

Eliminate Caps on Adjustment of Status for Asylees and Parolees

We, the undersigned organizations support the repeal of the limitations on the number of asylees and public interest parolees who can apply for permanent resident status in the United States each year and the number of those who can be granted asylum if fleeing coercive family planning practices. These three caps described below, which were enacted at different times during the past two decades, serve no public policy purpose and create needless hardship for thousands of individuals who legally reside in the U.S. and are eager to start on the path towards full integration and citizenship. These caps do not limit the individuals who can enter the United States but create barriers for immigrants with legal status in the United States.

Because of arbitrary caps, asylees who apply now to become permanent residents of the United States face a 15-year wait. A 10,000 annual cap on asylee adjustment has created a waiting list of approximately 150,000 individuals who live in the United States – all of whom U.S. authorities have already determined to be *bona fide* refugees – who are unable to fully integrate into American society and reunite with close family members. In total, because of the annual cap and other waiting periods, an individual granted asylum today cannot become a U.S. citizen for approximately 20 years.

A person who is granted asylum on the basis of Coercive Population Control (CPC) will wait even longer to become a legal permanent resident – for these asylees, the wait is over 20 years. These are Chinese asylees fleeing the Chinese government's harsh family planning regime. Because the law allows a maximum of 1,000 individuals to be granted asylum each year on the basis of CPC, and at least 7,000 individuals have already been granted asylum on this basis, individuals fleeing CPC are granted conditional asylum status and must wait seven years before becoming fully eligible for all asylum benefits. After receiving unconditional asylum status, due to the asylum adjustment cap and the mandatory five year wait to apply for naturalization, they will be forced to wait 27 years from the date they are recognized as refugees to the date they become U.S. citizens.

Public Interest Parolees – individuals from Laos, Cambodia, and Vietnam who were allowed to enter the U.S. before October 1, 1997 but who were not granted official asylee or refugee status – were granted the opportunity to apply for lawful permanent resident status in January 2003. However, a maximum of 5,000 parolees may apply. Because there are an estimated 15-20,000 parolees eligible for adjustment of status, thousands of parolees may never have the chance to obtain permanent residency unless the law is changed.

Family Values

The caps should be rescinded in the interest of family reunification. Because of the caps, asylees will be separated from close family members--even spouses and children--for years, and in some cases decades. Another important concern is that relatives that an asylee has left behind (usually because there was no other choice) may continue to endure persecution. Asylees cannot travel anywhere abroad without a special travel document, which often takes more than a year to obtain. This needlessly prevents many of them from visiting family members who have found refuge in countries other than the United States.

Integration into American Life

In addition, certain employment, educational, housing, and financial opportunities, like teaching certification, professional licenses, and mortgage applications, as well as the opportunity to serve in the military, are not available to asylees or parolees until they become permanent residents. These asylees and parolees have come to the United States seeking freedom and a chance for a new future in America. It is in our national interest to facilitate the integration of asylees into society so they can contribute more fully to the economic, and social fabric of our nation. Their dreams can only be fulfilled by repealing the caps and opening these important doors to help facilitate their integration into our society.

Preservation of Government Resources

The caps also have negative implications for the U.S. government's scarce resources since they generate unnecessary burdens on federal agencies charged with administering the caps. Coordinating information for the purpose of administering the caps involves a significant expenditure of time, money, and other resources that could be used more effectively elsewhere. Recently, immigration and State Department authorities have indicated that they would support the repeal of the cap on asylee adjustment.

No Security Implications

There are no security implications of repealing the caps, as they apply only to individuals who have already demonstrated that they were persecuted in their countries and have already been offered protection by the United States. As a prerequisite to being granted asylum, they have been subject to fingerprinting and rigorous security checks. Repeal of the caps would in no way diminish reviews that are currently undertaken both in the granting of asylum or parole status, or in adjusting their status to lawful permanent resident. In fact, if the caps were removed those applying would again be subject to security checks as required to grant a green card or approve an application for citizenship.

