

Voter

The League of Women Voters
Of Fremont, Newark and
Union City



Constitution Day, September 18

THE LEAGUE OF WOMEN VOTERS OF FREMONT, NEWARK AND UNION CITY
Presents

ANNUAL KICK-OFF MEETING IMMIGRATION 101 Just the Facts

Fremont Main Library, Fukaya Room
Saturday, September 15, 9:30 AM—12:00 PM

Our speakers will discuss

- the current status of immigration
- The facts of law and practice
- How and why immigration effects public policy in various ways — education, health care, government services, employment economic policy and others.

Speakers:

Steven Leavey, Director of the Center for the Continuing Study of the California Economy

Jennifer Lee, Cooley Godward Kronish Fellow in the Immigration Rights Clinic, Stanford Law School

Katherine Corcoran, Visiting Lecturer at U.C. Berkeley Graduate School of Journalism and Latino Affairs writer for the San José Mercury News

Lary Crider, Chief of Staff for the District Director, US Citizenship and Immigration Services



Open to the public.



PRESIDENT'S MESSAGE

"Never doubt that a small, group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." Margaret Mead

Margaret Mead's immortalized words never held more true than for our local League here in Fremont, Newark and Union City. On October 27, 2007 we will be celebrating fifty years of civic engagement with our community. Our League was formed by people who helped to shape the Tri-Cities after incorporation and believed wholeheartedly in our Mission to encourage active and informed participation in government.

During these last fifty years League members have registered thousands of voters, hosted hundreds of candidate and other public forums, published and distributed voter information, and produced a community based cable program that has been running for well over 10 years. Over the years we have stayed true to our Mission and held to our Motto: *Democracy is not a spectator sport!* The League has indeed been a leading voice for change and government accountability.

Our next fifty years, and more specifically the upcoming year, holds unique challenges as our communities change and grow. We held our annual retreat on June 29th and 30th to discuss and strategize to meet these challenges and to take advantage of opportunities that are inherent in change. We had a pot luck dinner together at Marilyn Singer's home where we received training and reviewed the League's Mission, policies and procedures. The next day, we met at Alex and Peter Starr's home, located at the very end of Mill creek Road, to continue our strategic planning for the year ahead and to set the tone for the next fifty. We thank the host members for opening up their homes and enabling us to meet in environments conducive to creativity and camaraderie.

Our specific goals for the next year are the following: 1) Increase membership by 5% and reach out to the diverse communities in our area; 2) Hold a leadership training forum on how to run for elected office; 3) Increase our visibility; 4) Continue to provide citizen education forums, especially in areas of environment and government; 5) Engage our youth in the civic process.

We came up with many great ideas to meet the above and to continue to keep the League active and effective. We have many group assets, including people with much experience and wisdom and who have led the League in the past. Our most valuable asset, I believe, is our ability to function as a team and work through consensus.

We have demonstrated this over and over again over the last fifty years. The most recent evidence of this was at the July 18, 2007 OncCareNow health care reform forum held in the Library. The forum was our last formal obligation as part of the OneCareNow campaign to spread awareness about universal single payer healthcare. It was one of the best attended forums we have held with both Fukaya rooms filled. Many people made this a success. Marilyn Singer, our action chair, **who kept us on track and got the flyers passed out, all the people who helped pass out flyers including Ellen Culver, Jean Holmes, Barbara Friedrich, our publicity director John Smith who got the message out to the media and to his network and of course our web and internet team members: Peter Starr and Sam Neeman, and many of you who sent the information to your networks and contacts. It would not have been a success with out each one of our contributions.**

We invite you to join us and be an active part of the League of Women Voters of Fremont, Newark and Union City. There are many ways and opportunities to participate, either for one time only or on an ongoing basis. Our kickoff meeting discussing a sensitive and timely topic, immigration, is one such opportunity as is our 50th anniversary celebration. You can contact us through our website at www.lwvfnuc.org or call us at 510-794-5783.

Together, we can ensure that LWVFNUC continues to be a leading voice for democracy!

—Syeda Yunus, President

BOARD BRIEFS**At the August 19 Board Meeting, the Board**

- ▶ discussed details of the September Kickoff Meeting on immigration,
- ▶ heard reports on the 50th Anniversary Gala,
- ▶ heard that the Homeowner's Committee has a homeowner's election to inspect,
- ▶ learned that there will be an election in Newark in November, and
- ▶ voted to make a donation honoring Peter Starr for all his work on the website.

Weekender LWVFNUC Ed Fund Open House Fundraiser

Saturday September 15 12:30-3:30
Sunday September 16 12:00-3:00

NEW COLORS: Chocolate, Blossom (a warm pink), Toffee, Mauve (a lavender/purple shade), Blackberry, Bluegrass (tealish), Vanilla, Grey, Black, White



NEW PATTERNS: Paisley, Damask, Plaid, Tweed Herringbone, Silky Knit, Scrolls, Dots, Florals

Needless to say, you need to see them to understand them! **Go online to Weekenders.com for a preview.** There are so many styles and fabrics to choose from you can easily find something to complement your body style. There are varied skirt lengths and styles, jackets, full length cardigan, drape neck tops, varied sleeve lengths, several pant lengths, a dress. These clothes are dress up or dress down, comfortable, fashionable, easy care, flattering and also perfect for traveling.

