DEPORTING OUR SOULS

In the past three decades, images of undocumented immigrants pouring across the southern border have driven the immigration debate, and policies have been implemented in response to those images. The Oklahoma City bombings and the tragic events of September 11, both of questionable relevance to immigration policy, have provided further impetus to implement strategies that are anti-immigration in design and effect. This book discusses the major immigration policy areas – undocumented workers, the immigration selection system, deportation of aggravated felons, national security and immigration policy, and the integration of new Americans – and the author suggests his own proposals on how to address the policy challenges from a perspective that encourages us to consider the moral consequences of our decisions. The author also reviews some of the policies that have been put forth and ignored and suggests new policies that would be good for the country economically and socially.

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Deporting Our Souls

VALUES, MORALITY, AND IMMIGRATION POLICY

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For

Kim Ho Ma, Yuthea Chhoueth, the Cuevas family, Manuel Garcia,
Louen Lun, José Luis Magaña, Chanphirun Meanowuth Min,
Jonathan Peinado, Mao So, Sor Vann, José Velasquez, and the
countless others who have been deported since 1996 without
receiving a second chance

And my friends

Many Uch and Andrew Thi, who are facing deportation and
deserve a second chance
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Foreword

Senator Edward M. Kennedy

Immigration is the story of American history. From the earliest days of our nation, generation upon generation of immigrants has come to be part of a land that offers freedom and opportunity to those willing to do their part. Immigrants built our great cities. They cultivated our rich farmlands. They built the railroads and highways that bind America from sea to shining sea. It is said that under every railroad tie, an Irishman is buried.

Immigrants erected houses of worship to practice their faiths. They fought under America's colors in our wars. In fact, seventy thousand immigrants are serving in the U.S. armed forces in the world today. Immigrants worked hard so that their children could enjoy the ever-widening possibilities in our land. Over the centuries, immigrants came to America from every part of the globe and reached the American Dream. They created a nation that is the envy of the world.

That is our history. But it is also our present and our future. As recent years have made clear, however, our current system is broken and fails to meet our nation's modern needs. Our borders are out of control at a time of heightened concern about terrorism. Vast numbers cross our borders and remain illegally, creating an underground society that is vulnerable to exploitation and abuse. I heartily agree with Professor Hing's philosophy. There are certain fundamental values that we should not compromise away for political expedience – values that are fundamental to our nation and our humanitarian tradition and fundamental to our heritage and history as a nation of immigrants. We cannot turn our back on the eloquent
words of Emma Lazarus engraved in stone on the base of the Statue of Liberty in New York Harbor:

Give me your tired, your poor,
    Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
    Send these, the homeless, tempest-tossed to me,
I lift my lap beside the golden door!

I also agree with Professor Hing’s call for reaching out to newcomers for greater civic and economic participation. When immigrants do well, we all do well. To do so is to set a path, a way forward for the nation as a whole to a new prosperity and greater opportunity for all. It’s a vision of the country we can become – an America that embraces the values and aspirations of our people now and for coming generations.

As we face the forces of globalization, we must affirm anew what it means to be an American. A new American majority is ready to respond to our call for a revitalized American Dream, grounded firmly in the Constitution and in the endless adventure of lifting this nation to new heights of discovery, prosperity, progress, and opportunity. A fundamental part of that revitalized American Dream is the inclusion of immigrants.
I am indebted to all of my good friends and relatives who have contributed to the ideas on progressive immigration policy that are presented in this text. They deserve credit for anything in these pages that makes sense. Everyone mentioned here has inspired me to think widely and broadly, while challenging me to put my time and effort into seeking fair and just change in our nation’s approach to immigration.

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The inspiration for many of my efforts has been shaped by my good friends and prolific academic colleagues Kevin Johnson and Jerry López. My attorney friends who are in the front lines of day-to-day immigration work regularly teach me about the injustices of our immigration system: Jay Stansell of the Federal Public Defender’s office in Seattle, Stan Mark and Margaret Fung of Asian American Legal Defense and Education Fund in New York, Sin Yen Ling and Joren Lyons of the Asian Law Caucus in San Francisco, Lucas Guttentag of the ACLU Immigrant Rights Project in Oakland, Bill Tamayo of the Equal Employment Opportunities Commission in San Francisco, and of course my clinical faculty colleagues at UC Davis: Amagda Pérez, Jim Smith, Holly Cooper, Millard Murphy, Cappy White, and Sarah Orr.

My information, knowledge, and any expertise in the field I may have is derived primarily from my more than twenty-five-year association with the entire staff of the Immigrant Legal Resource Center (ILRC), a legal services support center in San Francisco. Over the years, this talented group of support staff, administrators, bookkeepers, development experts, and lawyers has included Kathy Brady, Eric Cohen, Judy Golub, Jonathan Huang, Angie Junck, Sally Kinoshita, Shari Kurita, Susan Lydon, Irene Nyein, Rene Pérez, Nora Privitera, Elizabeth Romero, Tim Sheehan, Mark Silverman, Adam Sopko, and Shellie Stortz. Like any nonprofit organization, the ILRC has needed a board of directors to guide the organization through financially good times and bad times. Fortunately, a number of dedicated individuals has stepped up to the plate to serve on the ILRC board to ensure its viability in different periods: Sallie Kim, Lisa Spiegel, Dick Odgers, Don Ungar, Roger Wu, Lee Zeigler, Lupe Ortiz, Richard Boswell, John Burton, Angeli Cheng, Maribel Delgado, Howard Golub, Jerry López, Drucilla Ramey, Matt Schulz, Lynn Starr, Clark Trevor, Ruben Abrica, and Jackson Wong.

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The values that I express in this text have been shaped by my work with the colleagues and friends mentioned here. However, this all started as I was growing up in the small, copper mining town of Superior, Arizona, where most of my friends were of Mexican ancestry. That experience as well as getting to know my own Chinese immigrant relatives in Superior and Phoenix formed my early views about immigration. To say the least, those early views were all positive and have remained that way ever since. Those views were supported and validated by my parents, Ong Chung Hing and Helen Annie Soo Hoo, and by every one of my older siblings: Lilly, Minnie, Ally, Holy, Bob, Mary, Grace, Joyce, and Johnny. Their example of friendship, love, and respect for our Mexican American friends in particular has never been forgotten.

None of what I do would be possible without the love and support of my wife, Lenora Fung. Her incredible commitment to health care, volunteer work, and family is matched only by her own staunch support for immigrant rights. Most important to me, I can always count on Lenora for a smile and the start of a good day with her there. We have been blessed with three wonderful children who have blossomed as young adults. In their own way and on their own time, Eric, Sharon, and Julianne have developed deep commitments to social and economic justice for subordinated groups and individuals. I learn from them constantly. What they do with the rest of their lives is, of course, up to them and dependent upon circumstances that none of us can foresee. But I’m confident that they will lead their lives with open minds, dedicated to fairness and respectful of others, irrespective of race, gender, or background. I cannot be more proud nor can I ask for much more.

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