Conclusion

For these reasons, and because no public policy interest is served by retaining the caps, we support the immediate repeal of the caps on asylee and public interest parolee adjustment, as well as on coercive population control asylum grants.

List of Groups Endorsing This Statement

Action Network for Refugees and Asylum-Seekers
Agudath Israel of America
American Civil Liberties Union
American Friends Service Committee Immigrant Rights Program, Newark, NJ
American Friends Service Committee, Philadelphia, PA
American Immigration Lawyers Association
American Immigration Lawyers Association – Oregon Chapter
American Jewish Committee

American-Arab Anti-Discrimination Committee
Amnesty International USA
Anti-Defamation League
Arab American Institute
Asian American Community Service Association, Tulsa, OK
Asian Law Caucus
Asian Pacific American Legal Center
Bellevue/NYU Program for Survivors of Torture
B'nai B'rith International
Boat People S.O.S.
Capital Area Immigrants' Rights Coalition
Catholic Charities / Immigration & Refugee Department / Los Angeles, CA
Catholic Charities Refugee and Immigrant Services, San Diego, CA
Catholic Charities USA
Church World Service/Immigration and Refugee Program
Detroit Province of the Jesuits
Episcopal Migration Ministries
Ethiopian Community Development Council
Exodus World Service
Florida Immigrant Advocacy Center
Heartland Alliance for Human Needs & Human Rights
Hebrew Immigrant Aid Society
HIAS North Carolina/Jewish Family Services
Hmong National Development, Inc.
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Legal Advocacy Project
Immigration Equality (formerly Lesbian and Gay Immigration Rights Task Force)
Immigration Legal Services of Catholic Charities, Baltimore
Immigration & Refugee Services of America
Immigration Project
Indochinese Learning Center
Institute on Religion and Public Policy
Interfaith Refugee and Immigration Ministries of Illinois
International Refugee Research Institute
International Rescue Committee
Jesuit Refugee Service / USA
Jewish Council for Public Affairs
Jewish Federation of Metropolitan Chicago
Jubilee Campaign USA
Kurdish Human Rights Watch, Inc.
La Esperanza, Inc.
Lao Family Community Development, Inc.
Lawyers' Committee for Civil Rights Under Law of Texas
Lawyers Committee for Human Rights
Leadership Conference on Civil Rights
Lutheran Family Services In the Carolinas

Lutheran Immigration and Refugee Service
Marks & Katz, LLC
Mexican American Legal Defense and Educational Fund
Midwest Immigrant & Human Rights Center
Migrant and Refugee Cultural Support, Inc.
Minnesota Advocates for Human Rights
Minnesota Council of Churches Refugee Services Program
Nah We Yone
National Alliance of Vietnamese American Service Agencies
National Asian American Pacific Islander Mental Health Association
National Asian Pacific American Legal Consortium
National Council of La Raza
National Immigration Forum
National Immigration Law Center
Nationalities Service Center
NCSJ: Advocates on behalf of Jews in Russia, Ukraine, the Baltic States & Eurasia
Organization of Chinese Americans
Pennsylvania Immigration and Citizenship Coalition
People For the American Way
Political Asylum/Immigration Representation Project
PRIME - Ecumenical Commitment to Refugees
Progreso Hispano
Refugee and Immigrant Assistance Center
Refugee Women's Network, Inc.
Society of Jesus (Jesuits), New York Province
Southeast Asia Resource Action Center
Tahirih Justice Center
UJA-Federation of Jewish Philanthropies of New York
United Jewish Communities
United States Conference of Catholic Bishops/Migration and Refugee Services
U.S. Committee for Refugees
VIVE, Inc.
Washington Defender Association's Immigration Project
Washington Lawyers' Committee for Civil Rights and Urban Affairs
Workmen's Circle/Arbeter Ring
World Organization Against Torture USA
World Relief

