

## JCRC of Greater Washington 2017 Immigration Policy

*You shall not deliver unto his master an enslaved person that has escaped from his master unto you. He shall dwell with you, in your midst, in the place that he shall choose within one of your gates that seems good to him; you shall not mistreat him.*

Deuteronomy 23:16-17.

Beginning with that unyielding Biblical injunction and continuing throughout our people's history, Jewish law and tradition has embraced the stranger and demanded that we help those in need.

American Jews founded the Hebrew Immigrant Aid Society in 1881 to assist Jews fleeing pogroms in Russia and Eastern Europe, and for decades HIAS has assisted in the resettlement of refugees from all over the world, regardless of race, religion, or nationality. Our community's network of stellar social service agencies has for decades proudly served significant numbers of immigrant families, both Jewish and non-Jewish, and Jewish families themselves continue to immigrate to America from countries as diverse as Russia, Argentina, Iran and England.

More broadly, America is a nation of immigrants. The vast majority of Americans – all but its indigenous peoples – emigrated here, voluntarily or involuntarily. Between 1880 and 1910 alone, almost 15 million immigrants reached our shores – two million of whom were Jews. Most of those immigrants were poor, lacking in English, and without higher education.

Unfortunately, our Nation's openness to immigration has not been uninterrupted. Jewish Americans remember all too well the restrictive immigration legislation of the 1920s, designed to keep out Jews and other "undesirables", and the prejudice that led the United States government to refuse entry to thousands of Jewish refugees fleeing the Shoah in Europe.

Aside from the moral imperative to welcome immigrants into our midst, openness to immigration makes economic sense as well. Those same uneducated and poverty-stricken immigrants who flooded the United States in the late 1800s through early 1900s contributed to a twentieth century of unparalleled growth and prosperity for our Nation.

Numerous academic and economic studies have demonstrated that immigration is a net positive for our country, leading to an increase in economic productivity and overall Gross Domestic Product. At the same time, the evidence that immigrants – as is often alleged – depress wage growth or take jobs from Americans in any meaningful numbers is sorely lacking.

Simply put, immigrants, on balance, **create** jobs and wealth for all of us. They also add immeasurably to the rich tapestry that is America – a Nation that celebrates diversity of thought and culture, where there is no American "type" and where citizenship is based on a commitment to our founding ideals, not on a common religious, racial or ethnic heritage.

Against that backdrop, the Jewish Community Relations Council of Greater Washington endorses policies and legislation that embody the principles set out in this Policy.

### **Nondiscrimination**

For our nation to embrace an immigration policy that is consistent with Jewish and American values, our laws must not discriminate as a matter of policy based solely on the race, religion,

gender, nationality, ethnicity, sexual orientation, or any other immutable characteristic of the prospective immigrant or refugee.

Decisions to admit or refuse an individual should be based on neutral, nondiscriminatory factors demonstrably related to the safety and security of our Nation and other legitimate policy interests.

We reject inflammatory and divisive rhetoric intended to generate fear of immigrants and refugees, especially those of any particular faith or nationality. We also oppose the creation of any registry of immigrants or refugees, other than documentation required for screening, standard tracking and resettlement purposes. Registries or databases based on the religion of an immigrant or refugee are repugnant to our values and traditions.

Furthermore, we must insist on compassionate treatment and inclusion even of those immigrants present in the country illegally. Like legal immigrants, undocumented immigrants have come to the United States to seek safety, freedom, opportunity, and a better life for themselves and their families, often leaving behind unfathomable poverty, war, religious and ethnic persecution, or oppressive economic or political regimes.

Many of the approximately 11 million undocumented immigrants in the United States have been here for decades, been gainfully employed, paid taxes, raised families, and even served their country in the Armed Services. Some were brought to the United States as young children, speak no language other than English, and know no other home. Some are married to U.S. citizens or have children who are themselves U.S. citizens. Undocumented immigrants are members of our communities, attend school with our children, and provide the goods and services on which we rely.

Yet, our country and our political institutions are deeply divided about how to treat undocumented immigrants. For more than a decade, every President and every Congress has expressed interest in comprehensive immigration reform, without success, in large part due to a lack of consensus on how to best address this vexing issue.

We call on Congress to enact a responsible path to citizenship for undocumented immigrants. Normalizing undocumented immigrants' legal status would dramatically improve their quality of life. They could go to school, shop, work, start businesses, serve in the military, marry and raise families, and participate in the cultural and religious life of their communities without fear of being stopped on the street, torn from their homes and families, imprisoned, and deported back to the intolerable conditions from which they or their parents fled to the United States.

A path to citizenship would benefit all Americans, not just undocumented immigrants. According to one 2013 study, granting undocumented workers legal status would increase wages and, over 10 years, would "increase cumulative GDP by \$1.4 trillion, increase cumulative personal income [for all Americans] by \$791 billion, result in \$184 billion in additional state and federal taxes paid by currently undocumented workers, and lead to 2 million new jobs compared to the status quo."<sup>1</sup>

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<sup>1</sup> *Fixing Our Broken Immigration System: The Economic Benefits of Providing a Path to Earned Citizenship*, Report of Executive Office of the President, August 2013, available at <https://obamawhitehouse.archives.gov/sites/default/files/our-broken-immigration-system-august-2013.pdf> (citing

Removing the fear of arrest and deportation will also have other non-economic benefits. For example, immigrants will be more willing to report crimes to police and to testify in court against violent criminals and against employers who violate labor laws, worker safety regulations, and environmental regulations.

