S. HRG. 109–1031

COMPREHENSIVE IMMIGRATION REFORM

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

JULY 26, 2005

Serial No. J–109–34

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

46–017 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

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COMPREHENSIVE IMMIGRATION REFORM

TUESDAY, JULY 26, 2005

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 9:32 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Arlen Specter, Chairman of the Committee, presiding.

Present: Senators Specter, Kyl, DeWine, Cornyn, Brownback, Kennedy, and Feingold.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Chairman SPECTER. Good morning, ladies and gentlemen. The hour of 9:30 having arrived, the Judiciary Committee will now proceed with this hearing scheduled on comprehensive immigration reform. We will be joined today by four of our distinguished colleagues: Senator Kennedy, then Senator McCain, who have introduced Senate bill 1033 on the subject; and Senator Kyl and Senator Cornyn, who have introduced Senate bill 1438 on the subject.

We will be proceeding with Senator Kennedy doing double duty both as a witness at the start and also acting as Ranking Member, so Senator Leahy will not be with us, at least at the outset of this hearing.

The issue of immigration is one of the major problems facing the United States today, as it is well known. It was addressed by the President in a major speech on January 7th of 2004, and it has continued to be a matter of enormous importance.

The Judiciary Committee has moved the subject matter to its agenda in advance of the August recess so that we could try to move ahead with the markup on a bill with a view to having legislation enacted this year. That, of course, is dependent upon what the House does and what the Majority Leader schedules, but this Committee is going to focus on it because of its enormous importance.

The foreign-born population of the United States is currently estimated to be in excess of 33 million people, equal to more than 11 percent of the United States population. The United States Census Bureau now estimates that there are some 20 million foreign-born workers in the labor force, which accounts for some 14 percent of the more than 144 million workers in America. There are varying statistics as to how many illegal immigrants there are in the United States, with the figures running from 10.3 million, accord-

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ing to the Pew Hispanic Center, to in excess of 13 million, according to the Federation for American Immigration Reform.

There is a concern that there will be a shortage of workers, both skilled and unskilled. In the immediate future, the Bureau of Labor Statistics estimates that by the year 2008 the United States will have 154 million workers for 161 million jobs, and by 2010, they estimate that the United States will experience a 10-million-person labor shortage.

There have been repeated efforts to modify the entry requirements for highly skilled immigrants. There is a general consensus that amnesty is the wrong answer and that we ought not to reward people who are here illegally and put them ahead in any way of those who have gone through the normal processes of legal entry and the complex applications for citizenship.

The subject of immigration is a very personal one for me. Both of my parents were immigrants. My father came to the United States at the age of 18 from Russia, in 1911, served in World War I, made a contribution to this country. My mother came at the age of 6 with her parents from Russia in 1906. We are a Nation of immigrants. But there are limitations as to what can be undertaken, and it ought to be done in a lawful way. And we are indebted to the Senators who are here this morning for the leadership which they have shown. The Subcommittee has had a series of hearings, and we are in a position to move forward.

I am going to yield back the balance of 53 seconds because I would like to maintain the timely hearing pace. As you doubtless know, we have five stacked votes at 10:15, so we are going to have to manage how we will take the hearings, but I am sure we will have sufficient time to hear from our distinguished opening panelists.

Senator Kennedy, it would take too long to present your resume, so I will just call on the senior Senator from Massachusetts.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman. I want to say how grateful I am to have had the opportunity to work with my friend and colleague, Senator McCain, on this bipartisan, bicameral legislation, and we welcome—first of all, we thank you for having the hearing this morning on this extremely important legislation. It is an issue that is not going to go away. It is going to grow in its dimension, and we feel that we have a constructive approach to try and deal with it.

We are disappointed that the administration is not here this morning. We commend the President for raising this issue. We have many areas in which we are in harmony with the administration. We have some areas that are very, very important that are different. But, nonetheless, I think the President deserves credit for challenging us in the Congress to come up with ways of trying to address it in a bipartisan way.

Chairman SPECTER. Senator Kennedy, let me join you in the regrets that we do not have the administration officials here. We were notified late on Friday that Secretary of Labor Chao would not be here and Secretary of Homeland Security Chertoff would not

be here. But we decided to go ahead with the hearing. We are going to do our work, and when the administration wants to chime in, we will be ready to listen.

Senator KENNEDY. Well, thank you, and we appreciate your moving ahead and we will look forward to having their ideas.

There is no question, Mr. Chairman, that the immigration system needs to be fixed. The evidence is all around us: exploited workers, divided families, deaths in the desert fake documents, criminal smugglers, community tensions, and public frustration. The American people are demanding we mend this broken system once and for all, and we now have the best opportunity to do it in many years.

For too long, the debate was mired in the past. We need to deal with the growing complexity of the immigration challenge in this new century. The past debate has long been polarized between those who want more enforcement and those who want more visas. But to repair what is broken we need to combine increased enforcement and increased legality. Better border control and better treatment of immigrants are not inconsistent. They are the two sides to the same coin.

The past debate pits national security against immigration reform as if they were inconsistent, but the best way for us to know who is here and who is coming here is to combine strict enforcement with realistic reforms in admission.

The past debate pits immigrant workers against native-born workers. Today we recognize the best way to help all workers is to eliminate the culture of illegality that undermines the wages and working conditions of all Americans.

The past debate was over whether illegal workers should all be deported or all be legalized. The new debate recognizes the importance of assisting those who want to return to their home country while also recognizing that many immigrants want to settle in America and become full members of the Nation's family. We are both a Nation of immigrants and a Nation of laws. That is not inconsistent.

Senator McCain and I, along with Senators Brownback, Lieberman, Graham, Salazar, Congressmen Kolbe, Flake, and Gutierrez have introduced bicameral, bipartisan legislation that offers practical solutions to deal with the basic problems we face. It combines tough, targeted enforcement with adequate legal channels and proper screening for workers and family members crossing the border. Its goals are clear: to bring immigrants out of the shadows and shut down the black markets, restore the rule of law to our borders and our workplaces and in our communities.

Today, an estimated 11 million authorized immigrants have lived in the United States for many years. They care for our children and our elderly parents. They harvest our crops as farmers. They help build and clean America's homes and buildings. As the recent Wall Street Journal editorial stated, 'More enforcement' is a slogan, not a solution. We have tried more enforcement, and it did not work. We do not have the resources to deport those who are here.

According to a report issued today by the Center for American Progress, to do so would cost at least $206 billion over the next 5

years—$41 billion a year, more than the entire budget of the Department of Homeland Security for fiscal year 2006.

Our plan offers a realistic alternative, not an amnesty. There is no free pass, no automatic pardon, no trip to the front of the line, but we do provide a sensible plan that will persuade people to come forward to receive work permits and earn legal status. They will pay a substantial fine and go through rigorous security and criminal background. Those who want a permanent residence must pay all their back taxes, learn English, maintain a strong record, stay out of trouble, and wait their turn.

