



Written Testimony of

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President
Esperanza

Before the

House Judiciary Committee
Subcommittee for Immigration, Citizenship, Refugees, Border
Security and International Law

September 6, 2007

Thank you, Madam Chair, Mr. King and Members of the Subcommittee, for the opportunity to appear before you today. I am encouraged by this hearing and by information gathered in preparation for this hearing that the House and this Committee may actually move immigration legislation this fall.

I appear before you today representing Esperanza's national network of over 10,000 Hispanic congregations, faith and community based agencies. As the nation's largest Hispanic faith-based organization, throughout the immigration debate and legislative process, we have engaged and informed our community, educating and activating our considerable constituency on the nuances of this most important issue.

Since the President first announced his immigration policy in January 2004, Esperanza has worked closely with Members of Congress of both parties, the White House and the Administration to see comprehensive immigration reform become law. Every year before the National Hispanic Prayer Breakfast, Esperanza sends hundreds of Hispanic pastors and church leaders to Capitol Hill to meet with their Members of Congress. Since 2004, immigration has been a priority topic.

Rule of Law Turned Upside Down

Since comprehensive immigration reform legislation failed to pass the Senate this summer, hundreds of state and local enforcement initiatives have been enacted and thousands more are pending.

In these cities and states, a fundamental value of American jurisprudence --- the presumption of innocence --- is gone. Law abiding residents simply thought to be illegal are being detained. For thousands of third, fourth and even fifth generation American citizens their color now defines the limits of their rights. The color of our skin or the sound of their accent now provides us the privilege of being detained, harassed or accosted in an effort to determine our status.

Even I wonder whether I need to carry my passport.

Should the House fail as the Senate has failed, you will send our country back in time, back to the pre-1960's world of "separate but equal." What of my parents who are a little darker, speak English less refined and may swallow an occasional vowel or letter? What happens to those tried and true American citizens that bleed red white and blue but look a little different and talk a little different --- will they be afforded equal treatment under the law or will the law create a wedge, an opening that will lead to the mistreatment of those that don't fit the American ideal of citizenship?

If unchecked, criminal elements will continue to prey on innocent, law abiding, hardworking residents of our communities, most of them American citizens, now afraid to call the police. American citizens now must consider the cost of police involvement for them and their families and now chose not to subject themselves to exploitation and abuse. It is easier to let certain crimes go, to not get involved as witnesses, than to fall victim to over aggressive law enforcement still learning the ropes of immigration enforcement.

Call for Leadership

The country needs immigration reform legislation to become law now more than ever. With Senate failure, we look to the House for leadership. Our clergy looks to you, Madam Chair, your expertise and your ability to bring people together. We look to Mr. King to find areas of consensus, to find common ground and workable solutions.

Our clergy calls on Speaker Pelosi, Judiciary Committee Chairman Conyers, Ranking Chairman Smith and Minority Leader Boehner to show the same leadership, commitment and ability to resolve differences as this Congress demonstrated 10 years ago when Congress passed comprehensive welfare reform. The welfare reform debate was heated and full of conflict and controversy. And yet this Congress and this country came together and solved one of the biggest problems facing our country in the mid 90's. All except Mr. King were here during the welfare reform debate. I have faith you can rise to this similar challenge today.

The Senate has made their choice. Now the House has an opportunity to show wisdom and courage to fix our broken immigration system once and for all. Now is the time to lead – to educate constituencies influenced more by rhetoric than reality. Now is the time to do what is right, to stand up for what is right. Win the arguments and back down the bullies. Now is the time for leaders of both parties to teach their junior members by example.

In the book of Matthew we are told that Jesus had compassion for the people of his day as they were “harassed and helpless, like sheep without a shepherd,” because their leaders abdicated their responsibility. Those called to set the law of the land and direct the citizenry did not have the moral fortitude to provide for their people. The people were worn out and tired. Constantly running up against a wall with no place to go, they were demoralized and helpless as their government failed to provide the most basic necessities of life. Because leaders abdicated their role as leaders, turned their back on the people of their day, Jesus’ response was to heal them and make them whole.

We stand ready to work with anyone and everyone with the strength and courage to lead this country toward a compassionate, merciful, workable solution.

