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This report, originally published in 2010, is being republished with the addition of the 2012 prologue.

Prologue to Immigrant Voices

As we continue to debate who we are and where we are heading as a nation, the issues of immigration continue to be in the center of our past, present, and future. As a country, we have the conflicting identity of being a “nation of immigrants” and at the same time have a dominant public discourse that rejects the notion of a society defined and built by immigrants. Since 2007, when the original testimony was gathered for the public forum on immigration in Santa Clara County, layers of the complexity of the debate have been brought to light. This focus has moved the community and our local policy makers to take action and address to the best extent possible the situations that impact the health and safety of the entire public. In this prologue, we will discuss a number of national policies, local responses to the impact of these policies, and the continued relevance of “Immigrant Voices” five years later.

Vulnerable People in the Immigrant Community

In 2009, Arizona Passed SB 1070. Arizona's law criminalizes undocumented immigration and allows police authorities to question anyone they suspect lacks immigration papers. For the first time, a state passed legislation on an issue that historically has been the purview of the federal government. Several elements of this law were put on hold, but some were allowed to proceed. Since the passage of the Arizona law, legislators in 36 states have attempted to advance similar laws. To date, 31 states have rejected or declined to advance related immigration measures but five states including Alabama, Indiana, Utah, South Carolina and Georgia have passed similar legislation. The legislation was quickly condemned by the country's leading civil rights organizations for codifying, legitimizing racial profiling and using fear to control a community. As a result crops have perished in the fields, parents have pulled their children out of schools and immigrants have fled these states. On June 25, 2012, the supreme Court ruled on SB1070, eliminating 3 of 4 standing provisions, but upholding “reasonable suspicion”.

In Santa Clara County, the Board of Supervisors with community support passed a resolution on June, 22, 2010 in response to debate caused by the Arizona legislation. This resolution did not make reference to another state's business, but focused on local relationships and the interconnectedness of all when it comes to health and safety. This resolution, passed by unanimous vote, affirms a commitment to public health and safety in a culturally diverse community by supporting the following:

- No County department, agency, officer, or employee shall initiate any inquiry or enforcement action based solely on a person's actual or suspected immigration status, national origin, race, ethnicity, and/or inability to speak English.
- No County department, agency, officer, or employee shall use any County funds, resources, or personnel to investigate, question, apprehend, or arrest an individual solely for an actual or suspected civil violation of federal immigration law.
- No County department, agency, officer, or employee shall condition the provision of County services or benefits on the citizenship or immigration status of the individual except where such conditions are lawfully imposed by federal or state law or local public assistance eligibility criteria.

- No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits, or for seeking reimbursement from federal, state, or third-party payers, shall use any County funds or resources to provide that information to U.S. Immigration and Customs Enforcement (ICE) for purposes of assisting in the enforcement of federal civil immigration law.
- The County calls on ICE agents performing official business in the County to identify themselves as federal immigration officers, to make clear that they are not officers, agents, or employees of the County, and to comply with legal mandates to refrain from racial profiling and to respect the due process rights of County residents.

Once more, the Board of Supervisors chose to support Santa Clara County's legacy of policy makers who represent the whole population not just a part of it. On May 1, 2011 the Board of Supervisors also, by unanimous vote, declared May 1st as Workers and Immigrant Rights Day.

Enforcement efforts:

In recent years, immigration enforcement has dominated the public debate over immigration. In fact, deportations have reached record levels. In 2011 alone, a record breaking 397,000 people were deported from the United States through various enforcement programs. Since 2008, 1.2 million immigrants have been deported nationally. Such a large displacement of people has tremendously impacted families, children, and communities in a myriad of ways.

S-Comm and Santa Clara County

"Secure Communities" (S-Comm) is an Immigration and Customs Enforcement program that has ravaged families and damaged the confidence between immigrant communities and local law enforcement. S-Comm is a fingerprint sharing program that allows the federal government to track anyone who has ever been arrested in the U.S. even for an offence such as a minor traffic violation. Fingerprints that are taken at point of arrest are forwarded to the department of homeland Security for an immigration background check. Furthermore, S-Comm undermines due process, fosters racial profiling and undermines community trust thereby threatening public safety. An estimated, 70,000 Californians have been deported due to the contentious "Secure Communities" program known as S-Comm.

Santa Clara County is leading the way at the national level to challenge S-Comm and the deportation and break up of immigrant families. In the spirit of county's resolution, to ensure public safety, and in the spirit of our willingness to terminate our participation in the flawed "Secure Communities" program, the Santa Clara County Board of Supervisors made a historic decision. On October 18, 2011, the Board of Supervisors reiterated their commitment to the immigrant community and clearly stated that they are not interested in doing Customs Enforcement's (ICE) job. The Board of Supervisors voted against using any County resources to assist ICE and facilitate the deportation of immigration families, beyond what is legally required.

Increase in Hate Speech towards the Immigrant Community

As anti-immigrant rhetoric spread across the nation, the FBI's annual 2011 Hate Crime Statistics Report showed a dramatic spike in crimes against Latinos. According to the report, the number of ethnically motivated hate crimes was up 11% in 2010 while in California, they went up by 50%.

Once again, Santa Clara County is leading by example at the national level as OHR is moving forward and signing a memo of agreement between the County, the City of San Jose, and the Mexican Consulate on the reporting of hate violence. This agreement is considered an important step toward improving the significant under-reporting of hate violence from Mexican nationals during this climate of highly charged anti-immigrant sentiment. This MOU will also lead to conversations with other immigrant communities to discuss the impacts, perceptions and lack of reporting.

Diversity Defines Silicon Valley

According to the 2010 Census, minorities now outnumber whites almost 2 to 1 in Santa Clara County. The Mercury News stated that, "Silicon Valley may have the most dynamic multiracial society on earth..." Immigration has played a key role in the development, innovation and diversity of Silicon Valley. According to the American Community Survey, in Santa Clara County 37% of the population is foreign born. Cupertino (63.3%) and Milpitas (62.2%) have become Asian majority cities; Gilroy has become a Latino majority city with (57.8%). Immigration issues impact a large percentage of families in Silicon Valley.