A bipartisan effort is essential to get this done. Senator McCain has provided the leadership, and I look forward to working with him and our colleagues on both sides of the aisle to enact responsible, long overdue reform to solve this difficult problem.

I thank the Chairman.

Chairman SPECTER. Well, thank you very much, Senator Kennedy.

The practice of the Committee and I think generally is to proceed along lines of seniority. Your resume is not quite as long as Senator Kennedy's, but it is very long, Senator McCain, so we will call on the senior Senator from Arizona.

STATEMENT OF HON. JOHN McCAIN, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator MCCAIN. Thank you, Senator. I know that I look considerably younger as well.

[Laughter.]

Senator MCCAIN. I thank you, Mr. Chairman, for holding this hearing. I have been very pleased to work with Senator Kennedy on this issue along with Senator Brownback, who is here, Senators Lieberman and Salazar, and Congressmen from both sides of the aisle on the other side of the Capitol.

Illegal immigration represents a threat to our National security, to our economy, to our health care system, and to State and local government budgets. We all know that. We all know that it is a rising and terrible crisis in America, particularly in certain parts of it. It is a humanitarian issue as well. Mr. Chairman, I would just mention a few statistics.

Last year, more than 300 people died trying to cross our Southern border, and more than 200 of them occurred in Arizona's desert. This year's numbers are expected to increase. An estimated 3,000 people enter the U.S. illegally from Mexico every single day. Every single day 3,000 people, and last year 1.1 million illegal immigrants were caught by the Border Patrol.

Several weeks ago, in Phoenix, Mr. Chairman, 79 people were found in a Phoenix alley crammed into a commercial horse trailer. The heat was over 100 degrees, and they had been there for several days. Of the 79, 11 were children, including a 4-month-old baby. At the beginning of this summer, when the temperature in the desert rose unexpectedly, 12 people died crossing into Arizona in one weekend.

Enforcement is obviously the key, Mr. Chairman, and as Senator Kennedy pointed out, we lead with enforcement. We have to have better enforcement. We have to use high tech. We have to do a lot

of things, including get cooperation from Mexico and our Central American neighbors. Recognizing our bill requires the implementation of a mandatory employment verification system, using a tamper-resistant, biometric, machine-readable identification, employers will have concrete confirmation that the individual they hire is authorized to work or is not.

What they will no longer have is an excuse to break the law. The bill doubles the fines. We expects billions of dollars to be gained that could be used for a variety of reasons, including border enforcement as well as other border activities, and in the Department of Homeland Security, the Department of Labor, and Social Security Administration.

Now, there remains a key issue, Mr. Chairman, that must be addressed: the current undocumented. Today there is an estimated 11 million people living illegally in our country. One analysis by Bear, Stearns argues the number could be as high as 20 million. Regardless where you are on the political spectrum, the fact that 11 million or more people are living and working in this country without proper documentation would be a concern to all of us. The question is: What are we going to do about it?

The reality is 11 million people are not going to voluntarily come out of the shadows just to be shipped home. Report to deport is not a reality, and it is not workable. Systematically rounding up every person living here illegally and sending them home is not a viable option either. It is neither practically possible nor economically feasible.

We are not proposing amnesty. We are not proposing an amnesty bill. We tried amnesty in this country in 1986 and it did not work, and it will not work in 2005 either. We cannot reward lawbreakers, but we also have to deal with the reality of our enormous undocumented population. We have a national interest in identifying these individuals, providing them with incentives to come out of the shadows, go through security background checks, pay back taxes, pay penalties for breaking the law, learn to speak English, and regularize their status.

This can be accomplished, and I believe that this is a key item of the discussion that we should have. What about the 11 or 12 or 20 million people? To think that they are going to come out of the shadows and say, "Send me back to Guatemala, I have been living in Phoenix for 50 years," borders on fantasy.

What the proposal that Senator Kennedy and I have is that they pay a hefty fine, they get in line. It could take as long as 11 years to obtain citizenship, and that is the key to this. Pay fines. They came to this country illegally and they deserve to be punished for doing so. No one should be rewarded for doing so. But we propose a regularized system that people can pay fines, as much as $2,000; they can apply to work; they can work for as long as 6 years, then get eligibility for a green card and get behind everybody else. We think that is a fair and equitable way to address this system.

Finally, Mr. Chairman, we have to address this issue. We cannot wait. We cannot wait. The problem worsens every single day. Today somebody will die in the desert in Arizona, probably more than one. And today somebody will be hired illegally and be exploited in a broad variety of ways because when people have no

protections of our laws, they are subject to exploitation and brutality. And, third of all, obviously, it is a matter of national security.

I thank you, Mr. Chairman, for your time, and thank you for holding this hearing.

Chairman SPECTER. Thank you very much, Senator McCain.

We have the entire Arizona senatorial delegation here today. Senator Kyl, thank you for your leadership on this issue, and you are recognized.

STATEMENT OF HON. JON KYL, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator KYL. Thank you, Mr. Chairman, and I would note that I certainly share the passion of my colleague from Arizona. We have spent a lot of time on the border together, and the description of the situation in our home State is exactly as Senator McCain has described it.

I do appreciate your scheduling this hearing so that we can get an early start on this immigration reform because, as Senator McCain noted, we have got to get this issue resolved as soon as we can.

Last week, Senator Cornyn and I introduced what we call the Comprehensive Enforcement and Immigration Reform Act of 2005. The two of us both chair Subcommittees of this Committee, one covering immigration and the other, terrorism and homeland security issues. We have held seven separate hearings jointly with our two Subcommittees on national security and border control, interior enforcement, the national economic consequences, the role of foreign governments in the immigration area—a whole variety of subjects designed to try to help us understand how best to craft this legislation. And I think we did our homework, and we have certainly taken our time in crafting our bill.

A lot of my constituents have basically asked the question: Why would we think that any new bill will work and be enforced if we have not been willing to enforce the current law? And it is a fair question for any proposal that claims to resolve this crisis.

The primary reason I believe our bill represents a genuine solution is that it contains tough and overlapping measures to enforce the law at our borders, in the interior, and at the workplace. And it provides the resources necessary to enforce those measures, adding thousands of new Border Patrol agents, investigators to combat smuggling, fraud, and workplace violations, adding $5 billion over 5 years to acquire and improve the technology and infrastructure needed to gain operational control of the border, and adding 10,000 new detention beds to ensure that immigration violators are held until their removal from the United States.

We believe that this layered approach to immigration enforcement will yield significant benefits, giving the United States operational control over its borders, ensuring that our proposed temporary worker program is free of fraud and abuse, and dealing with employers and illegal aliens who refuse to comply with the law.

