

# **RUSSIAN-SPEAKING COMMUNITY COUNCIL OF MANHATTAN AND THE BRONX (RCCMB)**

## **РУССКОЯЗЫЧНЫЙ ОБЩЕСТВЕННЫЙ СОВЕТ МАНХЭТТЕНА И БРОНКСА (РОСМБ)**

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### **RCCMB statement on the introduction of the immigration reform bill (“Border Security, Economic Opportunity, and Immigration Modernization Act”) in the U.S. Senate**

*April 22, 2013*

Russian-Speaking Community Council of Manhattan and the Bronx applauds the introduction of the immigration reform bill drafted by the group of eight Senators. Comprehensive immigration reform is an historic undertaking of our time whose thoughtful design and successful implementation will benefit American economy, civil society, and culture, not to mention millions of current and future immigrants like ourselves.

The following provisions in the bill have, in our opinion, a particularly positive impact on Russian-speaking communities in the United States or otherwise resonate with their members, and we need to make sure they are not weakened in the final bill as it progresses through Congress:

- 1) Provisional immigrant status for undocumented immigrants, with subsequent path to permanent residency and citizenship, taking a total of 13 years for most of them, but only 5 years for those brought to the US under the age of 16 ('the DREAMers');
- 2) Extension as well as expansion of the Lautenberg amendment for certain persecuted religious minorities (with the possibility of expansion of this program by presidential authority to include other persecuted groups, which is particularly important for our countries of origin);
- 3) Elimination of the one-year deadline for applying for asylum;
- 4) Waiver of English-language requirement for naturalizing seniors and persons with disabilities;
- 5) Merit-based points for prospective immigrants based on the level of education, as well as English language skills, entrepreneurship, and civic involvement;
- 6) INVEST visas and other advantages for foreign entrepreneurs;
- 7) Previously deported widows and orphaned children of U.S. citizens can now re-enter the US on parole;

- 8) Strengthening of the prohibition on employment discrimination based on national origin or citizenship;
- 9) Measures to prevent abuse of foreign workers and protections for victims of serious violations of labor and employment law or crime, with confidentiality provisions;
- 10) Measures against the schemes to defraud immigrants or potential immigrants;
- 11) Inadmissibility of would-be immigrants involved in gross violations of human rights, including torture, widespread and systematic attacks on a civilian population, political persecution, and other inhumane acts of a similar character. (These provisions build upon the recently adopted Magnitsky Law that targets human rights violators in the Russian government, but go further and are universally applicable.)
- 12) Establishment of new public-private partnerships to facilitate integration, including the Office of Citizenship and New Americans; Task Force on New Americans; U.S. Citizenship Foundation, to provide grants to government as well as nonprofit entities toward the implementation of the Act; and a pilot program to promote integration at state and local levels that includes the creation of New Immigrant Councils.

We also want to draw attention to the parts of the bill that we would like to see improved. The improvements that we would like to see include: 1) added security in the processing of entrants from regions and localities affected by terrorism, as well as special measures for their integration/adaptation in American society; 2) expanded role for immigrant-led organizations in the reform; 3) provisions for making the newly created agencies representative of the wide range of immigrant communities, including Slavic/East European; 4) stronger anti-discrimination in the labor market and the workplace; 5) alternatives to the complete elimination of diversity visas; 6) maintaining preferences for siblings and children over 31 for the sake of family unity; 7) rewarding foreign entrepreneurs for philanthropic community support and nonprofit job creation; and some other topics.

Specifically, we propose that the following amendments be considered:

- 1) Special nonprofit entities or their departments should be established to address the integration / adaptation needs of entrants from territories and localities continuously affected by terrorism in recent years. These agencies should be created and run with substantial input from respective ethnic communities and employ qualified professionals from inside the community with first-hand knowledge of its characteristics and needs.
- 2) Immigrant integration should rely to a larger extent on immigrant-led organizations, both because of their special expertise and as a way to encourage immigrant entrepreneurship and access to opportunities. Thus, Pilot Program to Promote Immigrant Integration (Sec. 2538 of the bill) should explicitly mention immigrant-led organizations among 'other qualifying entities'; grants should be awarded in collaboration with them as well as with State and local governments; New Immigrant Councils should include representatives of immigrant-led organizations, as well as representatives of

employment agencies and equal opportunity commissions or offices. In funding, priority should be given to immigrant-led organizations representing local communities that have not received government funding in the past 3 years.

3) We propose that new agencies created under the law be made representative of the wide range of immigrant communities, including Slavic/East Europeans. Thus applies to the directors at the U.S. Citizenship Foundation that will be selected from community-based organizations (Sec. 2535). The rotation of these directors would also ensure wider representation over time.

4) We propose to consider strengthening the anti-discrimination provisions (Sec. 3105) by including prohibition on limiting the employment of an individual within an organization to jobs that are only related to his or her country of origin or his or her immigrant community, unless this individual's educational and professional qualifications are clearly so limited. (In our experience, this has been an issue for some immigrant professionals in our communities in the workplaces that limit their employment to the departments or projects that deal with their respective communities only, and thus only to the periods when such departments or projects exist).

5) We propose to consider alternatives to the outright repeal of the Diversity Visa Program (Sec. 2303).

6) On merit-based immigration (Sec. 2301), we are concerned about allocating points on the basis of an individual's age. We are also concerned about the fairness of allocating points on the basis of employment experience, since such experience may depend on the factors outside of an individual's control more often than, for example, education or English language skills. (The same applies to an even greater extent to 'Exceptional employment record,' a determination that may often rely on subjective value judgment.) We also propose to consider including visa preferences for those entrepreneurs who provide philanthropic support to their communities or create jobs in nonprofit organizations.

7) Family unity: We are concerned about the elimination of preference for immigrants' siblings and their children over 31 year of age.

8) In Sec. 3718 ("Sanctions for countries that delay or prevent repatriation of their nationals") we propose to consider alternatives to blanket visa sanctions against all nationals of such countries; it might be more appropriate to discontinue granting visas, or classes of visas to officials and employees of these countries' governments, in order to ensure that the punishment is actually meted out to the culprit.

9) We propose to consider alternatives to mandatory deportation of immigrants lawfully present in the country who are convicted of felonies, as this punishment is disproportionate to criminal penalties for these offenses.

RCCMB legal and policy team will continue monitoring the progression of the bill through the Senate, and looks forward to the introduction of the corresponding bill in the House, and will keep you posted.