The Voices

The issues brought up in the 2007 public hearing that are reflected in this report have not gone away, they have become more complex as the nation addresses the issues of immigration in a fragmented manner and debates whether immigration laws should stay in the federal jurisdiction. As we move forward in this discussion, it is important to include the voices of the immigrant community in any discussion about immigration policy, legislation, and enforcement practices. To this end the County of Santa Clara's Human Relations Commission and the Office of Human Relations bring forth this contribution to the discussion with the hope that we do not forget the hopes, the dreams, and the courage that this community has brought to the United States in its 250 year history.

Mary Nacionales & Jazmin Segura

The Human Relations Commission

Teresa Castellanos & Milina Jovanovic

Immigrant Relations & Integration Services

The Office of Human Relations

July, 2012

FOREWORD

Nearly three years ago, the Human Relations Commission, the Office of Human Relations and the community came together to dialogue about the impact of immigration in Santa Clara County. This forum came together during a time of community and congressional debate on immigration policy. What makes this report still relevant is that three years later, in 2010, we are again in heated national discussion regarding immigration. As we evaluate the current state laws that are being passed, (e.g. Arizona) and as we listen to the pundits frame the discussion, we must not forget that we are talking about real live individuals and families that live and work in our community.

We also need to keep in mind that a discussion on the issue of immigration does not need to be framed in the context of fear, hate, and/or race. Rather, it should be framed in the context of human rights, work force needs, aging population and global economy. For the past three decades Silicon Valley has been an important U.S. gateway into the global economy. A conversation on immigration as it relates to Santa Clara County must take place in the context of our future economy, technology and innovative environment. In this valley where over 50% of the population speaks a language other than English at home, diversity and human innovation is what makes Santa Clara County unique in the future of human relations as it pertains to the construct of the American ideals of justice and equality.

The purpose of this public forum was multifaceted: to recognize the presence of these diverse communities, to gather expert and public testimony to better understand the impacts and issues involved and to begin a dialogue to formulate strategies to address the challenges of immigrants in Silicon Valley, where 60% of all families are immigrant families.

On July 17 2007, community members voiced their struggles, concerns and hopes for a better future. Whether these individuals gave testimony anonymously, behind a curtain, or in front of an audience of 300 people, these County residents spoke to the impact of immigration on their lives. Their testimony brought to light the socially constructed experience of immigration.

It is the hope of the Human Relations Commission and the Office of Human Relations that the voices in this report will influence policy makers and community members to explore a more constructive dialogue within the context of immigration and the social and economic realities of our community.

Teresa Castellanos

Coordinator

Immigrant Relations & Integration Services

Office of Human Relation



“Over the course of United States history immigrants have played important roles in the development of a land of opportunity often by-passing their own dreams and aspirations for the benefit of the greater good”

**Julia E. Curry
Rodriguez,
Ph.D.,
SJSU**

Immigrant Voices: A Public Forum on Immigration

Introduction

The immigration debate has become a polarizing issue in this country. The matter of immigration is of particular importance to Santa Clara County due to the composition of its population. At present, over 35% of County residents, nearly 600,000 individuals, are foreign born. If you add in the U.S. born children of these immigrants, **at least two thirds of Santa Clara County residents are directly impacted by immigration.** In addition, Santa Clara County is in the top 1% of counties in the entire United States with regards to immigrant diversity. (see section on “Demographics”). It was in particular response to issues surrounding this controversy and its tremendous impact to the residents of Santa Clara County that the Human Relations Commission (HRC) decided to hold a public forum.

On **July 17th, 2007** the HRC, in partnership with the Santa Clara County Office of Human Relations’ Immigrant Relations and Integration Services program (IRIS), convened **“Immigrant Voices: A Public Forum on Immigration”**. The primary goals of the forum were to give voice to the concerns and perspectives of the community and to provide the Commission and policy makers with a broader understanding of the impact of current immigration policy on the lives of the residents of Silicon Valley.

The HRC convened over 300 individuals who brought diverse perspectives to this community dialogue on immigration. The forum was open to testimony from all interested county residents. A number of strategies were incorporated in the organizing of the forum in an effort to encourage and facilitate broad community participation and to address the fears of local immigrants in making their opinions known. The forum was held at a community based site, participants were allowed the choice of various methods for giving their testimony and simultaneous language translation was provided in Spanish and Vietnamese (see section under “Methodology” for more information).

In this report you will find selected highlights of the forty-nine testimonies that were given orally and/or in writing. They included presentations from experts, politicians, individuals, recognized immigrant leaders, business owners, union leaders, service providers from the non-profit sector, undocumented workers, students, parents, and even a known member of a regional chapter of the Minutemen.

Given the impact that this issue has on all the residents of Santa Clara County, it is the intent of the Human Relations Commission to set forth recommendations to the County Board of Supervisors regarding policy and legislation on immigration reform in the future.

We thank the many members of the community who came forward to give their heart-felt testimony and expertise regarding this very important community concern.

Expert Testimony

In order to familiarize the Human Relations Commissioners with the basic components and issues, ten experts responded to a call for presentations on the following four basic aspects of the immigration debate, which included:

- 1. Family Unification**
- 2. Immigrant Workers**
- 3. Legalization/Undocumented Immigrants**
- 4. Immigrant Youth and Students**

These four categories were developed to help individuals to better understand the complexity of the issues involved. However, the reality is that immigrant families face multiple layers of difficulties related to their immigration status and specific situations created by the immigrant experience.

In addition to these four themes, expert testimony was opened with a legislative update and ended with testimony regarding a framework for comprehensive immigration reform. The following 10 expert speakers gave their testimony before the HRC during the forum and also responded to questions by members of the Commission.