Theology & Immigration Policy

You invited me here today in my role as a religious leader, to share thoughts and analysis of the STRIVE Act from our perspective as religious and community leaders. As faith leaders, we are called to ground our conduct and treatment of others in our reading and understanding of Scripture. So, too, for guidance on immigration policy we turn first to Scripture. Our support for comprehensive immigration reform comes from the biblical mandate to advocate on behalf of the stranger in one's land, a practice as ancient as the Old Testament.

As written in Leviticus 19:33-34, “When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt: I am the Lord your God.” In Matthew 25:35, Christ calls on all his followers to treat immigrants with fairness, justice and hospitality, “For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink. I was a stranger and you invited me in.”

Our call for Congress to pass comprehensive immigration reform is our call for Congress to recognize our history as a nation of justice, mercy, and compassion. These genuinely American principles must not be abandoned in any new immigration reform.

One of the continuing distortions in this debate is the definition of “amnesty.” I am frustrated that we must continue to deal with those who choose to distort the real meaning of amnesty.

As Christians we understand amnesty: Amnesty is what Christ provided for us as forgiveness for our sins when he paid for our sins with his life. This is true amnesty--unconditional and without penalty.

The Merriam-Webster dictionary defines amnesty as “the act of an authority (as a government) by which pardon is granted to a large group of individuals.” A pardon is defined as “the excusing of an offense *without exacting a penalty*” (emphasis added).

For politicians to distort the meaning of amnesty is a travesty. Those who persist should be ashamed. As religious leaders we call on the RNC and DNC to deal honestly and righteously with this issue. We ask the Chairmen of both parties to *publicly* ask their members to refrain from seeking political gain on the backs of the powerless and instead, work toward just solutions.

The STRIVE Act

I congratulate Congressman Gutierrez and Congressman Flake for their leadership, dedication, commitment and all the hard work that went into developing the STRIVE Act. I commend you on rising above political rhetoric and polarization and working to bring a just solution to the current crisis.

Esperanza evaluates all immigration legislation against Esperanza’s Statement of Principles. Esperanza’s Principles were released in March, 2006 and still hold true today. They are included as an attachment to this testimony.

We believe today as strongly as we did last year that for an immigration proposal to permanently fix our badly broken immigration system, it must accomplish four objectives: First, it must be compassionate, just and true to our heritage as a nation of families built by immigrants, to our heritage as a welcoming nation. Second, it must secure our borders. Third, it must secure our economy by providing safe, secure systems to meet current and future workforce requirements. And, fourth it must be a permanent, lasting, sustainable fix rather than one that, 20 years from now, will land us right back where we are today.

We believe the STRIVE Act is a fair, workable and just solution to our disastrous immigration system. We also believe implementation of the STRIVE Act would be a permanent fix as it provides workable methods to secure our borders, to secure our economy with avenues for current and future workforce requirements. The STRIVE Act also keeps intact our nation's value on family unification. We would welcome the opportunity to work with you and your staff to see the STRIVE Act become the law of the land.

We understand there is consideration being given about moving immigration legislation in pieces rather than one comprehensive bill. While our strong preference is to pass a comprehensive bill, we would also support and work closely towards passage of separate pieces of legislation. Since the American people understand and support in large majorities all the basic components of the STRIVE Act (see attachment), by debating each title separately, it just might be possible to avoid the rhetoric and distortion that ended with the collapse of the Senate bill.

Should the decision be made to move legislative pieces rather than a comprehensive bill, I respectfully encourage you to include in the debate legislation, such as Title VI of the STRIVE Act, that provides legal status for the 12 million undocumented who get in the back of the line pass English and citizenship classes, pay fines and back taxes and whatever other requirements seem just penalty for entering or remaining in our country illegally.

Border security alone ignores the plight of 12 million hard working, law abiding members of our communities. Border security alone does not address the needs of employers that often find themselves in moral and legal dilemmas unaddressed by the current direction provided in our current immigration system. This is the path to fix the problem we as Americans created with faulty policy, weak enforcement and no moral courage to make it right.

Don't just take the easy road and pass the pieces for which there is already consensus among Members. Let's have the debate and a national discussion. Let's take a vote.

For Consideration: Essential Role for the Hispanic Faith Community

As the STRIVE Act moves forward, I encourage you to include language on the considerable role the Hispanic faith community can play implementing the legislation.