The need for a path to citizenship is particularly critical for “Dreamers.” These are the beneficiaries of President Obama’s Deferred Action for Childhood Arrivals (DACA) policy: children brought to the United States before the age of 16 prior to 2007, who have completed high school or a GED, have been honorably discharged from the armed forces, or are enrolled in school, and who have not been convicted of a felony or serious misdemeanor. These young people did not choose to violate U.S. immigration law and, in some instances, were not even aware that they were undocumented until they applied for a job after completing school. Many dreamers have no knowledge of their “home” country and cannot even speak their “native” language. To deport them to a country they have never known would be truly inhumane.

Short of finally implementing a comprehensive solution to the undocumented immigrant crisis, there are steps we can and should take to improve their lives and to benefit the communities in which they live.

**First**, we support ensuring that undocumented immigrants have **access to social services and healthcare**. Access to those services will improve the individuals’ health outcomes by preventing disease through vaccination and preventative care and by permitting those individuals to get treatment before disease or injury reaches emergency conditions. Preventative care and early treatment will also reduce burdens on medical facilities and on society by reducing the frequency and severity of medical interventions required. Access to immunization and early treatment can also help to prevent the transmittal of avoidable diseases such as tuberculosis from immigrants to the general population. Crucially, undocumented immigrants must not be dissuaded from seeking out necessary medical care out of fear that ICE agents will take advantage of their self-identification at such facilities to arrest and deport them.

**Second**, we support **maximizing undocumented immigrants’ access to educational services**. Education is the best tool we have to help inculcate new members of society with our social and political values and to assimilate them into the fabric of American life. Education is also the best tool we have to expand immigrants’ future economic opportunities. A good education will help new Americans build the skills needed to work for or even build the high-tech businesses of the 21<sup>st</sup> century. Education does not just reduce the likelihood that undocumented immigrants could impose a future burden on society but rather makes it likely that they will help to drive future economic growth. Few things in Jewish life are more important than education and study. That is a gift we owe every young person, regardless of their legal status.

**Third**, we support **making drivers’ licenses and ID available** to all without punitive restrictions. Opponents of immigration express concern that undocumented immigrants will pose a burden on taxpayers. In today’s world, where a car is a prerequisite to employment in most communities, denying undocumented immigrants drivers’ licenses makes that a self-fulfilling prophecy. Granting undocumented immigrants drivers’ licenses gives them access to better paying jobs, increases their access to education and healthcare, and permits them to

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Robert Lynch and Patrick Oakford, “The Economic Effects of Granting Legal Status and Citizenship to Undocumented Immigrants,” Center for American Progress, March 2013).

participate more fully in society. And, unfortunately, because many people simply cannot afford to live without transportation, denying undocumented immigrants drivers' licenses is more likely to lead to individuals driving without licenses and without car insurance. That in turn leads to higher numbers of hit-and-run incidents and higher insurance premiums for everyone else.

## **Law Enforcement**

In our 2008 Immigration Policy Resolution, we pointed out "that only the federal government has the power to regulate immigration," *DeCanas v. Bica*, 424 U.S. 351, 354–55 (1976). Accordingly, we opposed state and local legislation that would:

- direct local law enforcement agencies to seek out undocumented immigrants and to detain them for deportation by federal authorities,
- deny health services and State university admission to children of undocumented immigrants;
- deny other social services to undocumented immigrants even when federal law does not require the services to be withheld;
- dissolve the corporate charter of, and criminally prosecute, employers found to have hired undocumented immigrants;
- withdraw occupancy permits from, and criminally prosecute, property owners who rent to undocumented aliens;
- make every church or other charity seeking to help immigrants "card" each applicant for assistance and either (1) deny food, shelter or clothing to each person who cannot prove lawful presence or (2) segregate the institution's private funds from any public funds that are received so that a poor immigrant without documents is served only with private dollars.

Their questionable lawfulness aside, we also stated that such policies would not only be "mean-spirited" and "inhumane," but "counterproductive" as well. If, for example, otherwise law-abiding individuals are fearful of deportation, this may discourage them from coming forward as witnesses to violent crimes, thereby impairing law enforcement. We therefore urged that all governments – federal, state and local – not pursue these actions.