Mike Nguyen and Cindy Avitia, representing Congress members Mike Honda and Zoe Lofgren respectively, introduced the expert testimony with a legislative update. Nguyen highlighted Honda's partnering with Lofgren to co-sponsor the DREAM Act (see section on Youth Issues). Avitia explained that although the avenues towards comprehensive immigration reform in 2007 were exhausted, parts of the reform could still be enacted by passing separate pieces of legislation and/or by combining different laws. Examples included the DREAM Act, AgJobs and H1B Visas.

Dr Bill Ong Hing, Professor of Law and Asian American Studies at UC Davis

discussed the affects of "a shift from family based immigration to a merit point based system". Dr. Hing provided the Commission with the first substantial theme of family based immigration policy and expressed concern over the push to shift policy towards a point based system. Dr. Hing noted that immigration policy has historically revolved around family unification. He noted that in 2006 63% of immigrant visas were given to relatives of United States citizens or legal permanent residents. However, in 2007 policy discussions shifted to granting visas based on a merit point system, instead of family preference. According to Dr. Hing the proposed point system was an attempt to gauge a potential immigrant's economic viability. Factors such as education, English speaking ability, and job skills would determine who would receive visas. Dr. Hing contended that such a change would drastically alter the face of immigration and would be a complete reversal of past immigration policy. He further stated that this kind of a system would likely disfavor Asians and Latinos, who currently dominate the family visa categories. Dr. Hing contended that not only would a point system be an attack on family values and the working class, but would also create a false dichotomy between family based immigration and worker based immigration.

He further stated that immigrants who come to the United States based on family preferences are economically more productive, particularly since siblings and adult offspring tend to begin working immediately upon their arrival. In addition, family networks tend to provide important emotional and economic support to their newly arriving family members. Many employers have decried a purely points based system since it strips them of their rights and autonomy to recruit qualified employees. Countries that utilize a merit point based system v/s industry needs to determine immigration, such as Canada and Australia, have found themselves with a large surplus of highly

“Please Don't close the doors for family based immigration....Keep the American Dream alive.”

Maile Ho, Community Activist

educated immigrants who are unable to find jobs due to too much competition.

Mike Garcia, President of SEIU Local 1877 spoke on the issue of unskilled labor. Garcia explained how the service sector economy, which relies heavily on immigrant labor, is one of the fastest growing industries in California in response to the high demand of emerging high tech businesses. Garcia stated:

“While there is a large push by corporations and high tech firms to increase the number of H1-B visas for skilled labor, comprehensive immigration reform must also address the issue of low wage service workers in order to meet the needs of a growing economy.”

In addition to this growing need, Garcia cited the exploitation that current immigrant workers face. The employer abuses he cited included paying employees off the books in cash, not paying payroll taxes, paying poverty wages, not paying them at all, not paying workers compensation, and not providing health coverage. Garcia further stated:

“As long as our immigration laws fail to recognize the reality of this new economy, workers will continue to be exploited and live in the shadows of our economy. Coupled with these abuses is the use of fear; employers will use an employee’s immigration status as a means to dissuade them from asserting their rights. This fear, is based on the reality that ICE targets immigrant worker and even unions, seeking to limit their voices.”

Garcia outlined what he would support with regards to immigration reform. Specifically, reform should include strong worker protections that allow immigrants to work legally. This would help put an end to company policies that exploit immigrant workers. He also felt that these efforts must be coupled with an eventual path towards permanent residency and citizenship. Garcia stated that he would support initiatives such as AgJobs, an expanded H1-B visa program, and guest worker programs for unskilled labor, contingent upon the previously mentioned protections and a path to permanent residency.

Farrukh Shah Khan’s, Executive Producer of WBT-T.V., provided testimony that focused on issues concerning skilled immigrant labor. Reflecting upon his own experience as an immigrant, Khan described the many barriers he had to maneuver in order to gain legal residency. A system that he stated has become more difficult for today’s immigrants. Seeing the attraction of skilled labor as a worldwide competition, Shan Khan believes that the United States is losing its competitive edge due to the bureaucratic difficulties faced by immigrants. Several of the difficulties he cited were: travel, home purchase, long waits to adjust immigration status, and the years it takes to sponsor family members.

Immigrant Youth and Immigrant Student Concerns

Francisco Alvarado of SJSU Student Advocates for High Education (SAHE) testified regarding the struggles faced by undocumented students and advocated for passage of the 2007 Dream Act.

“Silicon Valley is a place of hope and opportunity, and yet there are thousands of immigrant workers who have no access to the American dream.

The gap between the high-tech economy and the low wage services economy is growing and janitors represent that expanding divide, taking home only about \$1,600 per month.

**Mike Garcia
President,
SEIU Local 1877**

“The level of success in a country depends upon the education of its people, and we are a part of these people!” Emmanuel

According to Alvarado, many students are forced to abandon their studies in order to help financially support their families. Those who are able to continue with their studies often work many odd jobs to pay their own way since they are not eligible for financial aid. The difficulty of going to work in the day and taking classes in the evening is only compounded by the fact that they cannot obtain a driver's license. Even outside their studies, undocumented students are at a disadvantage. Alvarado also noted that paid internships are only given to students with legal status causing undocumented students to miss out on essential paid learning experiences that can improve their prospects for future employment. Alvarado stated that placing these students at a disadvantage even before they graduate, causes the entire community to suffer the loss of their potential contributions.

Arturo Ocampo, Director of Equal Employment Opportunities for San Jose Evergreen Community College District also gave his own examples of the struggles his students face. He cited one case where a brother and sister were brought to the United States as children and who consider the United States their only home. Tragically, both of their parents died and they were raised by family members. Despite these hardships, they succeeded in school and were accepted to Harvard and Yale. Unable to receive financial aid, the brother gave up his dream for a higher education and now works as a truck driver in order to support his sister at Yale even though she will have no guarantee of economic security.

