



Principles of the National Association of Latino Elected and Appointed Officials (NALEO) and the NALEO Educational Fund on a Balanced Approach to Comprehensive Immigration Reform

Our nation's immigration system must effectively and fairly regulate how persons from other countries are allowed to enter, work and live in the United States. This system must accomplish and balance several important goals that are in the best interest of the nation. Our immigration policies must restore public confidence in a system of laws that promote national security and public safety. In addition, these policies must recognize that immigrants have made invaluable contributions to the progress of the United States, and that they continue to enrich the social, economic, cultural and civic life of our country. Our policies must also recognize the important role that immigrant workers and their families play in the future growth of our nation. In order to best ensure our nation's security and public safety, we must utilize strong, sound and humane measures to enforce our immigration laws. Thus, we believe that a balanced approach to comprehensive immigration reform must be accomplished in accordance with the following principles:

A. The federal government has the exclusive authority to develop, implement, and enforce immigration policy. Under the U.S. Constitution, the regulation of immigration is solely the responsibility of the federal government, and courts have consistently applied this principle to mandate federal preemption of state and local efforts to regulate immigration. Moreover, the enactment of immigration laws by state and local governments produces an incoherent and inconsistent patchwork of policies which undermines the effective enforcement of federal immigration policy.

B. Comprehensive immigration reform must strengthen our national security and the public safety of our communities and neighborhoods. The United States has the right of every sovereign nation to secure its borders through laws that regulate the entry of persons from other countries. We must provide resources for immigration enforcement and implement enforcement measures that will accomplish these goals in an effective and humane manner. During the public dialogue on comprehensive immigration reform, it is important that policymakers educate the public about the progress that has been made in enhancing the effectiveness of immigration enforcement. In addition, policymakers must not impose ineffective or unrealistic requirements for the achievement of immigration enforcement goals as a precondition to implementing the other components of comprehensive immigration reform.

C. Comprehensive immigration reform must provide law-abiding, tax paying immigrant workers and their families with an opportunity to pursue U.S. citizenship. Currently, there are millions of immigrants who have been here for several years, pay taxes, raise families, and contribute to their communities, including many who do not yet have authorized immigration status. It is essential that our immigration policy recognizes the contributions of these newcomers by providing them with an opportunity to obtain legal permanent residency and eventually U.S. citizenship, through an “earned” legalization program with fair and reasonable requirements.

D. Comprehensive immigration reform policies must help reunite families and reduce immigration backlogs. Currently, large immigration backlogs prevent many U.S. citizens from swiftly reuniting with their family members. It is important that our immigration policies recognize the efforts of individuals that have petitioned for loved ones through legal channels, and that we institute measures to ensure family reunification and a substantive reduction of the family backlogs.

E. Any temporary worker program must provide workers with full labor and civil rights protections, and the opportunity to pursue legal permanent residency in the United States. Comprehensive immigration reform must seek to improve the conditions for migrant and seasonal workers, many of whom work in agricultural jobs. If these conditions are addressed through a temporary worker program, it must provide labor and wage protections, and an opportunity for workers to pursue legal permanent residency. In particular, we must provide temporary workers with full labor and civil rights, including the right to organize, the right to change jobs, and the right to remain with their families. In addition, such rights must be vigorously enforced.

F. Comprehensive immigration reform must provide a meaningful opportunity for immigrant students to pursue a college education. Currently, thousands of undocumented immigrant students that were brought to the United States at a young age face significant barriers when they try to obtain a college education. These students, many of whom excelled in high school, lack access to the financial aid and employment opportunities needed to pursue higher education. Our immigration policies should enable law-abiding newcomers who have stayed in school to achieve their educational aspirations. These students are an important part of our future workforce, and their pursuit of higher education will make our nation more productive and competitive in the global economy.

G. Our immigration policies must actively promote the civic integration of newcomers. Many newcomers face significant barriers when they attempt to acquire the skills needed to participate in our nation’s civic life. Immigrants who pursue English Language Learning (ELL) and civics instruction often face waiting lists or crowded classrooms. Comprehensive immigration reform provides a critical opportunity to promote ELL and civics instruction and make more resources available for adult education services.

In addition, our immigration policies must ensure that the naturalization process is fair and accessible for newcomers. We oppose any efforts that would create unfair obstacles for naturalization applicants, including high application fees or other costs that put U.S. citizenship beyond the reach of middle- and low-income legal permanent residents. We also oppose measures that would jeopardize the due process rights of applicants or make unfair changes in the English and civics proficiency requirements for U.S. citizenship.

H. Our nation’s security and public safety are best protected by effective and fair immigration enforcement measures. Thus, our immigration enforcement policies must not diminish the due process rights afforded to our nation’s residents, including U.S. citizens, legal permanent residents or other newcomers.

“Criminalizing” undocumented presence: In addition, we oppose measures that make undocumented presence in the United States a crime – measures that would make millions of undocumented newcomers into criminals, and virtually prevent them from ever obtaining legal permanent residence in the United States. Our nation would be required to expend a significant amount of resources to carry out these measures, including the deployment of enforcement officials, prosecutors, judges, court-appointed counsel and the expansion of detention facilities. Ultimately, measures that “criminalize” undocumented presence cannot be fully enforced, and our nation would squander resources that could be better utilized for pressing public safety and security concerns.

Enforcement of immigration laws by state and local agencies, and by military personnel: We also oppose the enforcement of federal immigration laws by state and local law enforcement agencies. Many of these agencies have worked hard to establish relationships of trust with local immigrant communities, which will be undermined by immigration enforcement activities. As a result, newcomers will be fearful of reporting crimes or cooperating with local police, and they will not be able to obtain the information they need to solve crimes, combat terrorism, and keep our communities and neighborhoods safe.

In addition, our nation has traditionally maintained a separation between the personnel involved in military operations and those involved in civilian law enforcement activities. Effective immigration enforcement requires specialized training and experience. Enforcement personnel must not only use specialized law enforcement techniques, but they must also have extensive expertise in immigration law, border policies and human rights issues. Military troops and local law enforcement agencies do not possess the training and experience required for federal immigration enforcement. In addition, if military troops such as the National Guard are deployed to the border, they may not be available when needed to respond to state emergencies or threats to public safety, such as natural disasters.

I. Comprehensive immigration reform must include a discussion of the fundamental cause of migration to the United States – the need for sustainable social and economic development in the communities where migrants originate. Our nation must more actively pursue partnership opportunities with sending nations to determine feasible development strategies that would enable them to better meet the economic needs of their population.