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Conference examines Homeland Security's handling of immigration

By Patricia Zapor Catholic News Service

WASHINGTON (CNS) -- Five years after the Department of Homeland Security was created as an umbrella agency, its handling of immigration-related situations came in for harsh criticism at an immigration law and policy conference May 20.

"DHS's increasingly aggressive immigration enforcement treats all immigrants as dangerous criminals," said Lisa Powell, chief investigative counsel for the oversight subcommittee of the Senate Homeland Security and Governmental Affairs Committee.

"It was a bad idea when it was started, it was poorly executed and it's still a bad idea," said Charles Kuck, managing partner of an Atlanta and Miami immigration law firm who is president-elect of the American Immigration Lawyers Association.

Powell and Kuck were among panelists at a daylong conference co-sponsored by the Catholic Legal Immigration Network, known as CLINIC, the Migration Policy Institute and Georgetown University's Law Center.

Other sessions at the conference addressed the current state of immigration legislation and policy and the role immigration issues are likely to play in the November election.

On the same panel with Kuck and Powell, Stewart Baker, assistant secretary for policy at DHS, acknowledged that the agency has had its share of growing pains, but cited dramatic improvements in some of the most criticized areas of DHS's immigration-related functions, including its E-Verify system for confirming whether employees are eligible to work in the United States.

Kuck called E-Verify "a ridiculous system," but Baker said high error rates that have made many employers reluctant to adopt it have been reduced. Now only a fraction of names processed through E-Verify come back with "false negatives," indicating the applicant lacks permission to work in the country, he said.

DHS is a cabinet-level agency created by Congress in response to concerns about a "confusing patchwork of government activities" after the 2001 terrorist attacks. It encompasses departments dealing with immigration, customs, border protection, transportation security and emergency management, and some security services.

In an earlier session of the conference, Jonathan Scharfen, acting director of U.S. Citizenship and Immigration Services at DHS, acknowledged that since its inception his branch "has been bedeviled by one sort of backlog or another" in its caseload of applications for visas and naturalization.

Last July alone, the office received 460,000 applications for naturalization, the result of a

nationwide campaign by outside organizations and ahead of a large increase in fees, he noted. In all of 2006 the citizenship services branch received 750,000 applications for naturalization, said Scharfen.

The July caseload "was four sea (shipping) crates of applications," he said.

As a result of the backlog, many people will not have completed the process in time to become citizens and vote in this November's elections, noted Arturo Vargas, executive director of the National Association of Latino Elected and Appointed Officials. He was discussing the nationwide effort to get immigrants naturalized and registered to vote.

Scharfen said his branch is hiring more than 3,000 new employees and has tripled the amount spent on overtime to try to eliminate a backlog of cases that has plagued the agency for more than a decade, because of understaffing, outdated paper-based systems and inadequate technology, among other factors.

Kuck warned that DHS also has a serious problem with low morale among the employees of some agencies. He also gave examples of inconsistencies between divisions that complicate their work as well as the lives of immigrants.

For instance, he explained that those who file for a green card or permanent residency are, according to Citizenship and Immigration Services, "in status" or allowed to remain legally in the United States by virtue of their pending application, even if their work permit or visitor visa expires after that application is filed.

But according to Immigration and Customs Enforcement, or ICE, regardless of the pending application, if their visas expire even because of a paperwork backlog, they are in the country illegally and subject to deportation, Kuck said.

Powell and Kuck also had harsh critiques of how DHS treats applicants for asylum, green cards and naturalization; its system for detaining whole families that are awaiting immigration or asylum adjudication; and mass arrests of workers for suspected immigration violations while employers are not prosecuted with the same vigor.

A week earlier an immigration raid at a meat processing plant in Iowa led to the arrest of 15 percent of the population of the town of Postville, said Powell. Within days, the schools had absentee rates of 50 percent, she said, as families hunkered down at home or left the area.

"According to ICE, more than three-quarters of the workers had false IDs, yet there was no arrest of the company employers and they're ready to deport 400 witnesses," she said.

Kuck said such actions are creating a culture of fear and hate.

"These raids are intended to scare people into leaving," he said, but noted that arresting 5,000 people annually out of an estimated 12 million immigrants living in the United States without the legal right is inconsequential, except to the individuals who are deported.

"What good is it going after 5,000 people who are trying to feed their families?" he said.

"When you haul off the human resources departments (of companies that hire workers without proper ID), then you will get some serious compliance with the law."

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