Ocampo further commented that such examples are not rare and he drew attention to the 2007 Dream Act which would address these kinds of situations. The 2007 Dream Act would repeal section 505 that limits the state's ability to provide post secondary educational benefits based on residency. Under the 2007 Dream Act undocumented students are allowed to apply for student loans and work-study aid. Following the completion of college or military service, these youth would be eligible for eventual United States citizenship. In addition, they would have to meet eligibility requirements that include: arriving to the United States before the age of 16, residing in the United States for at least 5 years, graduating from high school or obtain a GED in the United States, and being of good moral standing. In addition to the national proposal, Ocampo also urged the Commission to support Assemblyman Gil Cedillo's 2007 bill SB160 which was the state version of the Dream Act.

Robert Yabes, Immigration Counselor, Catholic Charities gave testimony illuminating the current predicament faced by undocumented immigrants. He estimated that there were at that time 11 to 12 million undocumented immigrants in the United States and that they often risk multiple trips to and from their birth country in order to reunite with their families. *“Without legal authorization to work, undocumented immigrants will work primarily in the fields of construction, agriculture, cleaning services, and food industries. They will often be exploited and paid below minimum wage standards with an average family income of \$25,000 or 70% less than the average documented American family. The long waits for permanent residency have created families of mixed immigration status.* In addition, he stated: *“ People should be asked to pay reasonable fees to process their applications. They should not have to jeopardize their families' health and safety by having to pay excessive fees and fines.”*

Yabes also noted that in 2007 ICE arrested over one hundred individuals in the Bay Area. *“While ICE has characterized these individuals as criminals and gang bangers, in reality, only 18 of those arrested had previous criminal convictions. The majority of ICE sweeps arrest hard working men and women who have United States born children.”* He also noted that there is an increasing mistrust of local law enforcement in immigrant communities because immigrants fear they are cooperating with ICE since they are perceived as one in the same.

“I have lived in the US for 17 years. My status is still in limbo. My children are fearful. They go into shock when they see an immigration raid.”

Olivia , Immigrant Mother

Lynette Parker, Immigration Attorney, Katherine and George Alexander Community Law Center testified that:

“Undocumented immigrants are not only single men who arrive for reasons of employment; many are spouses, children, and siblings of permanent residents and United States citizens who are on 10 to 12 year waiting lists for an available immigrant visa. In addition, there has been a recent increase in unaccompanied minors fleeing violence to reunite with their families in the United States.”

Parker stated that there is an omnipresent fear of exposure in immigrant communities:

“For many reasons there is an overriding fear of the inability to provide for the needs of one’s family. Undocumented immigrants will forego medical treatment or social services for themselves or for their children because leaving one’s home to go to an agency opens one to questions.”

Parker also noted that immediately after the ICE raids began in 2007 there was a drop in the number of clients seeking help at the legal clinic she supervises.

“These ICE raids have created an environment in which children are not sure that after a day at school their parents will be there to pick them up.”

Parker outlined her legislative suggestions as they related to legalization. She commented that legalization should be centered on family unification rather than merely providing legal status to single individuals:

“Because the waiting period for permanent residency has created mixed status families and creates fear of separation, the processing times and waiting periods should be minimal. Immigrants in this process should not be trapped in in jobs or in marriages or in one immigration status. Instead they should have opportunity to obtain legal status through another avenue if other possibilities become available. This process should allow immigrants to legally work while processing their legal status which should occur while in the United States to avoid disruption to family and work life.” Parker urged that the process be as humanitarian as possible, taking into account the realities of life.

Judy Golub, Executive Director of the Immigrant Legal Resource Center,

was the last to provide expert testimony. Ms. Golub provided a workable framework for comprehensive immigration reform. She saw the existing system as dysfunctional for separating families, not serving the interests of American businesses, and wasting resources. Golub proposed reform in the following areas: legalization, reduction of family backlog, due process protections, a new worker program, worker rights, enforcement, and partnering closely with countries that have a high number of immigrants coming to the United States. She stated that:

“Successful reform mandates expansive earned legalization provisions that would make eligible the largest number of undocumented persons. Successful reform would also include the 2007 DREAM Act and AgJobs.” As previously explained, the 2007 DREAM Act would allow eligible students to adjust their status to that of legal permanent residents and would return to states the discretion to charge in-state tuition rates.

“In addition to contributing heavily to the U.S. economy and paying taxes through Individual Tax Identification numbers (ITIN), undocumented immigrants also pay into Social Security and the Medicare program, yet they cannot receive the benefits. This leaves many of them uninsured.”

Lynette Parker, Immigration Attorney

A pro-family nation must eliminate the family backlog and increase the number of visas available to reunite immigrant families. Judy Golub, Agency Director

She stated that *“Successful reform mandates expansive earned legalization provisions that would make eligible the largest number of undocumented persons. Successful reform would also include the DREAM Act and AgJobs.”*

As previously explained, the 2007 DREAM Act would allow eligible students to adjust their status to that of legal permanent residents and would allow states the discretion to change in-state college tuition rates. Golub also stated:

“AgJobs would legalize agricultural workers and offer needed reforms to the H-2A program. Currently citizens and legal resides face lengthy wait periods for family members to receive visas, sometimes waiting as long as twenty years. A pro-family nation must eliminate the family backlog and increase the number of visas available to reunite families.”

Golub spoke in support of a new worker program that would legalize the flow of future migration and meet labor market needs:

“There is a need for workers in the economy, especially in the service and high-tech sectors: health care, construction, and the hospitality industry as well as in the more skilled occupations. New worker programs reflect the fact that some workers do not seek to reside permanently in the U.S., while others do. Any new worker program must contain protections including: portability of visas so that workers can change jobs; the right to join unions and have full labor rights; the right to bring their families with them; and the ability to self-petition for permanent residency and citizenship. In addition to this new worker program, there must be vigorous enforcement of labor and civil rights laws. Local, state and federal labor and civil rights laws, must protect all workers, regardless of their immigration status. Immigration enforcement also must complement rather than undermine the enforcement of labor and employment laws.”