In order to be successful, all proposals, regardless of specific details, will require massive education efforts in Hispanic communities across the nation to educate folks about the new legislation, to provide greatly expanded English as a Second Language and citizenship classes.

The success of all proposals also depends on the willingness of the undocumented to come forward. Once we reach a just solution, the Hispanic faith community is prepared to partner with the federal government to serve as processing centers, the first place where the undocumented will come forward. All initial processing can take place at churches, faith and community-based agencies in coordination with other federal agencies, such as the FBI and

Homeland Security, who will control all steps in processing background checks, employment verification, etc.

So many undocumented simply will not go to Federal offices. As the trusted voice and primary social infrastructure, the Hispanic church can reach deep into the community and serve as safe harbors. We can work with the federal agencies not just on procedures and processes but also to ensure that those meeting with our people are culturally and linguistically sensitive, assuring smooth transitions from shadows and fear into the daylight of legal status.

The People, Once Again, Ahead of the Politicians

The American people understand immigration reform and the available options. Although public opinion research is all over the map on immigration reform, one set of questions, repeated by three different polling companies over an 8 month period all yielded the same response --- 65% of Republicans and 70% of Democrats support proposals that provide legal status *with a path to citizenship* for undocumented workers who pay fines and back taxes, learn English and pass citizenship classes.

A Quinnipiac University poll taken last November 16th-19th found 66 percent of Republicans and 72 percent of Democrats support allowing illegal immigrants into a guest worker program with a path to citizenship over a period of several years.

In April, 2007, the bi-partisan polling team of The Tarrance Group and Lake Research survey found the American people of all parties, of all demographic groups continue to support proposals that allow illegal immigrants to come forward, register and receive temporary worker permits with a multi-year path to citizenship if they get to the back of the line, learn English, pay taxes, etc.

In June, a Bloomberg/Los Angeles Times poll found a majority of Americans supported offering undocumented immigrants a path to citizenship and a program for temporary workers.

Business Leaders & Faith Leaders Join Hands

Immigration reform reaches far beyond Hispanic communities. American businesses need workers, and current American workforce projections fall significantly short of future requirements. American agriculture and landscape industries, building, trades, and construction, as well as the entire hotel, restaurant, resort, and most service industries are struggling today to find willing, capable workers. America's productivity tomorrow will be weakened without comprehensive immigration reform.

America's free trade policy failed to recognize that the free flow of labor must accompany the free flow of goods and services. Failure to adjust our immigration system to meet increasing labor requirements has created this badly broken system and unjust situation. Ironically, it is the same free trade conservatives who, failing to understand this economic reality, call to deport 12 million undocumented workers.

We are joined in our efforts by an impressive cross section of: 1> business and industry, 2> policy and 3> religious organizations. The US Chamber of Commerce, the National Restaurant Association, the American Hotel and Lodging Association, the American Farm Bureaus, the Catholic Bishops, the American Health Care Association, and the National Association of Home Builders are a few of the national organizations working with us in our efforts.

When crafting categories of legal status for the undocumented as well as for temporary guest worker programs, we must take care not to create a closed, homogenous society that exploits the low-skilled and less-educated among us, treating them more as a disposable commodity than as brothers and sisters. Rather, for their willingness to serve us by doing jobs we would not want our children to do, they earn the opportunity to grow and become Americans. This is the American dream --- that the grandchild of today's *avocado picker* could someday be a member of Congress of the United States.

Crime & Punishment

Most Americans--and most members of Congress--recognize that the vast majority of the 12 million are good people caught in a bad system, victims of one of the worst public-policy failures of our time. *Forty percent (40%) of those currently in the country illegally --- 4.8 million people --- entered legally.* Millions await review for legal status and are simply caught up in a bureaucratic nightmare. The legal system views their "crime" as nothing more than a civil infraction, with penalties less severe than those for a misdemeanor.

Families throughout our community are composed of a patchwork of immigration status. Around the family dinner table, American citizens sit with green card applicants, student visas and undocumented workers:

- In 6.6 million families either the head of household or the spouse is undocumented.
- 3.1 million American children live in families with one undocumented parent.
- 64 percent of the children living in undocumented families were born here and are legal U.S. citizens. (Source: Pew Hispanic Center)

We are a nation of laws, and 12 million people live here illegally. For that there should be penalties. But just as we are a nation of laws, we are also a nation that believes the punishment should fit the crime.