The legislation will benefit employers who seek to legally hire foreign workers for a temporary period. It requires that a Social Security-based worker verification system be implemented within a

year of enactment and that employers electronically verify the Social Security numbers of everyone who applies for a job here in the United States.

Within that same year, the Social Security Administration will identify the sources of false, incorrect, or expired Social Security numbers and eliminate them. With most bad numbers removed from the system, only those individuals with valid Social Security numbers will be approved for hire.

The Social Security Administration will improve the integrity of the employment verification system by providing machine-readable, highly tamper-resistant Social Security cards within 1 year. By 2008, which is the effective date of the REAL ID Act, job candidates will be cleared for employment only after confirmation that their Social Security cards are authentic. And by 2008, the only documents that may be presented to establish identity will be federally issued identification documents or State driver's licenses or identification cards that comply with the REAL ID Act.

In addition to the Social Security-based employment verification system, an alien must produce a biometric identifying card to the employer. The employer will verify the work authorization through the employment verification system and must scan the card to verify the employment status with the Department of Homeland Security. So all of the workers will have passed a background check with DHS before they are issued their card.

Mr. Chairman, there are a variety of other tools that help to make the worker verification system more secure, including minimum standards for birth certificates. In addition to that, we authorize funding for 10,000 DHS work site investigators over a period of 10 years who are needed to combat the hiring of illegal aliens who do not qualify for a job, and that is necessary to support the integrity of the program. We have tough new penalties, and the bottom line is that we think that this verification system will actually result in enforcement of the law.

A final point. Our law does not offer amnesty to illegal aliens. There are incentives for them to eventually return to their home country. Those presently present in the U.S. pay increasing fees for each year that they do not depart, and they are required to return home after a period of 5 years. But let me make it very clear. There is nothing in our bill that deports these illegal immigrants. There is nothing in our bill that deports these illegal immigrants. Those who seek permanent residence and eventual citizenship will have to return home and apply from their home countries, but that is the time-honored and legal method of doing so today.

In conclusion, our bill aims to resolve the crisis of illegal immigration with a combination of improved enforcement and new, easier-to-use guest worker programs. We have tried to strike the right balance, and maybe we have succeeded because I know we have been criticized from both sides. But the bottom line is and our hope is that we will get the border under control; we will have the opportunity to examine and clear every worker gaining entrance to our country; we will no longer read with alarm and sorrow about aliens being abused by smugglers or dying in the desert; and we will have created opportunities for foreign workers to participate

legally in our economy, which will benefit those workers, their employers, and the American public.

Thank you again, Mr. Chairman.

Chairman SPECTER. Thank you very much, Senator Kyl.

We turn now to Senator John Cornyn. Senator Cornyn is the Chairman of the Immigration Subcommittee of Judiciary and, as noted, he and Senator Kyl have worked on a series of joint hearings. Thank you for your leadership on this issue, Senator Cornyn, and we look forward to your testimony.

STATEMENT OF HON. JOHN CORNYN, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator CORNYN. Well, thank you, Mr. Chairman, for scheduling this important hearing during the otherwise crowded work schedule of the Judiciary Committee. As you have noted, I have worked closely with Senator Kyl on the bill that Senator Kyl has begun to describe, but I also want to acknowledge and express my appreciation to Senators Kennedy and McCain for their leadership and the contribution of good ideas that they have come up with. We happen to think that ours has the edge, but we recognize that no single person, no single group has a claim to all the good ideas. So we look forward to working together.

But we do recognize, as we have all stated here today, that our immigration system is broken. The number of illegal aliens in the United States has risen dramatically since 9/11 and has grown approximately by 30 percent since the year 2000. There is a financial burden on local hospitals and governments each year, and we know that terrorists are aware of the cracks in our system and are looking into ways to exploit them. And so it is simply imperative, as a matter of national security, that we deal with this as well as, as you have noted, and others, restoring our reputation as a Nation of laws in addition to our well-deserved reputation as a Nation of immigrants.

We believe that our bill will restore America's faith in immigration and meet the needs of the country both from a security perspective and from an economic perspective. The bill we have introduced is based on principles shared by all of us: the rule of law and equal treatment of all immigrants.

I believe that the vast majority of undocumented immigrants in this country are here for reasons that we all would understand. They simply want to provide for their families, and they have no hope and no opportunity where they live. So they come here. I also believe that a vast majority of them would be willing to go through the normal legal immigration process if given a chance.

Yet a proposal that transitions that population back into a legal status will only work if the solution is fair and does not create an incentive for others to violate the law. Our proposal requires undocumented workers in the United States to register and go through the normal immigration process. It is true that they must depart the United States temporarily, but they may then, if they qualify, re-enter the country in a legal status. They can return in any legal status—as a temporary worker or, if eligible, for a green card—so long as it is legal. And we do not foreclose or restrict their

path to permanent citizenship or residency. All we ask is that they achieve those rights in the same way as all other immigrants.

Now, there have been broad claims that I have read about those who say a system will or will not work, and I guess we all have strong opinions. But I think it is important that they be informed by the research. And to that point, a recent Pew Hispanic Center study shows that the vast majority, by a ratio of 4 to 1, of undocumented workers would come forward to participate in a program that would allow them to work temporarily in the United States on the condition that they ultimately return home to their home country. Interestingly, that same survey of almost 5,000 undocumented immigrants who are applying for their matricular consular card here in the United States revealed that the percentage of migrants who said they would come forward and participate did not increase when the proposal included a direct path to a green card from within the United States.

But we must also be realistic about how long it will take for the 10 million people, approximately, who are in our country to return in a legal status, and it is essential that that transition be humane and orderly. Our proposal, therefore, allows undocumented workers up to 5 years to accomplish this process, and while they are in the United States during that 5-year period, they may still work and travel, but out of the shadows and out in the open with the full protection of our laws.

It is not my intent to strand workers outside of the United States. It is to find a way to transition undocumented workers back into the legal immigration process without disrupting our economy.

I would say one of the key features of our bill, from my way of thinking, and our temporary worker program is that it embodies what I call the work and return principle, not a work and stay principle. It is truly a temporary program, which is important to meet the labor needs of the United States because these workers, as noted, do contribute mightily to our economy. But it is also important to countries like Mexico, for example, which has seen a mass exodus of some of their youngest, brightest, hardest-working citizens to the United States, never to return. President Fox and Foreign Secretary Derbez have noted that it is Mexico's goal, just to mention one country, to try to develop opportunities for their own people in their own country. But what nation's economy could possibly prosper when its young, hardest-working, potential entrepreneurs leave permanently? So we believe it is in our interest as well as in the interest of countries like Mexico to build on the circular migration pattern which has historically existed between our countries, but to do so within a legal framework.