Golub then focused on enforcement, which she believes to be a vital component of immigration reform after just and equitable policies are in place:

“The most effective way to ensure that U.S. laws are enforced is to have laws that are workable and reflect the needs of American families, the economy and international obligations. These laws also must be humanely enforced and reflect a commitment to the American system of justice with regard to due process and civil liberty protections. Continued enforcement of dysfunctional laws will lead to more dysfunction, not more enforcement. Such dysfunction is especially apparent at our nation’s borders. Decades of increased border enforcement policies have not stopped the flow of undocumented immigration while benefiting smugglers, offering a competitive advantage to unscrupulous employers, and wreaking havoc in border communities.”

Golub also stated: *“There is a significant need for reforming immigration laws so that there are legal avenues for people to enter and exit the U.S.; human rights training for Border Patrol agents; improving infrastructure at ports-of-entry; ending the use of military personnel to carry out border enforcement operations; strictly prohibiting local law enforcement from enforcing immigration law; forming citizen oversight committees to ensure community input at all levels of border enforcement practice and policy; and developing clear complaint response procedures within the Border Patrol.”* In closing, Golub stated that successful immigration policy should neither begin nor end at the borders but instead should address the realities of global policies as well as domestic considerations.

“The U.S. government needs to work closely with other countries to consider the impact of U.S. foreign economic trade, civil and human rights and other policies that affect the immigration of People. “ Judy Golub, Agency Director

“We are not just workers: we are parents, church members, soccer moms and dads striving for a better life with more opportunities.”

**Mike Garcia
President, SEIU
1877**

“Some immigrant children in our program must have emergency plans in case their parents are detained by ICE. This causes the children a tremendous amount of stress and anxiety.

Imagine what it is like for children. Families are preparing for raids and detention. I feel the anxiety and fear of the families and the children who are our clients.”

**Agency Service
Provider**

Public Testimony

Following a 30-minute intercession, public testimony began promptly at 6:30PM. Commissioners allotted 3 minutes to each member of the public, and 5 minutes if the individual was representing an organization. Given that the forum was designed to understand and address the issues of immigrants, testimony could be given in front of the commission or behind a curtain to allow anonymity and confidentiality. Translation services in Spanish and Vietnamese were available.

The evening’s testimony reinforced the aforementioned four topics:

- 1. Family Unification**
- 2. Immigrant Workers**
- 3. Earned Legalization.**
- 4. Immigrant Youth and Students**

In the 2.5 hour period, 51 individuals registered to speak, and of these, 43 eventually gave their verbal testimony and 6 submitted written testimony. Reasons for not coming forth may have included fear or inability to wait for their allotted turn.

The demand to give public testimony was so high, that the Commission, in order to accommodate all speakers, was forced to limit testimony to two minutes during the last hour. Despite the high demand to speak, no one was denied the opportunity to give testimony to the Commission, since they had the option to provide written testimony in addition to or in lieu of verbal testimony.

1. Family Re-Unification

Of the public testimony received, eight individuals addressed the need to have immigration center around the family. Three of these testimonies in particular centered on the difficulties faced by families of mixed immigration status, such as: families who are constituted of individuals with different immigration status.

Highlighted in many of the testimonies was the fear of deportation separating families. One such example was given by Oliva, an immigrant mother:

“I have lived in the US for 17 years. My status is still in limbo. My children are fearful. They go into shock when they see an immigration raid.”

Another example of family separation was given by Shirley Lin Kinoshita:

“My family’s history (the Lumas family) in the United States dates back 150 years to the rice farmers in Hawaii. Both my great grandfather and grandfather worked there and then returned to China to raise families and live out their lives. They never returned to America. But my father stayed and became a United States Citizen in 1958.”

Families with children of differing immigration status also face the reality that one child can move on in their education while the other cannot. The testimonies that addressed this particular issue gave broad support for family based immigration.

Labor and the business community spoke of the need to allow those with temporary work visas to be able to sponsor their family members. Additionally, this topic was particularly important to the Asian and Latino communities.

Undocumented immigrants are not only single men.. many are spouses, children, and siblings of permanent residents and United States citizens who are on 10 to 12 year waiting lists for an available immigrant visa.

Recently there has been an increase in unaccompanied minors fleeing violence to reunite with their families in the United States.

**Lynette Parker,
Immigration
Attorney**

Richard Konda, Executive Director of the Asian Law Alliance stated :

“There are approximately 50,000 undocumented Asians in Santa Clara County. We need a clear and humane path to citizenship that is non-discriminatory, that holds families together and a shorter process.”

Anne Im from Asian Americans for Community Involvement reinforced this statement by stating:

“Media often portrays immigration as a Latino issue. It is not. It is a community issue.” She also stated that there are over 1.5 million Asian Americans waiting to reunite with their families. They sometimes must wait for up to 23 years for reunification. She also noted that there is an estimated 1 million-plus Asian Americans in the US that are undocumented.

It should be noted that while many specifically asked the Commission to support family based immigration, no testimony was given in support of the point based system. Supporting Dr Hing’s example of professionals being unable to find work if a point based system were to be put into place was the testimony of a woman who gave an example of one of her clients who is a doctor who could not find work and was ultimately forced into living in a homeless shelter.

There were no testimonies given in support of shifting immigration policy away from families. In addition, several testimonies advocated for streamlined and expedited ways to sponsor family members, a process which currently takes years. Professor Desai testified that:

“Indo-American community is family oriented. They are not happy if they cannot reunite with their families. Silicon Valley’s [economic] development depends on these families.”

