



May 14, 2013

United States Senate
Committee on the Judiciary
Washington, D.C. 20510

Dear Senator:

On behalf of the 1.5 million members of the American Federation of Teachers (AFT), I write to express the AFT's position on several key amendments to S. 744 (the Border Security, Economic Opportunity, and Immigration Modernization Act), which the committee will consider in the coming days.

The AFT believes that meaningful reform must bring 11 million aspiring Americans, students and families out of the shadows and provide them with a path toward citizenship. This means students who have worked hard and followed the rules must be given the opportunity to attend college. It means we must strengthen our economy while protecting workers from exploitation. It means we must fix our flawed visa system. And it means we must maintain our long-standing commitment to unifying families as a fundamental component of our immigration program.

To help meet these goals, the AFT urges you to support or oppose, as indicated below, the following amendments:

Title II: IMMIGRANT VISAS

If undocumented immigrants are not given adequate incentives to come forward, our country's long and proud history of being strengthened and enriched by the diversity of immigrants will come to an end. Having this large a pool of unauthorized and temporary workers who are forced to live in the shadows without the basic rights and protections afforded to U.S. citizens and lawful permanent residents is wrong. It drives down wages, and it hurts communities throughout America.

The DREAM Act is a top AFT legislative priority and should be woven into any comprehensive immigration reform plan. The legislation would create a pathway to legal status for qualified students who come to the United States before the age of 16 if, in addition to meeting other requirements, they complete at least two years of college or military service. Enacting the DREAM Act would mean that the approximately 65,000 undocumented students who graduate from U.S. high schools each year have the opportunity to become tomorrow's nurses, engineers, computer programmers, teachers and members of the armed forces. We are glad the DREAM Act is part of the underlying bill you are considering, and we urge you to oppose any amendments that would dilute its promised benefits.

Blumenthal #1: This amendment extends the DREAM Act to children who are too young to have graduated from high school or completed a GED to qualify for the five-year path to citizenship under the DREAM Act. It would allow children who meet the

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DREAM Act's requirements and are under the age of 18, upon completing five years of registered provisional status, to be eligible to adjust to lawful permanent resident status and be immediately eligible for citizenship. The Little DREAMers amendment will improve the DREAM Act as currently drafted in the Senate proposal so that the youngest children will not be forced to wait more than a decade before being eligible for citizenship. **AFT SUPPORTS**

Hirono #21: This amendment allows youth who entered the country before the age of 16 and who acquire Registered Provisional Immigrant (RPI) or blue card status to access the same financial options that other academically qualified Americans have in order to pay for their education. Permitting DREAMers to access higher education will allow them to become fully integrated citizens of our country in the time frame that Congress has laid out for them. It will also ensure that DREAMers have the tools they need to advance themselves, contribute to our economy, and ensure that our country benefits fully from their skills and talents. **AFT SUPPORTS**

Leahy #3: This amendment ensures that women who self-petition for asylum under the Violence Against Women Reauthorization Act are afforded work authorization for status as VAWA self-petitioners or for T or U visas while their applications for such status or visas are pending. **AFT SUPPORTS**

Leahy #6: This amendment eliminates discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents, and to penalize immigration fraud in connection with permanent partnerships. This amendment is about fairness and would extend equal treatment to thousands of loved ones of spouses with status under the law. **AFT SUPPORTS**

Leahy #7: This amendment recognizes, for purposes of immigration, any marriage entered into in full compliance with the laws of the state or foreign country within which such marriage was performed. **AFT SUPPORTS**

Title III: INTERIOR ENFORCEMENT

Blumenthal #3: This amendment ensures effective enforcement of protections against trafficking and abuse involving workers recruited abroad by holding employers and recruiters responsible for their foreign labor contracting activity. **AFT SUPPORTS**

Blumenthal #5: This amendment improves the authorities relating to protections against trafficking and abuse involving workers recruited abroad. **AFT SUPPORTS**

Franken #7: This amendment seeks to protect children affected by immigration enforcement actions by giving parents who are taken into custody by Immigration Enforcement the opportunity to arrange for the care of their children while they are detained. **AFT SUPPORTS**

Title IV: REFORMS TO NONIMMIGRANT VISA PROGRAMS

Any comprehensive immigration reform package must guarantee the uniform enforcement of worker protection standards, including ensuring real and enforceable

remedies for labor and employment law violations for all workers, regardless of their immigration status. The proposal should address abuses in the current visa program that undercut the appropriate focus on retraining and hiring American workers. This must be addressed before any proposal is made to expand existing guest worker programs. In addition, the immigration proposal should both reduce incentives for employers to hire undocumented or temporary foreign workers and guarantee that all workers (foreign-born and native) be guaranteed full workplace rights, including the right to organize.

The AFT's top priority in this area is ensuring that workers who are here under existing H-1B visas are not caught under the new requirements and are able to self-petition for citizenship. Toward this end, we recommend that:

- Sec. 2302(c)(3)(B) be changed from requiring a worker to be lawfully present and authorized for employment in the United States for not less than 10 years, to not less than five years. Shortening this time will help ensure that workers—particularly teachers whose employers do not petition for green cards but have filled positions where there is a shortage for at least five years—are guaranteed the ability to self-petition.

Cruz #5: Increases the cap to 325,000 using a market-based indicator to determine shortages while increasing fees for workers. **AFT OPPOSES**

Klobachar #6: Requires job listings to be advertised on state departments of labor and workforce agencies' websites. **AFT SUPPORTS**

Schumer #5: Amends the bill to include a registry for workers and allows for portability. **AFT SUPPORTS**

Blumenthal #4: Requires the U.S. Department of Homeland Security to consult with the U.S. Department of Labor on regulations, implementation and enforcement of foreign labor recruiter provisions. **AFT SUPPORTS**

Schumer #1: Clarifies that all workers have access to the protections and remedies of federal, state and local labor laws for violations committed by employers. **AFT SUPPORTS**

The AFT looks forward to working with the Senate to strengthen and improve the bill as it moves forward, so we can seize this unique opportunity to create lasting and meaningful reform of our nation's immigration system.

Thank you for considering our views on this important issue.

Sincerely,



Kristor W. Cowan
Director, Legislation