Finally, let me just say that our bill does provide for obligations of participating countries. This is not a free lunch. There are reciprocal obligations, and countries whose citizens will qualify under this program must agree, for example, to accept the return of people who are deported from the country having entered illegally, and our bill does provide that our hospital systems and health care providers that struggle financially because so few aliens have health coverage, that there will be a basic level of health insurance provided for participation in the program, which I believe will relieve a lot of the pressure that local taxpayers and local health care pro-

viders feel around the country as well as relieve some of the pressure on hospital emergency rooms, which sometimes are the only outlet for undocumented immigrants to get the care that they need.

So, in conclusion, let me say how much I appreciate your willingness to let us have this hearing today and the support that you have lent for this process going forward. I think it is important that this Committee lead, and I appreciate your willingness to be at the head of that leadership.

Thank you very much.

Chairman SPECTER. Thank you very much, Senator Cornyn. I do intend to take the initiative. Again, the absence of the administration officials is not going to slow us down. In due course, they will have their input, but we are going to proceed to move ahead with legislation, as it has been emphasized how important it is that it be done as promptly as possible, sensibly and done right but done promptly.

Senator Feingold. Mr. Chairman?

Chairman SPECTER. Does anybody have any question or comment they would like to direct to the witnesses? Senator Feingold?

STATEMENT OF HON. RUSSELL D. FEINGOLD, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator FEINGOLD. Mr. Chairman, if I could, I would just like to thank the witnesses and make a brief comment about these pieces of legislation.

I am very pleased that the Committee through recent related Subcommittee hearings and this hearing is taking up this critical issue. And, Mr. Chairman, I would ask that my full statement be included in the record.

Chairman SPECTER. Without objection, it will be made a part of the record.

Senator FEINGOLD. I strongly support efforts to curb illegal immigration and to prevent terrorists from entering our country to do harm. But as we work to protect our Nation from future terrorist attacks, I have been and will continue to be vigilant to ensure that the Federal Government is successful in securing our borders while respecting the need for foreign workers, family members, students, business people, visitors, refugees, and others who wish to come to our Nation legally.

Today, millions of undocumented workers live in and contribute to our communities and economy in Wisconsin and across the country. But while they work hard and contribute in many ways, these immigrants often live in fear each and every day of deportation and often of exploitation by some unscrupulous employers.

Both for our Nation's security and to be true to basic American values of fairness and justice, we should bring these workers out of the shadows. We will all be better off if we create a realistic immigration system that recognizes that we need these workers, that allows them to come to the United States legally, and that ensures that the Government knows who is entering the country. If we permit these workers to enter the country legally, border agents can then focus their efforts on terrorists and others who pose a genuine serious threat to the Nation.

We also need to recognize that foreign workers who have paid their dues should be treated fairly and deserve the same protections as other workers. All workers will be better off if guest workers are paid fair wages and are covered by adequate workplace protections. This is an issue that affects not only these workers but, of course, American employers as well. The law should acknowledge the reality that American businesses need access to foreign workers for jobs that they sometimes cannot fill with American workers. In Wisconsin, I have heard from many business owners about the need for Congress to fix the broken immigration system. These hard-working Americans actually want to play by the rules and cannot fathom why the Congress has dragged its feet on this issue for so long.

So whether we are talking about agriculture or tourism or landscaping or any one of a number of industries where foreign workers make valuable contributions, businesses will suffer more than they already have if we fail to enact meaningful, comprehensive, long-term immigration reform.

It is time for Congress to act, so I would like to take a moment to recognize the hard work of my colleagues Senator Kennedy and Senator McCain. They have introduced legislation that I believe would address many of the issues plaguing the current system. The Secure America and Orderly Immigration Act would vastly improve border security and would bring meaningful reform to our immigration system in a way that actually reflects economic reality and the value of keeping families together. I commend them for their efforts, and I intend to support their bill when it comes before the Committee, which I hope will be soon.

I am aware that there are other proposals on this issue that have been introduced in the Senate. I think it is important to note, however, that in order to be successful, we need an approach that will encourage undocumented workers who are already here to come out of the shadows, that will provide American employers a stable workforce that ensures that immigrant workers are treated fairly and that promotes family reunification.

There is a bipartisan consensus in this country that our immigration policies need to be updated. Although we may not all agree about how to get there, I think we can all agree that this is a serious issue and one that the Committee should address. And I commend my colleagues for their efforts, and I look forward to working with them and urge the President to work with the Congress to enact comprehensive, sensible immigration reform.

Thank you, Mr. Chairman.

Chairman SPECTER. Thank you, Senator Feingold.

[The prepared statement of Senator Feingold appears as a submission for the record.]

Senator DeWine, do you have an opening statement?

Senator DEWINE. No.

Chairman SPECTER. Senator Brownback, do you care to make some comments?

STATEMENT OF HON. SAM BROWNBACK, A U.S. SENATOR FROM THE STATE OF KANSAS

Senator BROWNBACK. I do, but mostly I just have a question, if I could. And I have got a written statement I would like to submit for the record.

Chairman SPECTER. Without objection, it will be made a part of the record.

Senator BROWNBACK. Thank you.

[The prepared statement of Senator Brownback appears as a submission for the record.]

Senator BROWNBACK. I want to thank you, Chairman, for taking up this topic. I think this is really one of the pressing top issues that we have in front of the country. I would like to see us address it this year and get it through, even though I recognize the tentacles associated with dealing with immigration are really difficult to do. But it is such a pressing issue. It is on the top of most people's minds. As I am out, this is one that they are commenting about.

Senator Kyl, I wanted to ask you on this, because you addressed it at the very outset. You said most people are cynical about us being able to get this right, that we have not been able to, to date yet, or I don't know quite how you put that, but they said we are not enforcing the current laws, what makes you think you are going to do any more on new laws?

If you look back and you study this issue—and you have been around it a long period of time—do you see a period of time when we did get it right, where it was working? Or is the current situation just so much different and the scale of it that there is really not a comparable period you can look at?

Senator KYL. Mr. Chairman, Senator Brownback, I think that comparisons with the past probably are not helpful here. The one that you hear is the old bracero program. It is so different in terms of the times. Agriculture really represents a relatively small segment of the illegal employment in the United States today. And I think we would not have workers work under the same kind of conditions that existed then. So that while that program was relatively successful for the time, it is probably not apposite to today. And other than that, I don't know of a time when the system really has worked very well. A combination of circumstances have come together for what some might call the perfect storm where you have just enormous numbers of illegal immigrants, which now represent a source of income for smugglers, which means that the same kind of tactics that have attended the drug cartels are now being applied to the smuggling of humans, to the detriment primarily of the illegal immigrants who are being smuggled across. You heard the numbers about their deaths in the desert and so on.

