



May 9, 2012

Re: ACLU Urges Voting NO on Rep. Landry's Amendment to H.R. 5326

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Dear Representative:

On behalf of the American Civil Liberties Union, please find below our vote recommendation for today's recorded vote on Rep. Jeffrey Landry's (R-LA) amendment to H.R. 5326, the Commerce, Justice, Science, and Related Agencies Appropriations Act 2013, an amendment which failed by voice vote earlier this evening. A recorded vote on this amendment is anticipated on the House floor.

Please call Joanne Lin, ACLU Legislative Counsel (202/675-2317) with any questions.

Regards,

Laura W. Murphy
Director, Washington Legislative Office

Joanne Lin
Legislative Counsel

Representative Jeffrey Landry (R-LA-3) has filed an amendment to H.R. 5326, the Commerce, Justice, Science, and Related Agencies Appropriations Act 2013 to prohibit Department of Justice funding of two types of longstanding relief for vulnerable immigrants, including parents of U.S. citizen children experiencing “exceptional and extremely unusual hardship.”

The American Civil Liberties Union urges a NO vote on the Landry amendment.

Vote NO on the Landry amendment because it dismantles two important and longstanding forms of immigration relief that were narrowly crafted by Congress.

•The Landry amendment undoes a Republican-controlled Congress’s inclusion of a tiny safety-valve in its strict 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), for deportation cases demonstrating “exceptional and extremely unusual hardship” to a U.S. citizen spouse, parent, or child. Parole, the other target of the Landry amendment, can be traced back to the original Immigration and Nationality Act of 1952, and is used in exceedingly rare circumstances when “urgent humanitarian reasons” or “significant public benefit” are present, like the government’s limited parole of Haitians after the 2010 earthquake.

Vote NO on the Landry amendment because it cruelly targets vulnerable, sick, and incapacitated U.S. citizen children by deporting their caregivers.

•The Landry Amendment to end nonpermanent resident cancellation of removal would lead to *more U.S. citizen children needing medical and social services, including foster care*, after being deprived of their parents and caregivers despite “exceptional and extremely unusual hardship.” More than 46,000 parents of U.S. citizen children were deported in the first six months of 2011, and at least 5,100 U.S. citizen children were in foster care last year because of deported parents. Cancellation of removal is available only in the rarest of cases, which are typically those of seriously ill children.

Vote NO on the Landry amendment because it would tear apart mixed-status families including U.S. citizens and lawful permanent residents, separating spouses from each other and parents from their U.S. citizen children, without discretion to consider individual equities.

•Cancellation of removal is strictly-limited relief subject to an annual cap of 4,000 lawful and undocumented residents. It has stringent statutory qualifications and is only granted at the Attorney General’s ultimate discretion. Cancellation of removal as targeted for elimination by the Landry amendment applies solely to persons present in the United States for a minimum of 10 years with good moral character and no serious convictions, *if* the person has a U.S. citizen or lawful permanent resident spouse, parent or child who would experience “exceptional and extremely unusual hardship.” This hardship is typically swift and severe deterioration of mental and/or physical health. *The Landry amendment would callously end consideration of individual equities in the cases most deserving of immigration relief.*

Vote NO on the Landry amendment because it improperly restricts Congress’s narrow delegation of discretion to the executive branch to allow a small number of carefully-screened immigrants to remain in the United States.

•Congress has limited the availability of parole and cancellation of removal for nonpermanent residents to extremely narrow circumstances. The Department of Homeland Security states that “[p]arole is used sparingly to bring someone who is otherwise inadmissible into the United States for a temporary period of time due to a compelling emergency.” That can include foreign policy

imperatives, personal tragedies like funerals, the need for urgent medical treatment, and natural disasters such as the Haitian earthquake of 2010. The Landry amendment would in one fell swoop severely restrict the executive's ability to channel previous Congresses' compassion in rare designated circumstances. *The amendment would cause suffering* to vulnerable American citizens and those for whom our country's values counsel shelter, not expulsion.

For more information, please contact Joanne Lin, ACLU Legislative Counsel, at 202/675-2317 or jlin@aclu.org