Official Open House hours are **Saturday 12:30 p.m. - 3:30 p.m.** and **Sunday 12:00-3:00**, but any sales to LWVFNUC members and friends that occur in the month of September can also count toward the fundraiser. So, don't hesitate to call and schedule an alternate personal appointment. Any weekday can also work.

Holly Walter's, 2754 Olive Ave., Fremont (near Washington Blvd. intersection) Alternate appointments. 656-0459

EDUCATION COMMITTEE

The Education Committee met August 10 at Miriam Keller's home. We discussed "Getting Down to Facts", the study by 32 of the nation's top education researchers. Members will each take a portion of the report for study. We discussed No Child Left Behind. We are planning a paper "What's Wrong with NCLB and What Could be Done to Fix It?". NCLB is up for reauthorization soon.



The committee discussed the possibility of running a media contest for youngsters, Topic: "Why Vote?"

Other items under discussion are:

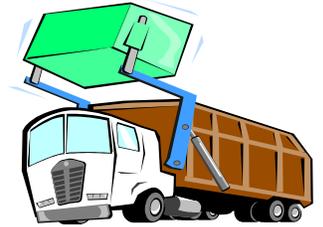
Civics instruction in our schools, School Finance concerns, activities of our three Boards of Education, efficient course coordination among Fremont, Newark and Union City School districts with Ohlone College, ROP, and four year universities.

We would welcome new members to the committee. If you are interested, Contact Vesta Wilson (510) 565 9306 or jojovest@aol.com

—Ann Crosbie, Chairperson
 —Miriam Keller
 —Ken Ballard
 —Vesta Wilson

VOTING MATTERS PROGRAM FREMONT COLLECTION AND TRANSFER STATION

Guest Rich Dubiel, General Manager, Allied Waste Management
Moderator: Sandy Pantages



Rich Dubiel explained how the transfer station operates and emphasized that recycling and waste management is a participatory concern for the individual householder and the city.

The transfer station is designed to serve the Tri-City Area. Rich Dubiel has fifteen years experience in the business and Allied Enterprises has facilities from Southern California to Sacramento. In the industry, each facility is modeled after each community's needs.

Allied and the City of Fremont anticipate that the Fremont facility will be able to accept hazardous waste that now has to be taken to Hayward. This will be a convenience for Fremont residents as well as discouraging illegal dumping. Rich said that if you have something you are not sure about, give them a call. They will be glad to help you find the appropriate place for disposal.

His description of the design, size and operation of the Transfer Station was fascinating; however, as he said, it is difficult to visualize the process by which the waste is sorted and prepared for recycling. The sorting operation is handled at the initial point manually and then moves on to an automated system

Outreach to the community is an important service to Allied management. Classes from schools are welcomed to the facility. Other groups can arrange for tours to observe how it all works.

The Allied web site is blt-enterprises.com. Questions may also be directed to their telephone number: 510-252-0500.

—Muriel Nolan

WE RUN ELECTIONS!

Recent changes in California Law regarding Common Interest Developments, usually Home Owners' Associations (HOA's) require independent third party inspectors for HOA elections.

The League of Women Voters is the perfect organization to fill this role. We have the expertise and the trusted non-partisan reputation.

LWVFNUC is preparing to take on this task. We can perform a needed service and create a source of income for our League.

Currently, we have been contacted to oversee the September 11 election for a Belmont HOA. We will receive the ballots at our post office box, verify the ballot envelopes against the eligible voter list, open the ballots at the HOA meeting, tally the votes and certify the election results.

Does this sound like the League-like activity that appeals to you?

We must recruit a cadre of "Election Inspectors" who will be available when called upon (always with advance notice) to act as independent third party inspectors.

Please call the League telephone (510-794-5783) to sign up. The HOA committee will get back to you ASAP.

—Jean Holmes for the HOA Study Group
Miriam Keller, Vesta Wilson, and Barbara Friedrich



LWVC REGIONAL WORKSHOP HOSTED BY LWV OAKLAND AND LWV PIEDMONT
Saturday, September 29, 2007, 9:30 AM—2:30 PM
First Unitarian Church,
685 14th St., Oakland, California

A regional training workshop covering topics of interest to local Leagues will be presented . LWVC President Janis R. Hirohama will present a new class, "21st Century League"

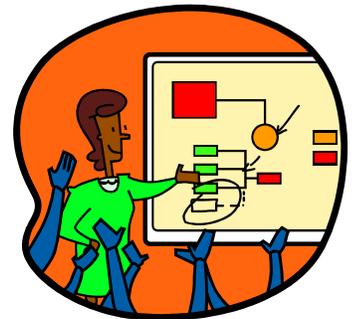
This is an opportunity to meet and hear from our newly elected state president. Workshops will include "Using Voter Service to Attract Membership and Raise Community Visibility", "How to Conduct a Study" and "21st Century League".

Tentative Schedule:

9:00 AM Registration, Coffee/Snacks and Publication Sales
 10:30 AM Welcome and Introduction
 10:15 AM Using Voter Service to Attract Membership and Community Visibility **(NEW)**
 11:30 AM Break (Publication Sales open through lunch)
 11:45 AM Lunch — "Round Table" Discussion
 12:30 PM How to conduct a Study
 1:15 PM Break
 1:25 PM 21st Century League **(NEW)**
 2:10 PM Wrap Up/Evaluations
 2:30 PM Workshop Ends

LWVFNUC will pay your registration fee, but lunch will be on your own.