So while employers are benefiting today and, to some extent, consumers from this illegal immigration, I think there is no question that we have got to stop an illegal system and create a legal framework in which this process of employment can occur. And for the last to be enforced I think requires two things that we do not have right now. The first is the will and resources to enforce the law at the border in the workplace and in the interior and secondly is a workable law. If you have a law that is easy to use, as Senator Cornyn and I have tried to develop so that employers would have

really no incentive to work outside the law, they get everything they need in terms of good employees within the law, and you have a commitment to secure the border, which pertains to more than just illegal immigration for job purposes—there are a lot of criminals coming across, the potential for terrorism, the smuggling of contraband and all of the rest. So you have got to have both of those at work.

Whether we have struck the right balance will be for everyone to decide, but I think everybody who has offered legislation appreciates the fact that there does have to be that balance, and that is what we have tried to do.

Senator BROWNBACK. If I could, Chairman, before my time is up, that is what everybody I have talked to—those are the two features of it, and it seems like that in your ability to drive and push this Committee to get major legislation through, we know the outlines, we know where we have got to get to, to try to create something. You have got both features of it. You have got to get an enforcement feature, and you have got to have a reasonable worker program that is fairly easy to access.

So I would really think with the brilliant minds around and in this room that we ought to be able to capture that and put something forward that actually does drive that number of undocumenteds substantially down, different features in these two bills and in other bills, but I do think this is actually a solvable issue for us to be able to truly address.

I thought really we did have some outlines in past programs that worked in the sense that the bracero program did make a relatively simple system for workers to get into, and the number of undocumenteds went down during that period of time.

Now, I agree that the style of the worker today is not the nature of the worker in the 1950s. That is obvious on its face. But, still, you did see what happens when you have a reasonable working program and people can reasonably get into a documented system.

So I think we can do this, and with your driving energy that you have shown to push this Committee to do so much, I think maybe you can put a judge, like you did on the asbestos bill, and get a special master, if you will, and we could drive right on forward on this thing to push it forward.

Senator KENNEDY. Could I just mention a quick response to Senator Brownback's other question? I think if you look at it historically, you will find out that basically it was sort of the militarization of the border in the wake of the 1996 Act. If you remember, we passed one bill 93–1 or 93–2, and it went into the conference and came out as an amendment on the Budget Act and it was an entirely different piece of legislation. And it had the aspects of militarization. Instead of people being able to go back and forth, they found out once they got here they better stay here. And what happened is they started getting their families here, and it really began the whole opening of the dramatic increase, I think you would find out historically, of the illegal kind of pathway. Prior to that time, there was much more flexibility there. There were still people that were coming in here that were illegal, but people were going back and forth.

I would just mention one other thing I know the Senator is interested in, and that is the immigrants in underserved areas, and we, as you know, have addressed that issue. We have special provisions to have people that can go into underserved areas, a lot of the heartlands of this country, too, which I know is an area that the Senator was interested in.

Thank you, Mr. Chairman.

Senator CORNYN. Mr. Chairman?

Chairman SPECTER. Thank you, Senator Kennedy. I think we better move ahead to our witnesses because we are going to be interrupted by five votes.

Senator Cornyn, did you seek recognition?

Senator CORNYN. Just briefly, Mr. Chairman. I wanted to be responsive as well to Senator Brownback's inquiry just by this brief comment. Senator Kyl and I represent two States that are most directly affected by this issue just because of our proximity to the border. And in talking to my constituents and traveling around the State, the nature of the migration we have seen across the border has changed. And we have seen more and more people coming through Mexico from other countries and being detained in a category that the Department of Homeland Security calls OTMs, people from countries other than Mexico.

And so Mexico has become a transit point for international human smuggling, literally from anywhere in the world, which in a post-9/11 era causes all of us concern about terrorists exploiting those same avenues into the country. So I do believe that is much different from any other situation we have confronted in the past, and I do agree with Senator Kennedy that if we could find a way to restore through a legal process the circular migration and allow people through a legal way to go back and forth across the border, people who are no threat to any of us but who need to come out of the shadows, then I think we could correct a lot of the lopsidedness of the current system.

Chairman SPECTER. Thank you, Senator Cornyn. Thank you, Senator Brownback, for your comments. I think this Committee is up to the task. We have a good track record so far, and we are tackling this issue early. And I think that the objective of concluding legislation this year is within our reach.

We will now turn to our panel of witnesses: Mr. Hal Daub, Jr, Ms. Tamar Jacoby, and Mr. Gary Endelman.

Our first witness, Hal Daub, is president and CEO of the American Health Care Association and is testifying on behalf of the Essential Worker Immigration Coalition. He has quite an extensive background in public service, was the Mayor of Omaha, was in the House of Representatives for 8 years. President Bush the Elder appointed him to a 4-year term as Chairman of the Social Security Advisory Board—that is—current President George Bush, the current President; and President George H.W. Bush, the Elder, appointed Mr. Daub to the National Advisory Commission on Public Service.

We are going to be looking at a vote here at 10:15, but we have a little lead time, so it is my hope that we can pursue and complete the opening statements of the three witnesses, and then we will

schedule a time where the Committee will reconvene after the votes.

Thank you for joining us, Congressman Daub, and we look forward to your testimony.

STATEMENT OF HAL DAUB, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AMERICAN HEALTH CARE ASSOCIATION (AHCA) AND NATIONAL CENTER FOR ASSISTED LIVING (NCAL), ON BEHALF OF THE ESSENTIAL WORKER IMMIGRATION COALITION, WASHINGTON, D.C.

Mr. DAUB. Thank you very much, Mr. Chairman and members of the Committee. It is an honor and a privilege to testify before you today on comprehensive immigration reform.

I am president and CEO not only of the American Health Care Association but the National Center for Assisted Living, our Nation's largest trade association representing long-term care providers. AHCA represents more than 10,000 members, including not-for-profit and proprietary skilled nursing facilities, assisted living communities, and facilities for those who are developmentally disabled. Our facilities employ more than 1.5 million nursing staff and care for 1.7 million of our Nation's frail, elderly, and disabled.

I am also here today, as the Chairman pointed out, on behalf of the Essential Worker Immigration Coalition, a broad-based coalition of businesses, trade associations, and others who are concerned with the shortage of both skilled labor and lesser skilled or "essential workers." This organization supports policies that facilitate the employment of essential workers by U.S. companies and organizations and reform of U.S. immigration policy to facilitate a sustainable workforce for the American economy while still ensuring our National security and our prosperity.