Three individuals spoke to the inability of many immigrants to leave the country, even for family emergencies, without risking their status. One woman conveyed how she was unable to go see her dying mother because she would lose her immigration status if she left the country:

“On July 2nd my mother passed away and I could not go to her funeral or I would lose my immigration status. Please urge our political representatives to do something about this.”

Her brother testified: ***“I am a professor and attorney in Mexico. I don’t want to criticize. I understand there are political complexities involved, but immigration laws need to be more humane. In Mexico, even prisoners are allowed to leave jail to attend a funeral when a close relative dies. I can’t believe that my sister could not go to see our mother before she died. Please address the humanity of people. Regardless of where you come from, pain is felt just the same.”***

“The media often portrays immigration as a Latino issue. It is not. It is a community issue.”

Ann Im, AACI

“The Indo-American community is family oriented. They are not happy if they cannot reunite their families. Silicon Valley’s development depends on these families.” Professor Desai

2. Immigrant Workers

Agreeing with the sentiments of the expert testimony, 11 of the 49 testimonies given addressed the theme of immigrant labor. Specifically, four individuals gave support for expanding temporary work visas programs with mention of support for unskilled and skilled labor and increased labor protections. A member of a union, outlined the South Bay AFL-CIO Labor Council’s principles on visa reform; a clear road toward citizenship for immigrant workers, the ability to unify families of immigrant workers, full workplace protections, and allowing the status of a person’s visa to be independent of the employer.

The ability to sponsor family members, was echoed by another testimony from the Indo-American community. Only one testimony came out against expanding worker visa programs of any kind, believing that such visas are outsourcing in disguise and that they serve to depress wages.

Several testimonies detailed the many economic contributions of immigrants. One speaker stated that:

“Immigrants contribute \$162 billion in tax revenue annually and they contribute more annually to social security than the average U.S.- born household. They also create tens of thousands of jobs in Santa Clara County through their small and large businesses.”

It was also noted that in the year 2000 Chinese and Indian owned businesses generated \$19.5 billion in sales revenue and 73,000 jobs in Silicon Valley, and they generated a net benefit of \$10 billion annually in the U. S.

Fred Hirsch, a union activist stated:

“I am a participant in the labor movement and we are actively fighting for immigrant rights. Our principles are: legalization, a road to citizenship, family reunification, protection for all workers, and civil liberties for all. We oppose guest worker programs if they deny workers the ability to change jobs, are denied labor rights and if they cannot change their immigration status.”

Another witness noted that immigrants do integrate into American society and that within ten years of arrival 75% speak English well.

In general, much of the public testimony reiterated the sense of fear and exploitation in the immigrant community. Two individuals chronicled fear of applying for jobs. In one case a witness testified that due to his immigration status he was fearful of going to a scheduled interview for a well paying job. Another person spoke of feelings exploited because she had to work without vacation or sick leave. Since she was the sole provider for family, she could not afford to miss a day of work.

One testimony highlighted the wave of 2007 regulations and post 9/11 hysteria that impacted immigrants with and without documents. There was specific testimony that addressed the challenges facing Filipinos, particularly mass firings, unjust removal, detention and deportation for failure to pay taxes.

“We are not a threat. We are an asset to this Country”

Speaker #39

“Immigrants contribute \$162 billion in tax revenue annually and they contribute more annually to Social Security than the average U.S. born household.

They also create tens of thousands of jobs in Santa Clara County through their small and large businesses.”

Speaker #10

“I urge the government to reform laws and to reunite immigrant families... Protect human rights, create stable relationships with others. My recommendation is to restore humane policies.”

Speaker 9

“This is not about me; it is about mothers with children who don’t have money for transportation and have to walk long miles with their children in strollers because they don’t have driver’s licenses. I ask HRC to do something for these people.”

Speaker 23

The speaker also noted that the Aviation and Transportation Act of 2001 led to the firing of 1,000 Filipino airport workers in Bay Area airports and the deportation of green card holding immigrants for past convictions that prior to 9/11 had not been grounds for deportation.

3. Legalization/Undocumented Immigrants

The theme of “earned legalization” pervaded most testimony and manifested itself in the form of fear for loved ones who are undocumented, lack of documents, the lack of rights that citizen’s have, and a lack of services. Of the three that specifically addressed the issue of legalization, all were in favor of a path towards citizenship, particularly a process that would expedite family reunification.

Without legal status comes the inaccessibility to important documents, e.g.: Social Security numbers and driver’s licenses. Reflecting the concerns of Yabes and Parker, twelve of the testimonies touched upon the growing fear among immigrant communities, specifically those without documents.

Two men spoke on their fear of local police because they cooperate with ICE. One of these men was currently driving with a soon to be expired driver’s license and who would be unable to renew it. He drives even more cautiously, afraid of being stopped for any reason. The second man spoke of his fear of paying a traffic ticket for a minor traffic violation, unsure as to whether or not local police will report him to ICE.

A third man spoke from behind the curtain stressing that he was not able to show his face because he applied for amnesty and did not qualify—his application was 20 days late.

Lynette Parker testified that: *“ICE will often wear uniforms with the word “Police” or call themselves police when identifying themselves and therefore adding to the confusion in the community.”*

An anonymous man stated; *“This is not about me; it is about mothers with children who don’t have money for transportation and have to walk long miles with their children in strollers. They don’t have driver’s licenses. I ask HRC to do something for these people.”*

One service provider stated: *“I am a community health advocate for Santa Clara County and for the transgender community. Of my 35 clients, 25 are immigrants and 17 of these are undocumented. They live in fear of deportation. I am very concerned for their safety and well-being.”*

Seven individuals testified that the inability to obtain a driver’s license limited their employment opportunities or made attending school more difficult. Another four testified on how the lack of a social security number was a barrier for their education.

Another four testimonies addressed the difficulty of petitioning for legal status and the ambiguity involved.

