Why advocate to your members of Congress?

As a constituent, you are an agent in the democratic system. You have a right to advocate, and your elected members need to hear from you. The relationship you build can influence the policy-maker’s decision. Congress also oversees the work of the Department of Homeland security, including budgetary appropriations, and Congress can pass legislation that fix many of issues we raise below. Although the Executive Branch holds the responsibility for immigration policy enforcement, Congress holds the key to passing legislation that can override harmful enforcement decisions. They can make decisions that ensure people have access to due process, to safer ways of entering the country, that asylum seeker, individuals and families, are not detained, and that families are not separated. Ultimately, they hold the key to this process. Your voice matters!

Which Congressional Committees address issues related to immigration?

All representatives have a vote in immigration related legislation and should be visited. Members of some committees in the House of Representatives and the Senate\(^1\) have particular influence over matters of immigration. These members influence bills that come out of their committee to be discussed on the floor of each chamber and provide oversight of various departments that carry out work related to immigration and refugees. It is important to research to see if your elected official sits on one of these committees. This knowledge helps frame the conversation with those officials.

**Committees:**

House of Representatives – Judiciary (Subcommittee on Immigration and Citizenship), Homeland Security, Education and Labor, Appropriations

Senate – Judiciary (Subcommittee on Border Security and Immigration), Homeland Security and Government Affairs, Appropriations

2019 issues to raise to your members of Congress:

1. **Family Incarceration, Family Separation and Asylum**

   The Obama Administration increased the use of family detention in 2014.\(^2\) Family incarceration is still used today though its use has been limited in court.\(^3\) To abide by the court ruling but still deter the entry of asylum-seeking families, in 2018 the Trump Administration began releasing children from immigration detention but continued to detain their parents, thereby separating families. This “zero-tolerance” policy was met with strong public outcry. Though most families have been reunited, the harm continues.

   Hundreds of families are still separated, and families continue to be separated. Questions loom about whether the government has upheld the due process rights for parents and families. The separation

---

\(^1\) [https://www.govtrack.us/congress/committees/](https://www.govtrack.us/congress/committees/)


of families and the insistence on incarcerating asylum seekers shows a desire to deter asylum seekers from entering the U.S. at a time when so many need international protection.\(^4\)

Since the separation of families in the Summer of 2018, the government has also continued to slow entry at ports of entry, causing many people to wait for days, even months for the chance to approach a border officer and ask for asylum. Then the administration announced that those found entering irregularly will be automatically denied asylum. Then the administration began the Migrant Protection Protocols Program which forces people to live in Mexico while pursuing U.S. asylum claims. Now, the administration is requiring U.S. asylum applicants to first apply for asylum in one of the nations they passed through on their way to the U.S.

A nation’s asylum laws are only meaningful if they are honored in times of crisis. The U.S. is not honoring its promises to the world.

**Ask your representatives for the following:**

- A plan for family reunification that honors due process rights and rights to family integrity for every parent.
- Oppose an expansion of and urge an end to family detention. Asylum-seeking families must have freedom to access due process, to find lawyers, and to prepare their cases as a family unit.
- Oppose the criminalization of immigration. Make enforcement officers honor asylum law, which allows those seeking protection to ask for asylum, regardless of entry or immigration status.\(^5\)
- Protect the asylum process. Do not place limitations on what is allowed under the Immigration and Nationality Act. Stop imposing wait times at ports of entry that serve to manufacture crisis, which in turn causes people to choose between homelessness and irregular entry into the U.S. Stop the Migrant Protection Protocols. The program makes people homeless in a nation that is not theirs and separates them from U.S. legal counsel. End the requirement that asylum seekers ask for asylum in the countries that they pass through on their way to the U.S. The Immigration and Nationality Act allows for safe third country agreements but limits its use to places “where the alien would have access to a full and fair procedure for determining a claim to asylum.”\(^6\) Northern triangle nations are struggling to not create their own refugees and do not have systems in place to offer safety or full and fair procedures to asylum seekers.
- Ask for the Fair Day in Court for Kids Act.\(^8\) Individuals seeking asylum only have access to an attorney if they can afford one. As a result, 80 percent of detained migrants go without a lawyer. This is true even though immigration proceedings affect a person’s liberty, family integrity, livelihood, and, in cases of asylum and torture, their very lives. The Fair Day in Court for Kids Act would provide a minor improvement by guaranteeing counsel for unaccompanied children, who currently go without representation as well.