AHCA and EWIC thank you, Senator Specter, for bringing the immigration reform debate to the forefront during what is obviously a very busy time for this Committee. And we thank Senators McCain, Kyl, Cornyn, and Kennedy for their commitment to resolving this onerous problem in a straightforward and bipartisan fashion. We also want to recognize Senators Kay Bailey Hutchison and Dianne Feinstein for their efforts to authorize 50,000 unused employment-based visas for foreign nurses.

All of us agree America is a stronger and better Nation because of the hard work, faith, and entrepreneurial spirit of our immigrant ancestors and those who are arriving on our shores daily.

Reform must begin by recognizing that many jobs being created today are jobs that American citizens are not and indeed no one is filling. Our laws, therefore, should be organized to allow willing workers to enter the country and to fill this void.

The Bureau of Labor Statistics projects that 98 percent of employment growth from 2002 until 2012 will be in the service industries, with 80 percent in education and health services, professional and business services, State and local governments, leisure and hospitality services, and the retail trade. They project employment in all occupations to increase from 144 million to 165 million. Changing demographics and retirement and turnover will leave 56 million job openings during that decade. That is an average of 2.6 jobs for each net additional job.

The shortage of caregivers for our rapidly aging society is affecting America's health care system. In long-term care, Mr. Chairman, we are all ready, willing, and able to offer tens of thousands of good-paying jobs that, if filled, will help boost the quality of seniors' care in nursing facilities and other long-term care across America.

A recent HHS and Department of Labor study estimates that the U.S. will need 5.7 to 6.5 million nurses, nurse's aides, home health, and personal care workers by the year 2050 to care for the 27 million Americans who will then require long-term care—a 100-percent increase from the base year of 2000.

Our own AHCA workforce reports 100,000 nursing vacancies right now and about 52,000 vacancies right now for certified nursing assistants. Those are immediate needs that belie our ability to deliver the quality care that America expects.

Current temporary and permanent visa programs are insufficient to accommodate our Nation's needs for these essential workers.

Comprehensive immigration reform should be guided by three basic principles.

First, America must retain absolute control of its borders and know who lives within them. On this point, there is no debate.

Second, new immigration laws should serve the needs of the U.S. economy. If an American employer is offering a job that American citizens are not willing or able to take, we ought to welcome essential immigrant workers willing to fill that job, especially when filling that job can improve the health and well-being of our most vulnerable citizens.

And, third, the undocumented worker who pays taxes will help to ameliorate our Nation's workforce shortages and should be offered an opportunity to earn their legal status. We do not want to reward illegal activity or disadvantage those who came here lawfully. But we must acknowledge the contributions of our Nation's undocumented workers.

The path to permanent status, and eventually U.S. citizenship, is especially important to our Nation's long-term care profession. With a turnover rate for CNAs and personal care workers in some of our skilled nursing facilities and assisted living residences close to 100 percent, we find it illogical that an administrator must send his or her most senior qualified aide home after 2 or 3 years simply because they were born in a foreign country.

That key caregiver should be offered the opportunity to extend his or her stay and continue to contribute both to the U.S. economy and to the care of our frail, elderly, and disabled.

I have a great deal more I would like to say. I want to give deference to my other colleagues on this panel, and in recognition of the shortage of time before the votes, Mr. Chairman, if my remaining statement could be made a part of the record, and then perhaps in questions and answers later on I can make some other point.

Chairman SPECTER. Congressman Daub, your full statement will be made a part of the record, and there will be an opportunity to amplify during the Q&A session.

[The prepared statement of Mr. Daub appears as a submission for the record.]

Chairman SPECTER. We now turn to Ms. Tamar Jacoby, senior fellow at the Manhattan Institute, written extensively on immigration. Her most recent book in February of 2004 was entitled "Reinventing the Melting Pot: The New Immigrants and What It Means to Be American." She has an extensive record, working for the New York Times, the Wall Street Journal, the Washington Post, Newsweek, New York Review of Books. A graduate of Yale University, taught at Yale, Cooper Union, and the New School University.

Thank you for joining us today, Ms. Jacoby, and we look forward to your testimony.

STATEMENT OF TAMAR JACOBY, SENIOR FELLOW, MANHATTAN INSTITUTE, NEW YORK, NEW YORK

Ms. JACOBY. Thank you, Mr. Chairman, for the opportunity to address this Committee.

I am here today as a conservative to make the conservative case for immigration reform. Americans are frustrated—we all know that—by the illegality, the security risks, the disruptions in their communities, and we in Washington have to address this. But that need not mean closing our borders. We can have the immigrants we need to keep the economy growing and the rule of law, too, if we make the right adjustments.

I think policymakers as diverse as President Bush and Senator Kennedy understand any workable remedy has to include three elements, the three pillars of reform. Pillar number one, we must create new legal channels so that the foreign workers we need to keep our country growing can enter the country in an orderly, legal manner. All of today's programs do that with a temporary worker program, and the most important test of those programs is that they be realistic—first and foremost, realistic in size. If the channels are too small, if they do not accommodate the workers we need, we are still going to face the lawlessness that we face today because there will still be a spillover, the workers we need exceeding the channels.

But that is not the end of the realism that is required because any new visa program must also be based on a realistic understanding of the people coming to the U.S. to work. Some come for a short stint and then go home, and then later perhaps come back again for another stint. But after a while, the most able and successful start to put down roots, and they did so even before we started hardening the border. This is inevitable and it is not a bad thing. By definition, these are the foreigners most likely to do well here in the United States. They have put down roots instead of going home precisely because they are succeeding here and fitting in as Americans. And the fact that they want to stay also makes them more valuable workers. After all, few American employers want to replace their workforce every year or two.

So the second criteria for any new legal channels or any temporary worker program is that the program must allow for choice. Yes, let's encourage many of the immigrants who come here to work to go home when their stint is done. But I believe we must also allow those who wish to stay, to stay and settle. We should encourage them to become citizens. We should have incentives for return, but also incentives for citizenship.

Pillar number two, the second sine qua non, every bit as important as legal channels, is a raft of robust enforcement measures so that the immigrant workers use these new legal channels and no others. These two elements go together, as many have said here today. They are two pillars of a single house, and one without the other will solve nothing. We must replace the old nudge, nudge, wink, wink system, channels that are too small and laws we do not enforce, with a new bargain: realistic laws, realistic quotas, enforced to the letter.

The key to the successful enforcement is indeed a layered approach on the border and the interior through agreements with sending countries and more credible punishments. Most important, the crown jewel of any enforcement package, we must remove the incentive for foreign workers to enter the country illegally by making it impossible to work once they get here. And the key to that is giving employers the tools they need to determine who is authorized to work and who is not—an electronic employment verification system modeled on credit card verification, combined with tough new sanctions for businesses that violate the law.

