

**Two Disasters**  
**Commonweal**

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Before Hurricane Katrina hit, an estimated twenty to thirty-five thousand undocumented immigrants lived on the Gulf Coast. In the weeks following the disaster, the Department of Homeland Security (DHS) refused to provide assurance that undocumented individuals who sought government aid would not be deported. Instead, DHS announced that it would not “turn a blind eye” to violations of the law and would take a “case by case” approach to “illegal aliens.” The results were predictable. In Long Beach, Mississippi, federal officials demanded that undocumented residents leave a Red Cross shelter or be deported. In El Paso, Texas, DHS initiated deportation proceedings against three Gulf Coast evacuees.

As a consequence, needy immigrants in the Gulf region did not seek emergency aid. (Although the undocumented do not qualify for food stamps and federal cash assistance, they can receive short-term, noncash disaster relief like emergency shelter, medical care, food, and water.) As Homeland Security officials surely know, most immigrants will not seek help if doing so might lead to deportation. Nor will they come forward to report crimes, share information regarding potential terrorist threats, or inform officials of a potential public-health emergency.

Five years ago, in the aftermath of 9/11, immigration officials took a more compassionate approach. Ten days after the attacks, the commissioner of Immigration and Naturalization Service (INS) made an announcement to immigrants who had lost loved ones. They need not fear coming forward to identify their relatives, he said; they would not be arrested or deported. (Family members of undocumented workers were also later included in the 9/11 compensation package.) Why did the government decline to make a similar offer of amnesty to victims of Katrina? Part of the answer lies in the decision to place INS and the Federal Emergency Management Agency (FEMA) under the control of the newly formed DHS. In the rush to create a government agency to help prevent further terrorist attacks, the administration failed to recognize the potential conflicts created by charging one organization with both humanitarian relief and immigration enforcement. Unfortunately, the Katrina tragedy has made this problem all too clear.

DHS was created to streamline the management of numerous government organizations. At the time, immigrant advocates cautioned that placing immigration services within a security agency could send the message that foreign-born individuals were inherently a threat. Advocates also worried that DHS would focus its energies on enforcement activities at the expense of the important job of awarding legal status to qualifying immigrants. To be fair, few people at the time anticipated the problems that could result from having DHS handle both immigration services and disaster relief. (Earlier this

month, several senators-including Trent Lott (R-Miss.) and Hillary Clinton (D-N.Y.)-called for making FEMA independent of DHS, but the Republican majority seems unlikely to approve such a move. Another Senate proposal would do away with FEMA and replace it with a new agency called the National Preparedness and Response Authority, which would remain under the auspices of DHS.)

DHS policies have also adversely affected the immigrants who are new to the Gulf Coast: workers hired for the rebuilding effort. In tacit recognition that immigrants would be needed to assist in the cleanup of the region, DHS initially announced that it would not sanction employers for hiring undocumented workers. President George W. Bush also temporarily suspended the Davis-Bacon Act, which requires employers to pay the “prevailing” community wage in federally funded contracts.

Not surprisingly, immigrant laborers-many of them undocumented-migrated to the Gulf Coast in massive numbers. Yet despite the generous promises of labor contractors, many workers have suffered gross labor abuses, including unpaid wages, substandard housing, and unsafe working conditions. Like the immigrants displaced by Katrina, many fear seeking help lest they be deported.

The realistic solution to this problem is also the humane one. The Gulf Coast area-with its 99,000 square miles of devastation, thousands upon thousands of destroyed homes, and \$125 billion in damages-cannot be rebuilt without immigrant labor. DHS should provide temporary work visas to undocumented laborers so that they can assist with cleanup and reconstruction. The government should also provide temporary legal status to undocumented immigrants displaced by the disaster. Such an approach would not be without precedent. The United States regularly offers “temporary protected status” to people from countries that have been ravaged by war or natural disaster.

Immigrant labor is in demand throughout the United States, not just in the Gulf Coast region. Legislators need to find ways to set these workers on a path toward legalization-and, by extension, into U.S. society. There are 12 million undocumented immigrants living in the United States. The Senate is currently considering proposals that would allow them to “earn” permanent residency if they work for a certain number of years, demonstrate good moral character, learn English, and pay a fine. It is unclear what action the Senate will take. Thankfully, the Bush administration and a bipartisan group of senators have distanced themselves from the harsh immigration legislation passed by the House of Representatives last December, which would make it a crime simply to be an undocumented person. Most observers agree that attempting to prosecute and deport large numbers of immigrants would be both impractical and inhumane. The Senate should agree on a comprehensive bill that provides a path to legal status for such workers. Such legislation would serve the needs of the Gulf Coast and the good of the nation.