Three individuals testified that they were in limbo with regards to their applications for citizenship with one female student petitioning under the Violence Against Women Act. Another must return to his home country before he can continue his citizenship process, which has caused family much hardship. Six of the testimonies pointed out that there are a variety of services and financial benefits that immigrants cannot receive even though they pay taxes and contribute to social security.

“I live in constant fear. I live a fear common to anyone who lives on the fringes, a fear that I can be physically attacked for being undocumented. I also fear losing my job and not being able to pay for my education. But most importantly, I fear that one of my family members will get deported. I fear I will be deported... I am certain that my testimony is not unique. Many other people have suffered such distress in the past and in the present.

**Lalo,
College
Student**

These benefits range from the lack of income tax credit to requiring proof of U.S. citizenship in order to volunteer for Parks and Recreation programs.

One service provider from the County’s Health and Human Services Department that 2007 federal spending guidelines do not allow the use of any federal funds for providing health care to anyone who is not a documented U.S. citizen or legal resident. *“This is a public health concern as children go without immunizations and women do not have access to prenatal care and this can turn routine medical issues into medical emergencies.”*

This same speaker also noted a greater need for cultural awareness of the clinical aspects of culture as they relate to improving the health of immigrant populations.

Testimony from an employee of the County’s Department of Mental Health also noted similar concerns. According to the testimony:

“ The County’s budget for mental health services was recently cut in half necessitating that services be limited to those mandated by law. This will end services to those who are not Medical recipients, including many immigrant and all undocumented immigrants. This distinction of legal status has not been made before and will have detrimental affects on the entire community by not providing care to those with mental illness.”

Other testimonies called for greater resources for immigrant services and for expanded citizenship programs.

4. Undocumented Youth and Students

Of all the topics brought up by public testimony during the forum, the topic of higher education for undocumented immigrant students and the 2007 DREAM Act drew the most support (15 of 49 testimonies). Testimonies of this nature were particularly strong from the Latino community. The 2007 DREAM Act was highlighted during the forum by a “mock graduation,” led by a San Jose State University professor and nine students from local colleges. The testimonies included 6 undocumented students whose stories, though unique, shared the same struggles of funding their own education and coming to terms with the possible irrelevance of their degrees despite their perseverance and years of hard work. According to their testimonies, the hopes and dreams of these students for a higher education and a better life would have to be put on hold.

One member of SAHE testified:

“My name is Karla, I am a student, a daughter, a leader and an aspiring college district chancellor. San Jose has been my home since I was nine years old...I have achieved many accomplishments such as becoming student government president at my college...I am also part of the executive board of a non-profit organization...I earned an AA...I am the first in my family to attend college...I have struggled to keep the motivation to keep going because of my immigration status... You see I am undocumented and because of my legal status my dreams of one day becoming a College District Chancellor many never become a reality.”

Another SAHE student testified:

I am a SJSU student. I was brought to the U.S. at the age of 7. Now I am 21. I have lived in this country for two thirds of my life. Most of my fondest memories of my childhood are around my family in the U.S. As a child my undocumented status was not a concern to me, but in my senior year I came to the conclusion that my hard work as a student was a waste because my undocumented status would deny me opportunities to attend a top university to continue my education. I am reminded daily of the suffering, the humiliation, as well as the hardship that undocumented students and their families face.”

Two additional student testimonies expressed concern that their immigration status prevented them from attending college. Four students mentioned how the high cost of attending school and the lack of financial resources available to them (student loans and work study) forced them to have to quit school and get jobs to help support their families. Another student noted that those who decided to continue their education had very limited options.

“Even though I made straight A’s in high school I can’t go to a university. There are huge obstacles for me to graduate from college. I won’t be able to get a job. Now what is my future? I came here as a child due to my parent’s choices. We are a part of the people of the U.S. now.”

Two students mentioned their efforts to enlist in the military in order to gain residency. Only one of them succeeded. Several students sought to emphasize how the loss of educational opportunities or immigrant students was a loss for the community as a whole because it prevents these bright hard-working individuals from fully contributing to society.

Two sisters from the Chumash Tribe testified:

“This is not one person’s struggle but everyone’s. We strive for humanity, equality and social justice. Immigration policy affects us all. It was not too long ago that skin color determined the value of a person. For this generation it is a piece of paper that determines fair treatment. This was not right then and it isn’t right now.”

Professor Julia Curry made the following statement:

“These graduates of Berkeley, Irvine and San Jose State University graduated with degrees in biology, sociology, education, mathematics, business administration, accounting and more. What do they do upon graduating? They make tacos, pick up grocery carts make cappuccinos, clean houses, lay lawns because they hope for something better in the end. It is not that those jobs are dishonorable; it is that they have learned that their minds and their academic excellence can also take them to a future of success. These students do not only dream, they act for the time when those in power will finally take their efforts into account.”

Additional Testimonies and Concerns

Three testimonies wished to address foreign economic policy as it pertains to the immigration debate, specifically NAFTA (the North American Free Trade Act):

“ Corn from the U.S. is replacing Mexican corn leading to starvations and poverty. The rampant unemployment caused by NAFTA has lead to the need for Mexicans to immigrate to the United States for survival.”

“Illegal... I did not find out what that meant until I was in the 7th grade when I wanted to take an intensive math course at SJSU’s Department of Engineering.

I recall my dad telling me that I could no participate in the program because the application required a social security number, and I did not have one.

Without exactly knowing what it actually meant... I sensed that I was marked and that this status made me different from my peers.”

Anonymous Student

Dr. Ann Lopez stated:

“NAFTA has caused the unemployment of Mexican laborers in Mexico, and making them indentured slaves in the U.S. The U.S. has created through its trade policies the very conditions that have forced immigrants off their land and into the U.S. NAFTA has to be abolished before we can have comprehensive immigration reform.”