Pillar number three—and, of course, this is the hardest—we must find an answer for the estimated 11 million illegal immigrants already living in the country. And the point here from the conservative point of view, we cannot create a sound new system, a sound new legal system on top of an illegal foundation. We cannot deliver the control and legality we need unless we eliminate the underground economy, unless we figure out a way for these people to come forward. For our sake, in order to reassert the rule of law and for reasons of national security, we must come up with an answer to this problem.

Yes, it is a difficult moral issue, and it is easy to say just send them home. But the truth is Americans are not going to stand by as we deport them, and after many years in this country, many of them have put down roots, buying homes and businesses, giving birth to children who are U.S. citizens. And the punitive demands that they go home, unrealistic demands, will only drive them further underground.

So the bottom line and the central unappreciated point here, I think, is that most of these people are here to stay, and it is in our interest as much as theirs to find a way for them to do so legally. There is simply no realistic alternative to finding a way for them to stay. The only question before us is how to structure that transition.

So, in closing, I would like to look very briefly at the two proposals on the table. They are a wealth of good ideas, and the question is how do we combine the best of both in one workable package. If the criteria for a temporary worker program is that it has to be big enough and flexible enough to accommodate a variety of immigrants who are going to make different choices, I believe that of the two proposals on the table, only the McCain-Kennedy bill meets this second requirement, that it is flexible enough to allow workers to make a choice at the end of their work stint.

When it comes to enforcement, I believe that the Cornyn-Kyl legislation is the stronger of the two—more comprehensive, more muscular, more reassuring to voters who feel that they have been

promised enforcement before, only to see it fail for lack of resources. Some elements of the Cornyn-Kyl bill's enforcement package may need to be tempered, but I think policymakers could do worse than to start by combining the McCain-Kennedy temporary worker program with the enforcement title of the Cornyn-Kyl bill.

The most difficult question before us, of course, is how to structure the solution for the 11 million. Both pairs of reformers have plainly anguished over the issue. Both have spoken encouragingly about the need for a program that will entice people to come forward. But of the bills before us, I believe that only the McCain-Kennedy approach comes close to being practical. It is not the perfect solution, and even its fines and conditions and 6-year waiting period may strike some Americans as too generous, and perhaps there is a better answer out there waiting in the wings that we have not talked about yet. Still, sometimes the perfect is the enemy of the good, and on the matter of the 11 million, I believe the McCain-Kennedy proposal is the best proposal on the table so far.

In closing, I will step back from these particulars. Critical as they are, difficult as they are, if I make any impression today, it would be to urge Congress to go forward on this. We must fix our system, not for the immigrants' sake but for ours, our economic interest, our security interest, and our commitment to the rule of law demands it. We must created an orderly, legal way for the workers we need to enter the country so that we can remain a nation of immigrants and a nation of laws.

[The prepared statement of Ms. Jacoby appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Ms. Jacoby.

Our final witness on this panel is Mr. Gary Endelman, in-house immigration counsel at BP America, although he is not testifying on behalf of BP. Written extensively on the immigration subject, including Interpreter Releases, Bender's Immigration Bulletin, Immigration Briefing, and Immigration Business and News Comments. An outstanding academic record, Phi Beta Kappa from the University of Virginia, B.A., M.A., and Ph.D. from the University of Delaware, and J.D., summa cum laude, from the University of Houston.

That is quite a resume, Mr. Endelman. Thank you for joining us, and the floor is yours.

STATEMENT OF GARY ENDELMAN, AUTHOR AND IMMIGRATION PRACTITIONER, HOUSTON, TEXAS

Mr. ENDELMAN. Thank you, Mr. Chairman, for the privilege of addressing this Committee. My purpose here today is to suggest ways in which our legal immigration system can be changed to strengthen the Nation.

First, let me sketch out some broad themes. Number one, immigration is necessary for the United States to compete in a global economy and maintain the scientific and technological supremacy on which our economy is based. To do that, I think, as Senator Kennedy rightly noted, we need both tougher enforcement and more immigration. The purpose of immigration, in my view, should be to strengthen the Nation, and not to help the immigrant. Immigration should be enlightened national self-interest. It should not be social outreach, it should not be social work.

I think we have to end chain migration. The vast majority of visas, in my view, should be employment based. The reality is that, for most family categories, family migration has become an unregulated jobs program. It is no longer possible, if it ever was, to protect U.S. workers through increasing restrictions on employment when the reality is that most immigrants who work in the United States come under the family preference without any labor controls.

I think we have to deregulate our immigration system. We have to allow market forces to guide its principles and its operation. Mass migration and micromanagement, which is what we have today, are not compatible, in my view. I think we have to give aliens control over their own visas, we have to give them the occupational mobility that will best protect U.S. workers. I think we have to have an active, not a passive, approach to immigration policy. We have to think strategically. We have to think how immigration can help our economy become more competitive. It should be harder, in my view, to come to the United States, but much easier to stay. And I think we have to recognize that all visas are not created equal. Our economy does not need them equally, and the terms and conditions of their issuance should not be equal.

Now, Mr. Chairman, for a few specific proposals in the time I have left. First of all, I think it is unconscionable that the families of permanent residents are divided for years on end. In my view, we need to abolish all limits on family second preference migration and I think we should abolish all other family categories, with the numbers shifted over to the employment side.

Second, I would abolish the diversity visa lottery. It has no economic justification. In my view, once again, I would shift these numbers over to the employment side of the ledger and I would propose that the numbers be given to the States to create a system of immigration visa credits that can be traded or purchased. No one knows what America needs better than the people who live in our communities.

Third, I would replace the current system of employer sponsorship with a point system.

Fourth, I would allocate immigrant visas not by country of birth but by occupation, which can be revised periodically. I would create a list of occupations most in need by the American economy and I would make that the hallmark of visa issuance. Once again, it can be revised periodically, and this can be applied both to permanent as well as temporary visas. I would allow visas to rise or fall in response to changes in demand and economic need. I would suggest that Congress create a 3-year visa projection plan, not an annual one, followed by a market-based auction subject to prevailing wage oversight and random audits. This would allow more visas to be released in times of sudden or unexpected need.

With specific reference to the most commonly used temporary work visa, the H–1B, I would remove all limits on the H–1B, but I would make it valid only for 3 years, with no extensions. I would allow the alien workers themselves to petition, freeing them from the need for employer sponsorship, and I would have as my guiding theme that we need more permanent visas and less temporary ones.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Endelman appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Mr. Endelman.

The vote has been moved back to 10:45, which gives us a little more room. It may be moved back again, so we will just take whatever time we can now.

We now move to the period on the hearing where there are 5-minute rounds for each of the members.

Beginning with you, Mr. Daub, if there were a requirement that the illegal immigrant return to his/her home country for a period perhaps as long as a year, how undesirably, if at all, would that impact on American business?

