

May 15, 2013

The Honorable Patrick J. Leahy
Chairman
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Oppose Senator Grassley's Amendment 17 (EAS13399) to S.744 (Removing Right to Judicial Review of Denied Applications for Legalization)

Dear Chairman Leahy, Ranking Member Grassley, and Members of the Committee:

We, the undersigned organizations, urge you to oppose Senator Grassley's Amendment 17 (EAS13399) to Title II of S.744, the Border Security, Economic Opportunity, and Immigration Modernization Act. Grassley 17 would remove the right to judicial review of denied applications for Registered Provisional Immigrant ("RPI") status, DREAM Act permanent resident status, and blue cards for agricultural workers. Judicial review is an indispensable part of immigration reform. Without judicial review, there is no meaningful check to ensure that each decision by an immigration officer is made in accordance with the law.

The immigration officers handle a high number of cases, they will be working with new and unfamiliar criteria, and they will inevitably make some mistakes. Under the judicial review provision in S. 744, if an application is denied, the applicant can have the denial reviewed by a federal court judge. This gives the applicant a chance to prove, with evidence, that the immigration officer misunderstood the facts or did not apply the new law correctly.

Senator Grassley's amendment would take away this important right by limiting judicial review to only those claims that the law or implementing regulations are unconstitutional. If legalization applicants believe that an immigration officer did not apply the law correctly or simply made a mistake, Sen. Grassley's amendment would deny those applicants the opportunity to seek judicial review of the denial. Instead of receiving lawful status as Congress intended them to, legalization applicants would face detention, expulsion, and permanent separation from their families - all because of one bureaucratic error. This means that one agency employee's error could lead to dramatic consequences that permanently affect the fate of legalization applicants and their families.

For these reasons, we urge you to oppose Senator Grassley's Amendment 17. Please do not hesitate to contact Joanne Lin at jlin@dcacclu.org or (202) 675-2317 with additional questions or concerns.

Sincerely,

ADAC
Adhikaar for Human Rights and Social
Justice

America's Voice
American Civil Liberties Union
American Immigration Lawyers Association

Amnesty International USA
Asian American Legal Defense and
Education Fund
Asian Law Caucus
Black brown coalition
California Immigrant Policy Center
Casa De Proyecto Libertad
CEDC
Central Coast Alliance United for a
Sustainable Economy (CAUSE)
Chinese for Affirmative Action
CLUE Santa Barbara
Community to Community Development
Council on American-Islamic Relations
(CAIR)
Detention Watch Network
Dolores Street Community Services
El CENTRO de Igualdad y Derechos
Farmworker Justice
Fuerza del Valle Workers' Center
Illinois Coalition for Immigrant and Refugee
Rights
Immigration Equality Action Fund
Justice for Immigrants Coalition of Inland
Southern California
Lawyers' Committee for Civil Rights of the
San Francisco Bay Area
League of Women Voters of Florida
Los Abogados Hispanic Bar Association
Lutheran Immigration and Refugee Service
Mexican American Legal Defense and
Educational Fund
Minority Executive Directors Coalition
Mujeres Unidas y Activas
NAACP
National Council of La Raza (NCLR)
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Organization for Women
New Sanctuary Coalition of NYC
Political Asylum Immigration
Representation Project
Proyecto Azteca
Rapid Response Network
Rights Working Group

San Francisco Day Labor Program and
Women's Collective
SEIU
SEIU - United Service Workers West
South Asian Americans Leading Together
(SAALT)
The Leadership Conference on Civil and
Human Rights
The Reformed Church of Highland Park, NJ
UFW - United Farm Workers
Unitarian Universalist Service Committee
Women's Refugee Commission