Please call Miriam Keller @ 510-683-9377 if you plan to attend.



FEBRUARY 5TH, 2008 PRESIDENTIAL PRIMARY

AND STATE BALLOT MEASURES

The new early primary date shifted our schedule for review of ballot measures and preparation of the Action Guide. The LWVC board will review the ballot measures at its September meeting and will provide the results of our deliberations in the October LWVC Leaders UPDATE.

The following are initiatives that have qualified for the February ballot so far:

- Transportation Funding - prohibits retention of funds earmarked for the Transportation Investment Fund by the General Fund after 7/1/08, and requires repayment of prior borrowings for other non-transportation purposes.
- Community Colleges - establishes independent public community college districts and Board of Governors, including minimum levels of state funding for this segment of Proposition 98, and other provisions.



A few legislative constitutional amendments are still pending, and could be placed on the February ballot. The High Speed Rail Bond has been postponed until November 2008. Prison bonds are to be issued as lease-revenue bonds, and do not need to go on the ballot. Governor Schwarzenegger has proposed water bonds but these did not get out of their first committee.

Linda Craig, *Legislation / Advocacy Director*
legislation@lwvc.org

Bay Area Monitor ~ June/July 2007

WHO'S FEELING THE WATER PINCH?

By Liz Anders

After witnessing the dramatic media coverage of our recent dry winter, you'd think that water agencies up and down the state would be asking for more conservation in the coming year. In the Bay Area you'd be wrong. In fact, though we've had one of the driest rainy seasons on record, only some Bay Area water agencies are asking customers to conserve more. The reason for this isn't political or ideological; it's the result of a smorgasbord of complicated conditions. So, not all of our local water agencies are feeling the pinch—yet.

Though they generally call for conservation, the Santa Clara Valley Water District, the Solano County Water Agency, and the Zone 7 Water Agency are asking for no new conservation measures from their customers at this time. Their water storage and water capturing ability simply hasn't been unduly affected by this year's dry winter. Some have enormous underground basins; others get water from the Sacramento River Delta.

On the other hand, the East Bay Municipal Utility District, the Marin Municipal Water District, the San Francisco Public Utilities Commission, and the Sonoma County Water Agency are all asking their customers to voluntarily cut water usage 10 to 15 percent—with possible mandatory water rationing later for some agencies. Each is providing conservation tips for their customers on their websites or in glossy mailers sent to residents' homes, as well as rebates for buying new, water-efficient appliances.

Though each of these water agencies has a specific water portfolio (reservoirs, aquifers, etc.), most depend to some degree on the amount of annual winter precipitation and the natural storage system in the Sierra Nevada mountain range. In winter, water is stored cheaply in the Sierra snowpack until spring. When the snow melts, water flows into local waterways and eventually ends up in reservoirs and basins all over California. Since the water content in the snowpack along the 400-mile-long range was 46 percent of normal this year, water agencies dependent upon it have begun taking action.

On the face of things, it seems strange that one household could be asked to cut water usage while another in a neighboring city would not be. But where we get our water and how we get it is complicated.

Asking For Conservation: Case by Case

East Bay Municipal Utilities District

In April, EBMUD declared a water shortage and asked its 1.3 million customers to cut water usage by 15 percent after experiencing one of the driest years in its 84-year history. Though last year was a wet one, allowing EBMUD to come into this year with full storage capacity, the agency predicts that the abysmal runoff from the Sierra will put it at only 80 percent water storage capacity next fall. If next season is dry, the dwindling of the water supply could lead to mandatory water rationing in 2008.

Since the call went out to reduce water usage, no real change in consumer activity has been seen. According to Greg Chan, spokesperson for EBMUD, people generally won't react until we have an even more extreme water emergency, but "the message is out there—please, please pay attention."

Marin Municipal Water District

At a May 2 meeting, the board of MMWD encouraged voluntary water conservation by its customers after receiving only 31 of the normal 51 inches of rain. Luckily, last year brought 73 inches, so the reservoir storage level now stands only slightly less than average for this time of year. But since its primary sources of water are five reservoirs on the Mount Tamalpais Watershed that depend on local rainfall, MMWD is already taking action against possible future dry winter seasons.

Paul Helliker, General Manager of MMWD, underscored the incredible need to conserve, commenting, "We have only two years of storage in our reservoirs. When we have a dry year we are particularly concerned about it."
San Francisco Public Utilities Commission

In April, SFPUC urged its 2.4 million customers to curtail water consumption in order to avert mandatory water rationing later this year. Eighty-five percent of the water SFPUC captures to supply its customers is from the Hetch Hetchy Reservoir, a source of water influenced by the size of the Sierra snowpack. Though officials at SFPUC believe that the reservoir will fill this spring, they fear that the surrounding watershed will not be able to meet customer demands in the summer or fall.

Moreover, the agency's local reservoirs are not completely filled. Crystal Springs Reservoir in San Mateo County is only at 85 percent capacity and the Calaveras Reservoir in Alameda County is only one-third full because of its seismic vulnerability. The agency is keeping a close eye on consumer water use, and will decide on July 1 whether to set mandatory cutbacks.

