatally flawed. E-verify will just increase discrimination and racial profiling. It places an undue burden of costs on small businesses and if fully implemented will undermine job growth.

The extension of E-Verify to every worker in the U.S. lays the foundation for precisely the national identification system and national database tracking systems that most people in the U.S. oppose.

The "enhanced driver's license" provision adopts the requirements of section 202 of the REAL ID Act of 2005, requiring the sharing of driver's license photos among the states and federal government, a program 25 states have opposed by law or resolution.

We understand that only 13 states have joined the enhanced driver's license program of the REAL ID Act of 2012. This law also removes the religious accommodations that 20 states offer in the form of driver's licenses without photographs for reasons of religious faith.

E-Verify in fact misidentifies about one percent of American job applicants as unlawful. The GAO has predicted that approximately 164,000 U.S. citizens per year will receive a Tentative No confirmation ("TNC") just for issues related to name changes. Tens of thousands more may receive TNCs because of transliteration problems, simple typos in government records databases, or identity theft.

Even the existing limited use of E-Verify has shown that erroneous TNCs produce discriminatory outcomes primarily affecting citizens with foreign names, naturalized citizens, and legal immigrants. Furthermore, errors will disproportionately impact women and immigrants about whom the databases have incorrect information due,

for example, to marriage-related name changes or hyphenated last names.

Mandatory E-Verify may also reduce state and federal payroll tax revenues because many employers will move existing unauthorized workers not granted RPI status and future unauthorized workers off the books to avoid detection.

Under S.744, hundreds of thousands of US workers may be required, within 10 days of getting a TNC, to contact an appropriate Federal agency and “appear in person...” As past experience shows, a significant number of U.S. workers will fail to correct erroneous non-confirmations, with a disproportionate number being women and other low-income workers.

It has been estimated that mandatory nationwide use of the E-Verify program will cost employers with fewer than 500 employees about \$2.6 billion a year.

Deadly “Border Security”

S.744’s border surge is unnecessary as a matter of policy, and will significantly increase border deaths along with violations of human and civil rights.

Today, \$18 billion in enforcement infrastructure is already in place after an unprecedented 10-year build-up that includes 300 towers, hundreds of miles of walls, electronic surveillance equipment and thousands



Jim West / www.jimwestphoto.com

of border guards. At a border that the FBI certifies as safe, prioritizing “border security” represents an unacceptable escalation of an already extremely dangerous pattern of waste and violence.

Net migration from Mexico has been zero or close to zero for several years and unauthorized border crossings are the

lowest in a generation. DHS Secretary Janet Napolitano certified the border as “secure.”

The “border surge,” with a price tag of \$47 billion dollars, will significantly increase border deaths as unauthorized crossers brave even more harrowing and dangerous circumstances. This has been documented over the last several years as increased border enforcement has caused border deaths to increase substantially even though unauthorized crossings have gone down.

The “border surge” will cause civil rights violations of U.S. border residents. 40,000 border guards buttressed by electronic surveillance equipment and dozens of drones will “occupy” border communities combing for “undocumented immigrant” profiles that are in practice indistinguishable from that of the majority citizen and legal population. Fifty-four percent (54%) of the 7.5 million

border county inhabitants are Latinos according to the 2012 Census.

The “border surge” will also adversely impact indigenous communities whose ancestors have lived in the area and worked the land for hundreds of years, including Lipan Apaches, Kickapoo, and the Tohono O’odham nation. Indigenous peoples in the border areas have suffered destruction of their land, loss of land grants, and unilateral extinguishment of land titles, more recently through Operation Gatekeeper, Operation Hold the Line (1993/4), Operation Safeguard (1995), the Secure Border Initiative (2005), and the Secure Fence Act (2006).

Finally, as recent exposés in the *New York Times* and the *Los Angeles Times* report, S.744 is a boondoggle for the private prison and surveillance technology industries that will get even more billions of dollars in contracts for border enforcement, for more “immigrant prisons,” and for the implementation of E-verify.

Join us in this prolonged campaign for driver’s licenses and visas for our families. The first step in making change is to join an organization that pursues the change we desire. We welcome you to our ranks. Other organizations leading this movement include: Hermandad Mexicana Latinoamericana, Mexican American Political Association (MAPA), National Alliance for Immigrant’s Rights, and immigrant rights coalitions throughout the U.S.. §

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say, a dictatorship that is on the ropes.

I thought the former Mexican consul, Teodoro Maus (affectionally known as Don Teo) — who by then had retired and returned to Atlanta — was crazy to propose this. But he knew something I didn’t, which is that Jesus Brito, owner of the most prominent chain of Latino businesses in our area, Brito Supermarkets, 20 years earlier had been undocumented and — wonder of wonders — still identified with the community and was willing to close for the day. And he wasn’t the only one. Not by a long shot.

A Growing Movement

Following those 2006 protests the people who had been on the board of the Coordinating Council of Latino Community Leaders created the Georgia Latino Alliance for Human Rights (GLAHR). We finally scraped enough money together for an office and a full-time staffer.

Among GLAHR’s main activities has been a daily two-hour talk show called “Glahr informa” which aired on three or four different stations over the years and eventually gave rise to Radio Información 1310, and now can be heard live here between 10 am and 12 noon Monday through Friday.

The movement has grown and diversified,

finding multiple expressions including that radio station, the Georgia Undocumented Youth Alliance, Freedom University, 25 or 30 local base committees in Georgia and neighboring states, the Georgia Immigrant and Refugee Rights Coalition (GIRRC), and many others. On April 10, a Wednesday, we had a march and rally of 10,000 people in front of the state capitol. Two years ago we organized a protest of 20,000 people when the anti-immigrant HB-87 became law.

A lot of the reason for the success of this movement has been the tremendous weight of the undocumented within the community. Georgia’s Latino population is about one million (the census undercount was smaller in 2010 than previously, and it said 900,000 or so). According to the Pew Center, the undocumented immigrant population of Georgia in 2010 was 425,000. Of those, around 10% might not be Latinos, leaving 380,000 undocumented Latinos.

Now, Pew says their estimate of the undocumented in Georgia has a large margin of error, plus-or-minus 125,000, leaving a range of possible population of 300,000 to 550,000. But even the smallest number suggests more than a quarter of the Latino population is undocumented, not to mention those who used to be. And the bulk of

the rest are their kids, who are tainted by the “illegality” of mommy, daddy or both.

This also explains WHY our community is such a target of attacks by *polimigra*: because so many people in our community are so vulnerable — and because it has set such a dangerous example in fighting and resisting, and even consciously infected communities for hundreds of miles around with the virus of fighting back.

I think people like me and others (including the central leaders of the movement here) have a duty to explain what is actually in this bill, to illuminate the discussion, but should not substitute our judgment for the one from those directly affected.

This bill is in a certain sense a truce, a halt to combat operations, only partial at that, and with very onerous terms. And it is only going to get worse as parallel legislation makes its way through the House and then — perhaps! — goes to a House-Senate Conference Committee.

But without being in those trenches, I don’t see how anyone can make a call or recommendation on whether the price is too high. And the rank-and-file militants in our community are still saying that the fight for legalization is the main thing. §