---

\(^4\) [https://genesisofexodusfilm.com/thefilm/](https://genesisofexodusfilm.com/thefilm/)


\(^7\) [http://storymap.genesisofexodusfilm.com/index.html](http://storymap.genesisofexodusfilm.com/index.html)

\(^8\) [https://www.govtrack.us/congress/bills/115/s2468](https://www.govtrack.us/congress/bills/115/s2468)
2. Refugee Resettlement

The commitment for fiscal year 2020 has been set at 18,000, the lowest yet. This commitment is a drastic decrease from 2017 when the government committed to 110,000. This slump in resettlement hinders new families from entering the U.S. and drastically slows or prohibits the reunification of family members who were separated on their refugee journeys as well. We must continue to ask our government to restore the nation’s humanitarian commitment to refugee resettlement.

*Ask your representatives for the following:*

- Urge Department of Homeland Security to prioritize the reunification of family members.
- Restore our commitment to refugees by increasing our commitment to 75,000\(^9\).
- Ask that Congress maintain budgetary commitments for the Office of Refugee Resettlement.

3. DREAMers\(^{10}\)

The DREAM Act, which would give permanent resident status to undocumented individuals brought into the U.S. as children, was first introduced in Congress in 2001. Yet, Congress has failed to make this bill law. As a temporary form of relief DACA was offered by the Obama administration in 2012. This program does not offer permanency but does offer temporary relief from deportation. In 2017 the administration announced the end of DACA but has not yet done so because that termination is being challenged in the courts. DACA recipients and their friends and family are watching the Supreme Court to see if the administration will be allowed to end DACA but, we must remember that Congress has always had the ability to offer a permanent solution.

*Ask your representatives for the following:*

- Support “clean” bills like H.R.6, The American Dream and Promise Act of 2019. These bills offer DREAMers the permanency they need to continue working and investing in a life in the U.S. These bills offer DREAMers who qualify the ability to one day petition for family members to regularize their status as well.
- Oppose punitive bills that never lead to a green card for DREAMers and never allow them to petition for family members to join them. These bills place DREAMers in a permanently liminal status and they tag on other conditions, like an increase in border enforcement, further adding to the misery of all migrant populations in the U.S.

4. Appropriations – Interior and Exterior Enforcement

In a time when we have witnessed friends and family torn from our communities\(^{11}\) and unspeakable harms visited to those only seeking safety at our borders, all in the name of enforcement and rule of law, it is time to question the current funding of these agencies—not to increase it.

*Ask your representatives for the following:*

\(^{9}\) GRACE Act, H.R. 2146 ([S. 1088](https://www.govtrack.us/congress/bills/116/hr2146)) to set minimum annual goal for refugee resettlement -

\(^{10}\) www.pcusa.org/daca

• Do not increase the funding of Customs and Border Protection or Immigration and Customs Enforcement. Do not increase the numbers of officers, agents, walls, or detention beds.
• Demand independent monitoring systems for both agencies and the private institutions with which they contract.
• Begin discussions about how to reform the mandate and focus of these agencies. Their blind enforcement and selective application of laws and rights have damaged families, communities, and economies in the interior and the borderlands of the U.S.

5. Public Charge\textsuperscript{12} and Health Insurance Requirement

Noncitizens have always been subject to a public charge rule but changes to the new rule will expand the number of people who could be refused admission under the public charge exclusion. The changes will affect members of our communities and PC(U.S.A.) church leaders who are in the U.S. serving on religious worker visas when they become eligible to apply for green cards, when they apply to renew or extend their religious worker visas and green card holders when they return to the U.S. after an absence of 180 days or more.

A. Change in Standard

The historic public charge rule excluded people who were “primarily dependent” on cash benefits or long-term care. The new standard will exclude people who are “likely at any time” to need 12 months or more of assistance during 36 months.

B. Change in Benefits that Trigger a Finding of Public Charge

Evidence of the receipt of Social Security Income (SSI), Temporary Assistance to Needy Families (TANF), State or local general assistance, and Institutionalization for long-term care were all negative factors under the old public charge assessment. Under the new assessment receipt of the four types of assistance listed above are now heavily-weighted negative factors and receipt of Medicaid, Supplemental Nutrition and Assistance Program (SNAP and food stamps), Section 8 Housing Choice Vouchers, Section 8 Project-Based Rental Assistance, Public Housing and state, local, or tribal cash assistance for income maintenance have been added to the heavily weighted list of negative factors.