Tony Winnicker, SFPUC Communications Specialist, sums it up: "If everybody takes small steps now, we can avert mandatory cutbacks later this year, but global climate change is upon us. We know that we'll have drier winters and that droughts will be drier and longer. We will never have a period again where we don't have to conserve. We need to confront the fact that we live in an arid environment, and make better use of the water we have."

Sonoma County Water Agency

On April 12, the Sonoma County Water Agency projected that Lake Mendocino, its main source of water, will reach historically low levels come fall—levels akin to those seen during the 1976 drought. Lake Mendocino stores an average of 69,000 acre-feet of water (that's one acre of water one foot tall) and is losing 200 to 300 acre-feet per day. As a result, the agency has asked its 750,000 customers in Mendocino, Sonoma, and Marin counties to cut water use by 10 to 15 percent. These low water levels are due to a lack of rain (which was only 60 percent of normal) and reduced water flows

(66%) of normal) from PG&E's Potter Valley Project (a hydro-electric powerhouse). Nearly 60,000 acres of agricultural land is irrigated with the agency's other water source, the upper Russian River. Increased summer usage by agricultural and urban customers will further strain the already low water supply from Lake Mendocino and the upper Russian River.

The agency is meeting with state and federal officials to discuss its concerns, as well as conducting public workshops on water conservation.

The Other Side: Agencies in the Wet

Santa Clara Valley Water District

SCVWD has plenty of water to meet the needs of its 1.7 million residents. Its water—half of which comes from local sources such as underground aquifers, and the other half from the Sierra Nevada through pumping stations in the Delta—is in good shape.

"We always encourage conservation and people are more conservation-minded now, but if we have another dismal rain season we will have to do more," says Susan Siravo, spokesperson for SCVWD.

Solano County Water Agency

A single dry year doesn't have an impact on the Solano County Water Agency, according to General Manager David Okita. Lake Berryessa—impounded by the Federal Solano Project—is its main supply, and is almost completely full. The agency also gets water supply from the State Water Project. The wholesaler to Fairfield, Suisun City, Vacaville, Vallejo, and Benicia, as well as unincorporated farmers in the county, maintains that it will only ask for customer water cutbacks if the dryness continues for a few years and its ability to shift water is diminished.

Water supply, says Okita, "depends on where you are."

Zone 7 Water Agency

Zone 7 Water Agency, a water wholesaler for the municipalities of Livermore, Pleasanton, and Dublin, hasn't felt the pinch of our low-yield rainy season. Zone 7 gets water from the State Water Project conveyed through the Delta, along with groundwater storage and some local runoff.

"Because 2006 was so rainy, the State Water Project was able to store enough water supplies from last year for Zone 7 to meet water demands this summer—despite this year's lack of rain," says Boni Brewer, spokesperson for the agency, who goes on to note, "however, should we be entering a multiple-year drought, like in the early 1990s, in future years we would need our customers to make an extra effort to conserve water. Fortunately for us, unlike a lot of Bay Area agencies, we have a groundwater basin with long-term storage."



WELCOME NEW MEMBERS

Conversions from National -- Charlotte Lowry, Elinor Smith.

New member -- Bryan Gebhardt

The League of Women Voters of the United States is conducting a two year study on Immigration. The following Notebook pages are provided for your information. To learn more about this study, go to www.LWVUS.org.

IMMIGRATION STUDY SECTION

SCOPE OF IMMIGRATION STUDY

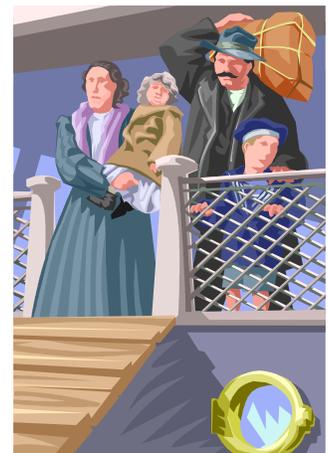
At its October meeting the LWVUS Board adopted the following scope for the LWVUS 2006-2009 Immigration Study:

- Underlying values and principles regarding immigration

- Reasons for migration from other countries, including but not limited to:
 - Effects of global interdependence on migration
 - Motivation of refugees and asylees
 - Motivation of other immigrants

- Current federal immigration policy, including but not limited to:
 - Overview
 - Effectiveness in uniting families
 - Effectiveness in meeting needs of businesses
 - Effectiveness of enforcement
 - Human rights concerns

- Impact of immigration, including but not limited to:
 - Economic effects of authorized and unauthorized immigration
 - Diversity
 - Inclusion of immigrants in American society



LWVUS Immigration Study Consensus Preview

This is a **preview** of the questions for the upcoming Immigration Study Consensus process. These questions are for discussion only. Eventually, we will be asked to rate these as "high priority", "lower Priority" "disagree" or "no consensus"

Question 1: Federal immigration laws should take into consideration criteria such as the following (not listed in any particular order or hierarchy)

- a. Ethnic and Cultural Diversity
- b. Economic, Business, and Service Employment Needs
- c. Environmental Impact/Sustainability
- d. Family Reunification of Authorized Immigrants and Citizens with Spouses and Minor Children
- e. History of Criminal Activity
- f. Humanitarian Crises/ Political Persecution in Home Countries
- g. Immigrant Characteristics (health or age)
- h. Right of All Workers to Safe Working Conditions and Livable Wage
- i. Rights of Families to Remain Together
- j. Rights of all Individuals in U.S. to Fair Treatment Under the law (Fair Hearing, Right to Counsel, Right of Appeal, and Humane Treatment)
- k. Education and Training.

