

National Hispanic Leadership Agenda

November 3, 2014

The Honorable Barack H. Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: NHLA Position on Administrative Relief

Dear President Obama:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 39 leading national Latino nonpartisan civil rights and advocacy organizations. On the eve of the general election—the announced reason for your further delay in providing affirmative immigration relief—we write to once again urge you to act swiftly and broadly in exercising your clear authority to provide administrative relief to the undocumented immigrant population, which has, together with the entire nation, been awaiting legislative action to address our dysfunctional immigration regulatory system. We are greatly concerned over recent reports that your forthcoming administrative relief program may only offer relief to one to four million undocumented immigrants. In light of these reports, we strongly urge you to: (1) immediately suspend the deportations of those eligible for relief under S.744, the Senate immigration bill; (2) immediately announce a rapid timeline to implement administrative relief as soon as possible; and (3) craft administrative relief that is broad and far-reaching.

I. Immediate Suspension of Deportations. NHLA strongly urges you to act immediately to suspend the deportation of those eligible for Registered Provisional Immigrant status under S.744. Your Administration will deport at least 70,000 additional undocumented immigrants as a result of your delay until after election day. It simply makes no sense to deport individuals who will be eligible for relief in a short period. Once these individuals are deported, it will be incredibly difficult for them to successfully apply for and receive relief from outside the country. Additionally, placing soon-to-be-eligible individuals in detention and removal proceedings will make it substantially more problematic—due to a lack of access to counsel and due process concerns—for these individuals to later apply for and receive affirmative relief. Now is the time for this waste of resources and human potential to end. We urge you to suspend deportations and take the necessary aggressive action to ensure that this directive is uniformly implemented nationwide.

II. Implement Administrative Relief Immediately. NHLA strongly recommends that your Administration announce administrative relief immediately and implement a program as swiftly as possible, while protecting all of those eligible during implementation. For too long the Latino community has been made to wait by unfulfilled promises and vague assurances of future action by both parties and across the branches of government. More than 15 months after the Senate adopted bipartisan immigration reform, there is no defensible

MEMBER ORGANIZATIONS

American G.I. Forum
ASPIRA Association
Avance Inc.
Casa de Esperanza
Cuban American National Council
Farmworker Justice
Hispanic Association of Colleges & Universities
Hispanic Federation
Hispanic National Bar Association
Inter-University Program for Latino Research
Labor Council for Latin American Advancement
Latino Justice PRLDEF
League of United Latin American Citizens
MANA, A National Latina Organization
Mexican American Legal Defense and Educational Fund
National Alliance of Latin American and Caribbean Communities
National Association of Hispanic Federal Executives
National Association of Hispanic Publications
NALEO Educational Fund
National Association of Latino Independent Producers
National Conference of Puerto Rican Women, Inc.
National Council of La Raza
National Hispanic Caucus of State Legislators
National Hispana Leadership Institute
National Hispanic Council on Aging
National Hispanic Environmental Council
National Hispanic Foundation for the Arts
National Hispanic Medical Association
National Hispanic Media Coalition
National Institute for Latino Policy
National Latina Institute for Reproductive Health
National Puerto Rican Coalition
Presente.org
SER Jobs for Progress – National
Southwest Voter Registration Education Project
United States Hispanic Chamber of Commerce
United States Hispanic Leadership Institute
United States-Mexico Chamber of Commerce
U.S.- Mexico Foundation

reason for continued inaction. Failing to act yields unwarranted power to the minority of House members who oppose immigration relief for the millions of peaceful migrants contributing to our economy and society without legal protection.

You cited the unaccompanied minor crisis as part of the rationale behind your announced delay in acting—but as you have repeatedly reminded House Republicans, using unaccompanied minors as an excuse not to act “makes no sense,” is “not on the level,” and is “just politics, plain and simple.” Your Administration must act and implement administrative relief as soon as practical.

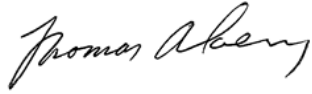
III. Broad Administrative Relief. We strongly urge you to announce and implement a program whose scope of relief encompasses a greater proportion of the undocumented population. Administrative relief for one to four million undocumented immigrants—as reported by the media—is **not an acceptable benchmark**. Providing affirmative relief to this small subset of undocumented individuals would not represent the substantial change in policy and practice that the many promises to act have led the community to expect. We urge you to recognize that dashing the hopes that your pronouncements have inspired would deal a severe blow to all of those—citizen and non-citizen alike—who have long believed that your Administration would provide leadership and a solution to our national need for immigration reform. Your Administration must provide relief from deportation to all individuals who would have been protected under S.744. Your Administration should also use your authority—through the exercise of humanitarian parole—to allow recently deported undocumented immigrants to return to the country and reunite with their families. To expand the scope of affirmative relief, your Administration should ensure that individuals with long-term residency—regardless of whether they have family ties to citizens, lawful permanent residents, or Deferred Action for Childhood Arrivals (DACA) holders—are eligible for relief. Relief eligibility should require substantially less than ten years of residency. A standard that requires a decade of continuous presence is not only unworkable, but arbitrarily unfair to those who have lived in the country for less than ten years but still have deep ties to their communities. Furthermore, individuals will be unable to obtain the documentary evidence necessary prove a decade of continuous presence, and this burden—combined with financial barriers and criminal background requirements—will severely reduce the number of individuals able to successfully apply for affirmative relief.

Furthermore, we urge you to reject any attempt to assert inability to administratively process requests as an excuse to not provide relief to the majority of the undocumented population. DACA is funded by applicant fees, and your Administration should employ a similar self-funded framework to ensure the financial viability of an expanded affirmative relief program. The DACA program proves that appropriate supervision and fees-based funding can ensure the success of any program of affirmative relief.

Every deportation of a mother or father, son or daughter, neighbor or worker separates families, instills fear in communities and rends the fabric of communities across our nation. With each passing day, 1,100 immigrants are separated from their families and workplaces. Nowhere are the effects of deportations felt more acutely than in the Hispanic community. In 2013, 96.7 percent, or 356,303, of all deportations were of individuals of Latino descent. The overrepresentation of Latinos in deportations is not simply a byproduct of the large undocumented Latino population, but also a result of discriminatory practices and policies at the federal, state, and local level. Any delay in the announcement of administrative relief has significant consequences on Latino children, their families and entire communities, increasing insecurity, instability, and devastation. NHLA asks that you announce affirmative relief immediately after the election, that it reach as many immigrants as contemplated by the Senate in 2013, and not be onerous by way of burden carried by applicants of affirmative relief.

Please contact NHLA through Jose Magana-Salgado, of MALDEF, at jmagana-salgado@maldef.org or 202-572-0558, or Bertha Guerrero, of the Hispanic Federation, at bguerrero@hispanicfederation.org or 202-641-7186 if you have questions. Thank you for your time and consideration.

Sincerely,



Thomas A. Saenz
MALDEF, President and General Counsel
NHLA Immigration Committee Co-Chair



Jose Calderón
Hispanic Federation, President
NHLA Immigration Committee Co-Chair

Cc:

Valerie Bowman Jarrett, Senior Advisor to the President
Cecilia Muñoz, White House Domestic Policy Council Director
Felicia Escobar, Special Assistant to the President for Immigration Policy
Julie Chavez Rodriguez, Deputy Director of Public Engagement
Jeh Johnson, Secretary of the Department of Homeland Security
Alejandro Mayorkas, Deputy Secretary of Homeland Security
Esther Olavarria, Counselor to the Secretary
Robert P. Silvers, Counselor to the Deputy Secretary