Entering the country illegally is a federal misdemeanor. Should the penalty for misdemeanors and civil infractions be ruptured families, destroyed businesses, and lost homes? Are we prepared for the father next door, for the mother of our child's best friend, for those who pray with us in church every Sunday to be deported?

These are not violent crimes. These are not violent criminals. Their biggest "crime" is coming to America looking for available work. We should not inflict cruel and unusual punishment simply to rectify the policy failures of the past. At Esperanza, we suggest that the payment of fines and back taxes, together with background checks, English fluency and citizenship classes are rational responses to an emotional and difficult situation--responses that will meet our national security interests and workforce requirements while maintaining our

history--as embodied in the Statue of Liberty--as a compassionate nation. These measures can work if their intention is to truly integrate our people into society and not to be hurdles created to intentionally trip individuals into deportation.

As we move forward with this legislation let us recall the words of Jesus on the question of leadership. You are the leaders of today. You are called to move this country forward and make the hard moral choices. The choice on comprehensive immigration reform is morally right. It is good business and (begins to) creates the security American needs.

In the end you are either those that work on behalf of the harassed and helpless or those that to refuse to set the law of the land that will direct the citizenry and show the moral fortitude that is so lacking in our public discourse. We commit to work on the higher road of morally good business and American security with you on behalf of all Americans. To fashion law that elevates our country and tells the world how we care for those that embrace our ideals of hard work, family and country.

Thank you, Madam Chair and Members of the Sub-Committee, for the opportunity to appear before you today. I look forward to working with you and your staff in the days and weeks ahead.

Respectfully submitted,
The Reverend Luis Cortés, Jr.
September 6, 2007



WEDNESDAY MARCH 15, 2006
4:00 P.M.

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*Rev. Luis Cortés, Jr.
On behalf of Hispanic Evangelical and Protestant Churches
To US Senators: Principles for Effective, Workable Immigration
Reform*

Esperanza USA is the largest Hispanic faith-based community development corporation in the country. With a national network of 10,000 faith and community-based agencies, Esperanza is one of the leading voices for Hispanics in America.

Rev. Luis Cortés Jr., president of Esperanza USA, urges the Senate to incorporate the following principles for effective, comprehensive, workable immigration reform:

BORDER SECURITY

America's Borders Must Be Secured.

We are a nation of laws and we respect the rule of law. We are a peaceful people. The terrorist attacks of 9/11 unite us all in efforts to protect and secure the borders.

In our zealouslyness to be secure, however, we urge caution on two key points:

Border Security Must Remain Solely a Federal Responsibility

Hispanic clergy work closely with state and local law enforcement: on substance abuse, domestic violence, education and helping kids when they first get in trouble to make sure they stay out of trouble. Including state and local law enforcement in border security will instantly transform this cooperative relationship into an adversarial one.

Avoid Criminalizing Clergy

Efforts to shut down human trafficking and criminalize smuggling operations are critically important and we support them. However, language contained in H.R. 4437 assessing criminal penalties for those who "assist" those who are here illegally would instantly transform all Hispanic clergy and many non-Hispanic clergy from community leaders to federal criminals. All clergy must remain free to provide spiritual counsel, humanitarian aid and comfort based on their religious principles.

TEMPORARY / GUEST/ RESIDENT WORKER PROGRAMS

Millions arrived in America legally to unite with family and to seek a better life. To keep families together, they have remained here unknown and undocumented to federal authorities. Millions more risked everything to begin a new life. For people to come out of the shadows, if reforms are to work, they must have real, permanent advantages. Fixing this broken system for legal entry and residence must correct the flaws of the past and reflect current and future economic and workforce requirements.

Toward this end, we recommend three new categories for legal entry and residence:

- Temporary Worker Status for those who want to come and go frequently such as agricultural workers and day laborers.
- Guest Worker Status for those currently not living here who wish to come here to live and work for an extended period of time.
- Resident Worker Status for those who have lived here over an extended period of time and, although currently undocumented, have been steadily employed, paid taxes and have no criminal record.