Question 2: Unauthorized immigrants currently in the U.S. should be treated as follows:

- a. Deport Unauthorized Immigrants
- b. Some Deported/Some Allowed to Earn Legal Adjustment of Status Based on Length of Residence in U.S.
- c. Some Deported/Some Allowed to Earn Legal Adjustments of Status Based on Needs of US Employers
- d. All allowed to Earn Legal Adjustment of Status by Doing Things Such as Paying Taxes, Learning English, Studying Civics etc.
- e. If Deported, Assess Fines Before Possible Re-Entry
- f. Access Fines Before Allowed to Earn Legal Adjustment of Status

Question 3: Federal Immigration law should provide an efficient, expeditious system (with minimum or no backlogs) for legal entry into the U.S. for immigrants who are:

- a. Immediate Family Members Joining Family Member Already Admitted for Legal Permanent Residence in the U.S.
- b. Entering the U.S. to Meet Labor Needs
- c. Entering the U.S. as Students
- d. Entering the U.S. Because of Persecution in Home Country

Question 4a: In order to deal more effectively with unauthorized immigrants, Federal Immigration law should include: Social Security Card or Other National Identification Card with Secure Identifiers for All Persons Residing in the U.S.

Question 4b: Federal Immigration law dealing with unauthorized immigrants should be enforced by including:

- i. Physical Borders (such as fences) and Surveillance at Borders
- ii. Increased Personnel at Land, Air and Sea Entry points
- iii. More Effective Tracking of Persons with Non-Immigrant Visas Until They Leave the Country
- iv. Verification Documents, such as Green Cards and Work Permits with Secure Identifiers
- v. Improved Technology to Facilitate Employer Verification of Employee Visa Status
- vi. Improved Technology for Sharing Information Among Federal Agencies
- vii. A Program to Allow Immigrant Workers to go in and out of the U.S. to Meet Seasonal and Sporadic Labor Needs
- viii. Significant Fines Pro-Propionate to Revenue for Employers Who Fail to Take Adequate Steps to Verify Work Authorization of Employees

Question 5: Federal immigration law should address and balance the long-term federal financial benefit from immigrants with the financial costs borne by states and local governments with large immigrant populations .

Question 6: Federal immigration law should be coordinated with U.S. foreign policy to proactively help improve economies, education and job opportunities and living condition of nations with large emigrating populations

US IMMIGRATION POLICY: FAMILY REUNIFICATION

By Patricia Hatch

"Family reunification has long been a cornerstone of both American law and INS practice," notes Doris Meissner, former Commissioner of the Immigration and Naturalization Service.¹

Many early immigrants to America, particularly those fleeing religious or political persecution in their homelands, migrated here as families. In subsequent centuries, a head of household often came first to "test the waters" of the new land. Prior to 1965, the timeliness of family reunification in the U.S. depended almost entirely on how long it took for this first family member to secure a job and shelter, and save funds for passage to the United States for spouse and children.

1965 Immigration Act

The Immigration Act of 1965 eliminated the national origin quota system that had favored immigrants from Europe to the exclusion of those from other parts of the world. That system was replaced by a "family preference" quota framework that systematized the sponsorship of relatives by legal immigrants. Since 1965, between 50 and 70 percent of U.S. immigrant visas distributed annually have been allotted to close family members of U.S. citizens and legal permanent residents. Annual ceilings do limit the number of family visas that can be awarded, both by country of origin and by preference (qualifying relationship) category.

Family immigration currently accounts for the majority of immigrant petitions filed and visas granted each year. Hence, the fairness, orderliness and timeliness of the family immigration process – or lack thereof – have major implications for the success or failure of the entire U.S. immigration policy.

Spouses and minor children of U.S. citizens, as well as parents of adult U.S. citizens, are granted visas without regard to numerical quotas (i.e., they are outside the preference category framework presented below). If all goes smoothly during the

processing of paperwork and there are no administrative delays, these particular applicants may be allowed to immigrate within a year of the filing of an immigrant petition on their behalf by their U.S. citizen spouse, parent or adult child.

On the other hand, those applicants who fall under the jurisdiction of the preference category framework currently face a much longer wait. Their wait can vary depending on the relationship category and country of origin. The ranking categories and the annual numbers allotted within the complex annual family-sponsored preference limit are as follows:

First Preference Unmarried adult children of U.S. citizens – 23,400 plus any numbers not required for fourth preference.
 Second Preference Spouses and unmarried children of lawful permanent residents (with subsidiary quotas for minor children and unmarried children 21 or over) – 114,200 plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers. (Of the overall second preference limitation, 77 percent are designated for spouses and minor children, 75 percent of whom are exempt from the per-country limit).
 Third Preference Married sons and daughters of U.S. citizens – 23,400 plus any numbers not required by first and second preferences.
 Fourth Preference Siblings of U.S. citizens – 65,000 plus any numbers not required by the first three preferences.²

The Application Process

U.S. citizens or legal permanent residents initiate the sponsorship of their qualifying family member by filing an immigrant visa petition on their behalf by mail with the appropriate Service Center of the U.S. Citizenship and Immigration Service (USCIS).