Just as state and local governments should not initiate programs of this nature, neither should they be mandated – directly or indirectly – to carry them out at the federal government's behest. Thus, for example, the JCRC opposes policies of the federal government that would tie local law enforcement agencies' receipt of federal dollars to their agreement to act as agents for the enforcement of federal immigration laws. Similarly, JCRC would oppose federal policies that force local law enforcement agencies to change their law enforcement practices in a way that compromises public safety and health in order to give priority to detention and apprehension of undocumented immigrants. The JCRC agrees with the view of the administrative law, constitutional law and immigration law scholars who have argued as *amicus curiae* in *City of Chicago v. Sessions*, that under *NFIB v. Sebelius*, 567 U.S. 517, 576 (2012), the federal government may not use Congress's spending power under Article I of the Constitution to condition the receipt of federal funds to coerce state cooperation with federal policies. And we further agree with these scholars that under *Clinton v. New York*, 524 U.S. 417, 439 (1998), the Executive Branch has no power at all to place its own unrelated conditions on the receipt of federal dollars that Congress has already appropriated. State and local governments have long-

depended on federal dollars to assist their own law enforcement efforts and the JCRC opposes Executive Branch actions to condition the receipt of such funds on local government's agreement to become enforcement arms for federal immigration enforcement policies.

The JCRC also opposes federal immigration enforcement policies that do not prioritize the use of limited federal dollars to focus on apprehension of those undocumented immigrants that have been convicted of serious crimes. And we oppose policies that would give immigration enforcement officers the discretion to commence deportation actions against any undocumented individuals whom they encounter, even incidentally, unless the immigration enforcement officers have a reasonable basis to believe that these individuals have been convicted of serious crimes or pose an immediate threat to public safety.

The implementation of prioritization policies ensured that government resources were appropriately focused on the removal of undocumented immigrants who presented true dangers to the broader community and spared immigrant families with undocumented members the constant fear of arrest and deportation. The abandonment of those priorities has already resulted in the sudden separation of parents from their young children, arrest and detention of patients from their hospital beds, and the targeting of immigrants at other sensitive sites such as schools, dehydration centers and homeless shelters. Even children, including those with severe disabilities, have not been spared from these harsh policies, which violate core American ideals of fairness and humane application of the law. Law enforcement agencies and other public officials are justifiably concerned that these draconian enforcement measures will dissuade undocumented immigrants from reporting crimes and serving as witnesses, seeking out court protection from violent abusers, and obtaining vital medical care – all of which will ultimately endanger the community as a whole.

## **Refugees**

Our nation has a centuries-long tradition of opening its shores to the oppressed. Ebbs and tides in public sentiment on immigration, however, have led to unfortunate departures from that tradition, as Congress and the Executive Branch have throttled immigration quotas as well as restricted the inflow of refugees. Today, as HIAS has noted, "the United States and the international community recognize the human rights of refugees and international law prohibits any attempt to return refugees to danger."

But it is not only our duty as citizens, it is our duty as Jews, to give aid to refugees facing oppression, persecution or death if they are returned to their homelands. The Torah instructs us that 'You shall not wrong or oppress a stranger, for you were strangers in the land of Egypt.' And our own painful history, and of repeatedly fleeing persecution, makes us sensitive to and compassionate for those who suffer similar fates and experiences and reminds us that refugees should be treated with compassion and dignity.

In our December 2, 2015 statement on the refugee crisis in Syria, we observed that the Syrian civil war has resulted in the deaths of more than 200,000 civilians, over half of its population being displaced and 12.8 million people requiring humanitarian assistance. Given those horrific statistics, we spoke out against policies that would greatly restrict the flow of Muslim refugees into this country. At the time of that statement, there were government leaders who had called for denying Syrian refugees entry to their states and still others who had suggested preferences for Syrian Christians, as if it were possible to distinguish Syrian Christians, but not Syrian Muslims,

from terrorists. We reaffirm what we said then: "These policies are not legally defensible. But more importantly, they can play to our baser instincts. Times of upheaval and stress can often bring out the worst in human nature. Intended or not, these policies can fan the flames of religious hatred and we should reject them."

More recently, in our January 26, 2017 statement on the President's Executive Order imposing substantial travel restriction on refugees from primarily Muslim countries and reducing the cap on refugees the U.S. will accept, we expressed our view that the policy "betrays the Jewish and American values we cherish."

The JCRC shares legitimate government concerns about our nation's safety, and we agree on the need for stringent screening to ensure that those entering the country as refugees intend us no harm. But as we noted in 2015, refugee bans justified as a way to keep out terrorists have "an eerily familiar pedigree":

During World War II, State Department officials ratcheted up the requirements for Jewish refugees to qualify for entry into the U.S. Hiding among the refugees (including implicitly orphans and the elderly) they warned, might be German saboteurs who could blow up military installations. As a result of the efforts of the infamous State Department anti-Semite, Breckenridge Long, rather than increasing the number of Jewish refugees entering the U.S. during the height of the Holocaust, the U.S. permitted only a fraction of the allowable quota of refugees to enter the country between 1942 and 1945. We cannot permit claims of national security again to be used to block the entry of persecuted refugees.

As Leon Rodriguez, the son of Jewish Cuban refugees and the former Director of the United States Citizenship and Immigration Services, has stated, the screening system for refugees in place before the Executive Order was already a lengthy, multi-step security process taking as much as two years to complete and sufficiently vigorous to ensure that it did not present a security risk to our country. Accordingly, we reaffirm our commitment to compassion for the plight of refugees of all religious and ethnic backgrounds and oppose government policies that would discriminate on that basis or would adopt unnecessarily strict screening measures or that would reduce existing refugee quotas.