Of the 49 testimonies submitted, the overwhelming majority were in support of expanding immigrant rights. There were, however, three testimonies that expressed contrary opinions. While these three testimonies were in the small minority of sentiments expressed during the forum, they none the less, reflect common sentiments in the immigration debate.

One individual gave spoken testimony for which he provided written documentation regarding the negative economic impact of Indian and Mexican immigrants. He noted that their presence in the U.S. has led to outsourcing and the depression of wages.

Another individual testified regarding his experience of going to the dentist where some of the clients did not speak English and paid only in cash. He felt that these immigrants were not respecting the law and that they have a tendency to resist integrating into the larger society. He commented:

“Immigrants distrust government. Please, we have to teach them respect for the law. What is this country doing? I understand they are going to take over.”

A third individual expressed her frustration because after following the complicated regulations in the immigration legalization process, her status is still in limbo. Meanwhile her friends found loopholes and now have their legal status.

CONCLUSION

The purpose of the Human Relations Commission (HRC) is to ensure that the voices of County residents are heard. **On July 17th, 2007** the immigrant community in Santa Clara County bravely stepped forward to let the HRC know its frustrations, their dreams and their analysis of their personal situations in relation to current immigration laws and the community environment in which they must survive.

The Human Relations Commission, the IRIS Program and the Office of Human Relations thank the many members of the community who came forward to give their heart felt and professional expertise regarding this very important community concern.

These testimonies are intended to provide an invaluable resource to the Board of Supervisors and the broader community in understanding and in helping to shape services, policies and resources to better address immigration issues in Santa Clara County.

“Keep the United States a beacon of hope for immigrants.”

**Mylene Madrid,
Community Activist**

“The U.S. has created through its trade policies the very conditions that have forced immigrants off their land and into the U.S.”

**Dr. Ann Lopez
Professor,
U.C. Santa Cruz**

SANTA CLARA COUNTY DEMOGRAPHIC DATA

- According to the 2006 population estimate, SCC has the highest percentage of foreign born residents (36.3%) in the state. LA County is second (36%). San Francisco County is third (35.8%). San Mateo is 5th (34.6%). Monterey County is 7th (30.4). Alameda is 8th (30.3%).
- 55% of SV science and engineering talents were born abroad
- 40% of the regions total workforce is foreign born

According to MediaNet analysis of Census Data

- SCC has the largest population of Hindi speakers in the US
- 2nd largest population of Vietnamese Speakers
- 3rd largest population of Farsi Speakers
- 5th largest population of Chinese speakers
- Spanish remains the most common foreign language in the County
- Over 49% of the population speaks a language other than English at home

METHODOLOGY

- Of the 49 testimonies taken, 43 were spoken testimonies, and 6 were in written form.
- 29 testimonies were self identified as immigrants, 16 of whom were undocumented.
- 26 were male, 21 women and 2 transgender women.
- Racial composition of those who testified is as follows (in descending order of representation): Latino, Asian, White and Native American.
- 20 of the testimonies were given by individuals representing organizations

SUPPLEMENTAL INFORMATION

2007 AgJOBS: The Agricultural Jobs Opportunities Benefits and Security Act (S. 340/H.R. 371) were bills that provided information about the bipartisan labor-management compromise known as “AgJOBS.” It contains two main parts: **(1)** an “earned legalization” program enabling many undocumented farm workers and H-2A guest workers to earn a temporary “blue card” with the possibility of permanent residency by continuing to work in agriculture and meeting other requirements; and **(2)** revisions to the existing H-2A temporary foreign agricultural worker program. AgJOBS enjoys bipartisan majority support and is endorsed by a broad spectrum of organizations. Congress is likely to consider the AgJOBS farm worker immigration legislation again in early 2008. A summary is available from the Congressional Research Service website at

<http://www.opencrs.com>

The 2007 D.R.E.A.M. ACT: The **Development, Relief and Education for Alien Minors Act** would provide qualified undocumented high school students, who wish to attend college or serve in the armed forces, an opportunity to obtain a documented status and pursue these goals. The bill, in all incarnations, has never been brought to a floor vote as a stand-alone bill in the [House of Representatives](#). However, on [October 24, 2007](#), the DREAM Act was brought up for debate on the [Senate floor](#), but failed to gain cloture by a 52-44 vote, 8 votes short of overcoming a [filibuster](#). The text of the bill has also been included in various other immigration-related bills, including the Comprehensive Immigration Reform Acts of [2006](#) and [2007](#). The [California Dream Act, SB 160 \(Cedillo\)](#) was introduced again in 2008 and allows undocumented AB 540 students to apply for community college fee waivers and for fees commensurate with other resident students. According to the San Francisco Chronicle, there are over 25,000 undocumented students who graduate every year from high school. These students confront a difficult challenge of financing their college education because they are ineligible for any loans or federal grants and are unable to legally work.

THE OFFICE OF HUMAN RELATIONS
works to foster positive community relations
and promotes social equity and the human rights
of County residents through research, inclusion,
community building and conflict resolution.



OHR is a department of the Office of the Santa Clara County Office of the County Executive and has long been considered one of the leading county government sponsored organizations of its kind in the nation. OHR has proven itself invaluable in promoting and protecting human and civil rights, inter-group relations, social equity and respect for all residents of Santa Clara County.

To contact our office call: (408) 792-2300

OHR Website: www.sccgov.org/sites/OHR



THE HUMAN RELATIONS COMMISSION

The HRC advises the County Board of Supervisors on issues that affect the human and civil rights of County residents and promotes positive inter-group relations, social justice and respect for all residents of Santa Clara County.

The HRC consists of 15 Santa Clara County residents who are appointed by the County Board of Supervisors to represent their respective districts. Each commissioner can serve up to two consecutive three year terms. To seek appointment to the Human Relations Commission contact the Office of the Clerk of the Board at: (408) 299-5001 or go to their webpage at: <http://cob.sccgov.org> . OR contact the Director of the Office of Human Relations at: (408) 792-2301.