Theoretically, if all required documents and fees are filed correctly with the application, the USCIS can approve the visa petition within a few months. However, long processing delays are routine because of massive backlogs, insufficient staffing and administrative snafus. In the Annual Report submitted to the United

States Senate Committee on the Judiciary on June 29, 2006, the Citizenship and Immigration Service Ombudsman reported "Over one million family-based immigration petitions are pending with USCIS, leaving customers frustrated...Most of these petitions have been pending for many years and may not be adjudicated for many more years..."³

The Ombudsman notes that USCIS does not include many of these long-pending petitions as part of its backlog. Faced with increased pressure from Congress to reduce processing backlogs, USCIS has continually redefined "backlog" to exclude more and more delayed cases. Both the DHS Inspector General and the USCIS Ombudsman have expressed concern that "these definitional changes hide the true problem and need for change."⁴

Finally, a U.S. citizen or legal permanent resident trying to get information about a pending application is frustrated in various ways. There is a lack of reliable information because of "limited customer access to USCIS immigration officers who have knowledge of individual cases; questionable accuracy of the information provided; insufficiently detailed information provided to answer specific inquiries; and the practice of providing minimal information to customer inquiries."⁵

Approval Process

Approval of a visa petition – however long that might take – is only the first step. Once the petition has been fully processed, an approval notice is issued, and the date of that notice becomes the prospective immigrant's "priority date."

Because the number of applicants in each preference category annually far exceeds available quotas, a cumulative backlog has grown to mind-boggling proportions in each category. By 1997, the last year for which reliable figures were found, backlogs totaled an estimated 3,535,430 cases of approved family-based petitions, including 1,252,270 spouses and minor children of legal permanent residents.⁶

Each month the State Department posts on its Web site an updated Visa Bulletin, showing, for each applicant

category, the “priority date” for which visa numbers currently are available.⁷ For example, the February 2007 visa availability chart for the second family preference category – spouses and minor children of legal permanent residents – shows that visa processing can now occur for those who hold a priority date earlier than March 22, 2002, for applicants from most countries, or earlier than May 15, 2000, for Mexicans.

Checking a single month’s bulletin, legal permanent residents would get the impression that it is likely to be at least 5 years before their spouses or minor children can be visa processed to legally join them in the U.S. or more than 7 years for those from Mexico. However, comparing the February visa availability chart dates to the January chart dates reveals a more accurate and discouraging estimate of the length of the waiting period. In a month’s time, the priority date for second preference (spouses and minor children of legal permanent residents) has advanced only one week, not one month. At that pace, it could take as long as 20 years for the spouses and minor children of legal permanent residents to legally join them in the United States. For Mexicans the wait is even longer; the priority date failed to advance even a single day in the same month. Each year that the current family preference and country quotas remain in place, the backlogs increase, and the waits for families to reunite grow longer, testing the patience of everyone involved.

While separated, many legal permanent residents send money regularly to family members at home, in addition to paying their own living costs in the U.S. Furthermore, maintaining family ties from a distance is expensive. There are high telephone expenses, while family emergencies may require costly flights to the homeland and possibly even job loss. Children who were infants at the time the permanent resident emigrated may become teen-agers before visas become available, or worse yet, “age out,” no longer qualifying as minor children. Such children then enter a different family category – adult children of legal permanent residents – that is even more backlogged. As noted in the recent report from the Independent Task Force on Immigration and America’s Future (co-chaired by Spencer Abraham and Lee Hamilton), “In

addition to being inhumane, such waits mean that a large portion of such individuals’ productive working years that make immigration a good investment will have passed by the time many ever arrive in the United States.”⁸

Faced with family separations that range from 5 to 20 years or more (and longer yet for siblings of U.S. citizens), some “anchor relatives” attempt to obtain non-immigrant visitor’s visas or student visas for their family members, only to find that consular officials routinely deny non-immigrant visas to immediate family members of legal permanent residents, on the grounds that they are “intending immigrants” and likely to overstay their visas. Thus all legal channels for the family to reunite in the U.S. within a reasonable period of time are effectively blocked.

The Independent Task Force on Immigration and America’s Future further reports: “The system’s multiple shortcomings have led to a loss of integrity in legal immigration processes. These shortcomings contribute to unauthorized migration when families choose illegal immigration rather than waiting unreasonable periods for legal entry.”⁹ Statistics support this task force observation. A significant percentage of the estimated 11 million unauthorized immigrants in the U.S. are spouses and minor children of legal permanent residents who have been approved for family-based visas but are caught in the years-long preference category logjam.

Those unauthorized immigrants who do join their “anchor” relatives in the U.S. illegally eventually learn that they may have effectively abandoned any chance of ever becoming legal permanent residents. When their priority date becomes current, they are required to travel to the American consulate overseas for visa processing. As soon as it becomes apparent to consular officials that these individuals were in the U.S. “out of status” for one year or more, they are prohibited by law from re-entering the U.S. for ten years. The visas that had become available for them are then awarded to others with no bar to entry. Now they are once again separated from their legal permanent resident, “anchor,” relatives, and no closer to obtaining “green cards” than they were a decade or more earlier.