“Send- Back” Provisions

If our national security objectives are to be met, if immigration reform is to facilitate the tracking of terrorists and those who would do us harm, it is imperative that immigration reforms result in having the millions of undocumented workers leading peaceful, productive lives come out of the shadows and counted as legal residents.

Provisions that require undocumented workers to return to their country of origin before being granted legal status simply will not work. Millions of hard-working heads of households risked everything to build a life in our country. They are working hard and living clean, productive lives as contributing members of society. They will not “come out of the shadows” for a weak, distant promise dependant on bureaucratic clearances.

The only type of “send-back” provision that could work is a requirement to return to the country of origin to file required paperwork and fulfill administrative requirements. Such provisions would require only short-term stays in country and allow for immediate return without loss of employment.

Path to Citizenship

Not all immigrants are interested in becoming American citizens. For those that do, once the requirements of legal residency have been met and fulfilled, they should be allowed to “get in line” --- apply for citizenship knowing their application will be considered only after all others who have previously filed.



American Voters (Once Again) Ahead of the Politicians
Three Polling Firms over Eight Months Find
65% of Republicans, 70% of Democrats
Support Legal Status *with a Path to Citizenship*

Quinnipiac University: Post 2006 Election

November 21, 2006 - Let Illegal Immigrants Become Citizens, U.S. Voters Tell Quinnipiac University National Poll; But Do More To Tighten The Borders, Voters Say

By a 69 - 27 percent margin, American voters say illegal immigrants should be allowed into a guest worker program with the ability to work toward citizenship over a period of several years, according to a Quinnipiac University national poll released today.

Republicans support the guest worker to citizenship path 66 - 31 percent, while Democrats back it 73 - 23 percent and independent voters back it 71 - 24 percent, the independent Quinnipiac (KWIN-uh-pe-ack) University poll finds.

The Tarrance Group and Lake Research: April 15-19, 2007

Support for Comprehensive Immigration Reform Includes a Path to Citizenship

Likely voters are read a proposal for comprehensive immigration reform that is described as follows:

- Provide resources to greatly increase border security,
- Impose much tougher penalties on employers who hire illegal workers,
- Allow additional foreign workers to come to the United States to work for a temporary period,
- Create a system in which illegal immigrants could come forward and register, pay a fine, and receive a temporary worker permit
- Provide these temporary workers with a multi-year path to earned citizenship, if they get to the end of the line and meet certain requirements like living crime free, learning English, paying taxes

After this description, seventy-five percent (75%) of likely voters favor passage of this legislation. This represents a four point increase of support for this legislation since July 2006.

Support for this legislation crosses all racial and partisan/ideological lines with whites (75%), African Americans (70%), and Hispanics (74%) all strong favoring passage and with strong Republicans (76%), very conservative voters (74%), strong Democrats (74%) and liberals (75%) ... There is also strong support ... among white conservative Christians (78%), born again Christians (75%), and weekly church attendees (76%). In fact, there is even strong support for passage among those who listen to talk radio on a daily basis (76%).

In examining some likely criticisms of this legislation: a majority (52%) of likely voters do not ... this is .. amnesty for illegal immigrants. (When given) ... options of doing nothing ... or passage of legislation (with) ... a path to citizenship “that some will call amnesty,” a strong majority (64%) of likely voters select the passage of legislation that includes a path to citizenship.

Los Angeles Times / Bloomberg (June 7 – 10, 2007)

- 63% - Respondents were asked if they would support a proposal that would “allow undocumented immigrants who have been living and working in the United States for a number of years, and who do not have a criminal record, to start on a path to citizenship by registering that they are in the country, paying a fine, getting fingerprinted, and learning English, among other requirements.” Nearly two-thirds of the public (63%) supports such a proposal. Among registered voters, support is slightly higher (65%). Support extends across the political spectrum, including 58% among self-described conservatives. By contrast, only 23% of the public opposes such a proposal.
- The public is very concerned about the issue of illegal immigration. A very large majority (86%) believe it is an “important” problem, including 31% who believe it is the “most important” problem facing the country.
- A plurality of the public, 49%, supports a “guest worker” program, versus 26% who oppose such a program.
- The bill being considered by the Senate would change our immigration system so that immigrants would be chosen on a point system. A plurality of respondents in this survey did not know enough about this proposal to have an opinion (43%). Of those who had an opinion about the point system, 34% supported, and 23% opposed such a system.