C. Change in Manner of Measuring Public Charge

In addition to the expansion of programs that can be considered and the change in the weight assigned to the use of such programs, other factors are now considered as well. These factors will be gathered and measured in a new government form, I-944 Declaration of Self-Sufficiency\textsuperscript{13}

• Age – Being under 18 or over 62 is a negative factor that can be overcome by proof of income or resources. Those younger and older will be at risk.
• Health – A diagnosis of a “medical condition that is likely to require extensive medical treatment or institutionalization or that will interfere with the alien’s ability to provide and care for himself or herself, to attend school, or to work,” will be a negative factor. Evidence of private insurance or adequate financial resources can be used to overcome this negative factor. Private unsubsidized health

\textsuperscript{12} This change was scheduled to go into effect on October 15, 2019 but has been enjoined by federal courts in three states. The injunction is temporary, however. It is important to continue to express concern over these looming requirements.

\textsuperscript{13} \url{https://www.regulations.gov/document?D=USCIS-2010-0012-63785&ct=t(AgencyUpdate_100719)}
insurance would be a heavily weighted positive factor. Insurance subsidized under the ACA would be a positive factor. State-funded insurance is not a positive factor at all. Those with health conditions will be most at risk.

- **Family Status** – The number of people who live with an applicant and who depend on that applicant’s income will be considered when assessing if an individual has the means to avoid being “likely at any time” to become a public charge. Those with large households will be most at risk.

- **Income, Assets and Resources** – An applicant should make an annual gross income of at least 125 percent of the federal poverty guideline\(^\text{14}\) for the size of the household. If there is a shortfall, assets and resources can be used to prove that an applicant will not become a public charge. The government will require proof of 5-7 times the shortfall in assets. Negative factors included in the assessment of this section are civil liabilities, credit history, receipt of public benefits, previous fee waiver applications to USCIS, and bankruptcy filings. Having an income that is at least 250% of the federal poverty guideline is a heavily weighted positive factor. Those with large families and modest incomes will be at risk.

- **Education, Skills and English Proficiency** – USCIS will assess whether a person “has adequate education and skills to either obtain or maintain lawful employment with an income sufficient to avoid being more likely than not to become a public charge.” The new form that will be used to measure English proficiency only asks for proof of English classes. If one is proficient through another means, there is no way to prove this. Those who are proficient in languages other than English and those whose education does not lead to lucrative professions will be at risk.

### D. New Insurance Requirement

On October 4, 2019 the Administration issued a Presidential Proclamation\(^\text{15}\) requiring that all immigrants have health insurance when admitted or proof that they will have health insurance within 30 days of admission.

**Who and When?**

People when they become eligible to apply for green cards, including people present and serving our church communities on H-1B and R-1 non-immigrant visas, will be affected by this change. When a non-immigrant (temporary visa holder) applies to become an immigrant (green card holder), they are asking for “admission” into the U.S., even when they are already physically present in the U.S. It is at this moment of “admission”, whether it happens at a U.S. Embassy in another country or through an application filed from within the U.S., that immigration can accept or deny entry. This new proclamation, which goes into effect on November 3, 2019, will suspend entry for those who do not have private health insurance.

The public charge rule change and the proclamation requiring health insurance prioritize which qualities make a person valued in a community. Highly skilled and educated religious leaders do not always have full bank accounts and high wages. They should not have to worry about having a health condition, another first language, or a large family; it should be enough that they are here, making a positive

---

\(^\text{14}\) https://www.uscis.gov/i-864p

impact and, otherwise meet the requirements for a green card. Likewise, so many other members of our community have a positive impact, but their wages will not show proof this impact.

*Ask your representatives for the following:*

- Green card eligibility standards that recognize the contributions of those with low wages and no wages. Just as the pastors, music ministers and youth workers in our congregations have a positive impact on the entire community; so, do the stay at home caregiver and the differently abled neighbor. The rule change and proclamation will keep people from permanency in our communities by applying a standard that only reviews their wages and their bank accounts. We **are all so much more** than our wages and bank accounts.
- Green card eligibility standards that do not place large portions of our communities in fear of accessing public programs for which they are eligible. The fear fomented by these changes places people at higher risk of hunger, untreated health conditions, and homelessness.

---