Those who choose not to leave the U.S. to attempt to visa process because of the risk of not being allowed to return “... become part of a growing underground of permanently undocumented persons who are subject to exploitation and abuse.”¹⁰

What about those prospective immigrants who have waited for years in their homelands to join relatives in the U.S.? When a visa finally becomes available, the anchor relative must submit updated proof of wages and savings sufficient to support the sponsored family members - as well as any stateside nuclear family members - at 125 percent of the federal poverty level. Sponsors whose incomes are low or moderate (even some working two jobs) may not be able to satisfy this requirement. Savings – if any – may have been depleted by supporting two households for many years. If unable to meet the financial requirement, these sponsors must seek additional persons willing to provide this financial guarantee and submit detailed information on their income and assets to the government, or they lose the opportunity to bring their family members to the U.S. regardless of the years of waiting. If they cannot satisfy the financial evidence requirements within the parameters of the processing period, the visas are forfeited, and they must begin the entire sponsorship process all over again.

Family Reunification in Jeopardy

Forcing families to immigrate separately rather than as a family unit because the petitioner does not earn enough to sponsor the whole family at once is an unintended consequence of these financial requirements that repeatedly fragment families.¹¹ These requirements inevitably place major strains on families already fragile from years of separation. Many of them face a choice between family reunification and the future they have begun to establish in the U.S.

Clearly, the current family reunification system is not working well for many legal permanent residents and their immediate family members. Furthermore, the lack of a reasonably timely family reunification option within the legal system is contributing to the breakdown of the integrity of the U.S. immigration system.

At a time when over half of the new workers entering the U.S. workforce are immigrants, "our nation's well-being is inextricably bound to the health of its millions of immigrant families. Yet, our immigration laws and policies...too often divide, impoverish and keep immigrant families unsettled."12

In Search of a Solution

What is the solution? Some have suggested eliminating the family preference categories for everyone except the spouses and minor children of citizens and permanent residents, and reallocating to these nuclear family members the visas currently designated for adult sons and daughters and the siblings of U. S. citizens. If this choice were to be implemented, ideally, there would be a transition period with some provision to "grandfather" those relatives who have already waited many years in the categories about to be discontinued.

On the other hand, many advocates of immigrant family unity have proposed placing the spouses and children of permanent residents, like the spouses and children of U.S. citizens, outside the preference quotas, so that they can rejoin their anchor relatives as soon as possible. Either proposal would require dramatic changes to the existing immigration laws. Other possible solutions, suggested by separated families themselves, can be found at www.unitefamilies.org

Comprehensive immigration reform that allows a more timely reunion of the families of legal permanent residents must be accompanied by funding for additional staffing of USCIS immigrant petition processing centers and visa processors at State Department consular offices, or de facto family reunion backlogs will exist long after quota backlogs have been removed, and the integrity of the legal channels for family immigration will remain seriously compromised

Any reform of immigration policy that ignores the powerful "pull" of family reunification and offers no resolution for the increasingly unreasonable backlogs will be as unsuccessful as the current policy. There are no easy fixes for our family-based immigration system. However, unless our nation finds the political courage to come to grips with the short- and long-term implications of our current untenable policy, tens of thousands of families desperate to be together rather than face interminable separation are likely to continue resorting to unauthorized immigration.

Patricia Hatch, LWV of Howard County, MD, is a member of the LWVUS Immigration Study Committee.

1. DeYoung, "U.S. Orders Return of Cuban Boy," *The Washington Post*, January 6, 2000, p. A11

2. State Department Visa Bulletin, February 2007; see http://travel.state.gov/visa/frvi/bulletin/bulletin_3111.html

3. Citizenship and Immigration Services Ombudsman Annual Report 2006 to United States Senate Committee on the Judiciary, June 29, 2006, p. iii

4. CIS Ombudsman Report 2006, p. 9

5. CIS Ombudsman Report 2006, p. iv

6. U.S. Department of State, Bureau of Consular Affairs, "Immigrant Visa Waiting List in the Family-sponsored and Employment-based Preferences as of January 1997," March 1997

7. http://travel.state.gov/visa/frvi/bulletin/bulletin_3143.html

8. *Immigration and America's Future: A New Chapter*, 2006, Migration Policy Institute, p. 22

9. *Immigration and America's Future*, p. 24

10. *Placing Immigrants at Risk: The Impact of Our Laws and Policies on American Families*, Catholic Legal Immigration Network, 2000, p. 19

11. *Placing Immigrants at Risk*, p.11

12. *Placing Immigrants at Risk*, p. 1

WHAT DO YOU KNOW ABOUT THE GRAND JURY?

The grand jury system has roots in laws traced from ancient Greece, through the Norman system, the Magna Carta and early American and California judicial systems. The United States Constitution specifically refers to a grand jury. The Alameda County civil grand jury is comprised of citizens who act as officers of the Court and are responsible to citizens of Alameda County.

