

Statement before the  
United States House of Representatives  
Committee on the Judiciary  
Subcommittee on Immigration, Citizenship, Refugees  
Border Security, and International Law

Hearing on: "Comprehensive Immigration Reform"; Perspectives of Faith-Based  
and Immigrant Advocacy Organizations

By: Noel J. Saleh  
President, ACCESS  
Arab Community Center for Economic and Social Services  
2651 Saulino Court  
Dearborn, MI 48126  
(313)842-7210  
[www.accesscommunity.org](http://www.accesscommunity.org)

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Madam Chair, Members of the Sub-Committee, thank you for convening this important hearing and for inviting me to be with you today.

As a nation born of immigrants, no topic is more important for your consideration. Comprehensive immigration reform is vital for this nation. An effectively reformed immigration system will serve national interests by supporting economic growth, social mobility, strong families, labor rights, civil rights, political rights, and law and order.

Clearly, the issue of up to 12 million undocumented persons present in the United States has been the focus of much public debate and attention. Equally clear is the need to address this issue. In human terms this population is the clearest manifestation of a broken system. It is reflective of the systems failure to respond to the labor and economic demands of our nation. Similarly, it manifests the weakness of the current system of backlogs in family-based immigration. Any comprehensive immigration package which fails to address this issue in a fair and equitable manner; which must include a path to legalization, would be a failure.

I am confident that other agencies and organizations presenting before this Committee will address this issue in greater depth and detail. I merely want to affirm our belief that this issue must be a core component in any legislation. The issue of comprehensive immigration reform, however, does not end with a "path to legalization" combined with enhanced border security and employer sanctions. There remains other issues that must be included if we are to truly "fix" a broken system.

Immigration reform is particularly crucial to the Arab-American community for a multitude of reasons. Above all, our community is depending on immigration reform to respect family unification and restore due process rights to our immigration system.

As Americans, we pride ourselves on family values. Our immigration system is no different. The United States has a long and rich history of putting families first in our immigration system. A comprehensive solution to our broken immigration system must maintain this longstanding tradition by continuing to place families first and keep families together.

Arab Americans, like all other Americans, have strong family ties and values. Our community, like many others, depends on the strength and unification of the family. For over 100 years, our families have been coming to the United States, integrating into our new society and with other immigrant populations serving as the building blocks for vibrant and stable communities. This pattern continues with our most recent immigrant population.

Families have also been the backbone and core social unit of our Arab-American society. Immigrant families help each other learn English, purchase homes, pursue job opportunities, start their own businesses, and contribute to their communities.

Currently, more than one million minor children and spouses of Legal Permanent Residents are currently awaiting reunions with their parent or spouse. The U.S. prides itself on welcoming newcomers and protecting families, but immigration policies are keeping these families apart. We must fix our immigration system, by providing families an easier path to unification, rather than ripping families apart.

Comprehensive immigration reform also means protecting immigrants' due process rights. This includes restoring judicial review and discretion, upholding the Supreme Court ruling against the indefinite detention of immigrants, and ending unfair, extreme punishments for minor offenses.

Increasingly strict laws enacted since 1996 are tying the hands of immigration judges. Today, if an immigrant faces deportation, a judge has little or no authority to review the case himself and decide if deportation is truly warranted. Judges are powerless. As a result, many individuals with highly compelling situations, such as lawful permanent residents, and individuals who have U.S. citizens as family members; are denied the opportunity to remain in this country.

Take the story of Mona and Ali (names have been changed to protect identity), a couple from Jordan. Mona and Ali came with their son to the U.S. over 17 years ago on a tourist visa. Once they were here, Mona's brother petitioned for Mona and her family to become legal permanent residents.

Mona and Ali remained in the U.S. They had three more children. All four of their children went to public schools and maintained “A” averages. Mona and Ali were very hard workers and very involved in their children’s school activities. They were upstanding and productive members of their community. They loved America and were working hard to live the American dream.

After the events of September 11, Ali complied with the NSEERS Call-In registration. Through this registration, however, he was detained on the minor accusation of lying on a car title form. He was held in an immigration detention center in New Jersey for two years before finally being deported back to Jordan. No judge was able to review his situation and rule whether or not this minor crime should have been punishable by deportation.

Mona and Ali’s family have been ripped apart. Mona and her children are still living here, as the original petition from her brother was completed, and she is now a permanent resident. Their life, however, is not easy without Ali, who was the family bread winner. Before her husband’s deportation, Mona was able to stay home to raise their children, take care of household duties and attend her children’s school activities. Now, she is forced to find odd jobs and ask her family for financial help just to support her children and give them a decent life. Mona and Ali’s children are growing up without a father. Their youngest daughter often wakes up in the night crying for her Dad.

Ali’s case should have been reviewed by a judge. However, current laws do not allow for this due process. This crime did not warrant the two years of detention that Ali endured, much less being deported from this country. He remains separated from his family as there is no ability, no matter how compelling the circumstances, to “forgive” his “unlawful presence.” Unfortunately, this story is not unique. Community activists from across the nation are hearing similar stories of individuals being deported for very minor offenses and having no ability to be reunited with their families in the United States.

We must stop forcing judges to deport U.S. residents without considering the circumstances. It does not solve the problem of undocumented immigration and it is inconsistent with our core American values.

Judges must be allowed to study the circumstances of each case and decide what is best for that situation. Meaningful opportunity to receive a “waiver” for minor transgressions should be re-instated to allow for family unification. When our government denies due process to anyone in this country, it threatens the freedom of us all. The restoration of judicial and administrative discretion must be included in any comprehensive immigration reform bill that is passed in Congress.

We want to make sure that a comprehensive solution to our broken immigration system protects families and restores due process. We want to be sure that any efforts to restore the rule of law fully incorporates the American tradition of respecting and protecting the rights of individuals to fair proceedings, government accountability, including checks and balances, and due process rights. As a nation we are at our best when we live up to the ideals of opportunity for all, equal treatment under the law, and basic fairness. It is morally unacceptable for a bill to eliminate our respected tradition of family-based immigration and to erode due process protections. Legal status without the right to be with family or to have a fair day in court goes against the very basic principles of American consciousness and tradition.