1401 Lakeside Drive, Suite 1104
Oakland, CA 94612
Phone: (510) 272-6259
FAX: (510) 465-9647

The civil grand jury acts as a "watch-dog" by investigating the workings and efficiencies of county and local governments. Past investigations have highlighted the failings of local officials in adequately scrutinizing the deal that returned the Raiders football team to Oakland - a deal which currently costs Oakland and Alameda County taxpayers in excess of \$20 million every year; the failure of local school boards and county education officials in adequately overseeing the financial affairs of bankrupt school districts in Oakland and Emeryville; and exposed the county welfare agency's complete failure to investigate welfare fraud, resulting in the district attorney assuming responsibility for those investigations and prosecutions - now numbering over 800 felony prosecutions each year.

The civil grand jury is also authorized to:

1. Inspect and audit books, records and financial expenditures to ensure the public that public funds are properly accounted for and spent.
2. Inspect books and records of special districts in Alameda County.
3. Examine books and records of non-profit agencies that have substantial contacts with county or local agencies.
4. Inquire into and inspect conditions of local jails and detention facilities.
Investigate charges of willful misconduct by public officials or employees.

It's easy to JOIN the **LEAGUE OF WOMEN VOTERS**

Any person, man or woman, who subscribes to the purpose and policy of the League may join. To be a voting member, one must be at least 18 years of age and a U.S. citizen

Annual dues includes membership in Local, Bay Area, California and National Leagues.

Make your check payable to: LEAGUE OF WOMEN VOTERS and mail it with this form to:

LWVFNUC-MEMBERSHIP, P.O. Box 3218, Fremont, CA, 94539

_____ Individual Membership - \$50 _____ Household - \$75
 Donate to LWVNUC \$ _____ Donate to Ed. Fund \$ _____ Total enclosed \$ _____
 Name(s) _____
 Address _____ Phone _____
 E-mail _____ New Member _____ Renewal _____ Transfer f
 from _____



Dues and contributions to the League are not tax deductible. Contributions to L.W.V. Ed Fund are deductible to the extent allowed by law. For more information, or for confidential financial dues assistance, please contact: Judy Keller—jkeller@genelabs.com

Mission Statement

The League of Women Voters of Fremont, Newark, and Union City, a nonpartisan political organization, encourages the informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Diversity Policy

LWVFNUC affirms its commitment to reflect the diversity of our communities in our membership and actions. We believe diverse views are important for responsible decision making and seek to work with all people and groups who reflect our community diversity.

LWVFNUC Voter

Published 10 times a year by the League of Women Voters of Fremont, Newark and Union City.
 PO Box 3218
 Fremont, CA, 94539
 510-794-5783
 President: Syeda Yunus
 Treasurer: Peter Starr
 Editor: Vesta Wilson
 Office Hours:
 The LWVFNUC storage office address is:
 4368 Enterprise St., off Grimmer, near
 Automall.
 Materials are available 7:30 AM to 5:00 PM with permission of a board member.

YOUR NEW BOARD

Officers:

President:	Syeda Yunus
V.P. Voter Service	Ellen Culver
Pros and Cons, Registration Drives, Affidavit Boxes	
V.P. Voter Service	OPEN
Candidate Forums, Speakers Bureau	
V.P. Administrative	
Membership	Judy Keller
Communications:	Jean Holmes
Fundraising:	Kay Emanuele
V.P Program	Ken Ballard
	Barbara Friedrich
Secretary:	Carolyn Hedgecock
Treasurer	Peter Starr

Directors on Board:

Executive Assistant	Miriam Keller
Facilities and Special Events	John Landers
Historian	Seham El Ansary
Leadership Training	Alex Starr
Membership	Judy Keller
Voter Editor	Vesta Wilson

Directors (Off Board):

Meeter/Greeter	Joanne Landers
Membership Directory	Sam Neeman
Public Relations	John Smith
Voter Mailer	Carolyn Hedgecock
	Trang Vuong
Webmaster	Peter Starr
Nominating Committee	Letha Saldana
	Ellen Culver
	Sam Neeman



Nonprofit
Organization
U.S. Postage
PAID
Permit # 445

**LEAGUE OF WOMEN
VOTERS OF FREMONT,
NEWARK AND UNION CITY**
P.O. Box 3218 Fremont, CA, 94539
(510) 794-5783

WATCH VOTING MATTERS

Tune in to watch Nina Moore interview Charles Brown, Superintendent of Mission Valley ROP. Topic: ROP
Fremont, Channel 29, every Wednesday at 7:30 PM
Newark, Channel 6, every Thursday at 7 PM
Union City, Channel 15, every Thursday at 9:30 PM
Hayward, Channel 28, every Monday at 9:30 PM

Visit our website:
<http://www.lwvfnuc.org>

CALENDAR

Thurs.,... Sept. 13	LWVFNUC Board Meeting	7:15 PM	Sisters of the Holy Family Auditorium
Fri., Sept 14	Education Committee	9:30 AM	Miriam Kellers home
Sat. Sept 15	Regular Meeting—Immigration	9:30 AM—12:00 PM	Fremont Main Library Fukaya Room
Wed., Sept 19	Cable Taping	2:00 PM	Comcast Studios
Thurs., Sept 27	Action Committee Brown bag lunch	12:30 PM	Marilyn Singer's home
Sat., Sept. 29	Regional Workshop	9:30 AM—2:30 PM	First Unitarian Church, Oakland
Sat., Oct. 27	50th Anniversary Gala	TBA	Flamingo Palace