Mr. DAUB. In the long-term care world, we employ about 3.3 million people total, so the employment base post-acute, post-hospital, is 3.3 million. That is about almost 3 percent of America's workforce. And we have critical labor shortage. This is not about money or wages; this is about very serious care delivery in America. And to give a broader perspective of our particular interest in this subject, we are interested in people who already speak English, who already have training as a more professional contributor to care delivery and to our economy. And so if they had to be sent back for a year or two or three, that lack of stability in the workforce, as well as the shortages in the workforce and the continuing training that goes on all the time inside a facility, would be very disruptive to the delivery of quality care. It would actually, I think, cause a deterioration in the quality of that care.

Chairman SPECTER. Ms. Jacoby, you have written about getting beyond the A word—the "asylum" word, if anybody is watching on C–SPAN.

Ms. JACOBY. "Amnesty."

Chairman SPECTER. Do you suggest a compromise approach akin to probation? How would you handle that, and would you include in your answer what Representative Daub has had to say about his view on the undesirability of sending people back because of the disruptive impact on business?

Ms. JACOBY. Well, I think you put it very well in the opening, Senator. The consensus is amnesty is a non-starter. We all understand that we do not want to reward people who have broken the law and we do not want to encourage future law-breaking. But the reality is that these people are here, they are part of our economy, many of them have deep roots. They are not just people—the younger ones are people who have come and could potentially be encouraged to go home, the 18-year-olds, the 21-year-olds. But many of them have lived here 15, 20 years, have, as I say, U.S.-born citizen children. They are not going to go home.

So the question is how to structure a transition that can meet the American people's concern that we not have it be an amnesty and we not reward law-breakers, and that people go through normal channels and yet take care of these people. There is no question that it is a moral dilemma. But I do believe the McCain-Kennedy approach offers a realistic, practical solution.

You can say that there are two criteria, really, for the solution. One is that it can work, meaning that people will come forward and take advantage of it; the other is that it will pass, meaning

that it will not strike the public as an amnesty. And the question is threading that needle, walking that fine line. I think, of the proposals on the table, McCain-Kennedy does thread that needle, or holds the promise of threading that needle. We do not know if it can pass, but it holds the promise of threading that needle because it does require people to make good on their past—pay a fine, pay their—

Chairman SPECTER. Mr. Endelman—I want to move on, Ms. Jacoby. I want to give Mr. Endelman a chance to respond to a question during my 5 minutes.

You have written that immigration should not be a noble exercise in international social work—and have testified here today—but a clear-eyed expression of enlightened national self-interest. Permit me to engage you in just a little dialogue on that subject because I disagree with you. Although it may be possible to promote our views of enlightened self-interest and still be a beacon of hope to people around the world, but around the world there is a dream of coming to the United States. And I think that dream is as real today as it was a century ago when my father walked across Europe, barely a ruble in his pocket, to come to the United States, steerage, bottom of the boat, proud to be in the American army and raise a family. And my mother came with her family when she was 6 years old, with her younger brother. And they were very productive citizens. I do not think anybody knew at the outset how productive they would be or their progeny would be.

But is there not an element that ought to be considered as the United States being a beacon of hope to attract people and to make them work hard and to want to come here? What do you think?

Mr. ENDELMAN. I certainly agree with that, Senator, and I think we do have common ground. I think we must retain and nurture our core commitment to family migration, to asylum, to a generous and human refugee policy. We cannot have an enlightened immigration policy without a compassionate country. But at the same time, I think we have to begin to think of immigration as an asset to be maximized, not as a problem to be controlled. And I think the focus should be on what is good for the Nation, not what is good for the immigrant. And that should be, in my view, the theme for more employment immigration, which I think should predominate.

But there is no question that we must have a balanced, humane, and generous approach to all aspects of immigration.

Chairman SPECTER. Thank you, Mr. Endelman.

Senator Kennedy?

Senator KENNEDY. Thank you very much. I thank all of our panelists. We are looking at something that is going to be workable. I think all of you have emphasized that. And Ms. Jacoby, you talked about the numbers that come in here. We have set the figure at about 400,000, with some flexibility, because that is the best estimate that we have been able to have. Along with that, we have the enforcement provisions, which we welcome the opportunity to review so that we can get more effect. But part of it is if you have this system set up, then those employers that are here, if the individual that comes and knocks on their door has not got that card, they have a responsibility now to check, not just to give a waiver and say fine, you can come here and work, but to check with the

Department of Homeland Security. We have the real opportunity for enforcement here at home.

And I would be interested if you would comment on that, because we have tried to take the different elements of it. One, the realistic aspects of it in terms of the pressure to come here, so you have legality on that; secondly, you have legality, hopefully, on the borders with the kinds of enforcement provisions. But then you have legality in terms of the enforcement here as well, and try and take the totality. I think we would welcome the fact. Others have talked about what is going to be necessary with Mexico and the other countries, all of which is important.

But could you comment just on that, what a difference that that could make here at home in terms of ensuring that we were going to have a system that was going to be—employers would have some responsibility and, hopefully, have a system that, really, here at home would work for the first time?

Ms. JACOBY. I think you have zeroed in on the key element of an enforcement regime. Because as is, most employers in the United States would rather be on the right side of the law. Sure, there are some bottom fishers, but big companies, companies with consumers, companies that want a stable workforce would rather be on the right side of the law. The problem is now they have really no tools to do that. My analogy of what the hiring process is like now, it is as if you went into a store to buy a shirt and you showed them your Mastercard, and the merchant had to eyeball the Mastercard and say, well, it looks good to me. And then he was responsible if it turned out that it was not. That is the way it is now. Employers have to eyeball documents and they are responsible if they made a mistake.

Let's give them a system that they can use. In effect it has to be a mandatory system so that it is voluntary compliance, so that people have a way to comply with the law if they are indeed willing, as I believe most employers will. And it is about, I think, a simple swipe system. It is about cards and a swipe system that will become part of the hiring process. And it need not be Draconian or Orwellian or a national I.D. We can structure it in a different way. And it is really just about the expense and the political will to make the databases work at the Social Security Administration and the DHS. And, you know, it will take some doing, but certainly not beyond us.

Senator KENNEDY. Well, I think that is particularly important that we have each aspect of it. And that is what we have tried to do on that, to be both enforceable and effective.

Let me come to—we have restrained from commenting adversely about each other's different proposals here. I am interested in one aspect and I would be interested in Mr. Daub's reaction to it from a business point of view, the sense under one of the proposals that you return to your country—it does not indicate the amount of time, I think I am correct, in the Kyl-Cornyn—and then you can come here, but you can come here for 2 years; you go back, you come here for two more years, and that is it. And your family can visit you for 30 days during that period, but limited to 30 days.

How does this sort of fit in with what, in this case, the effective business demand would be, I mean in terms of employment, both

in terms of—I am interested in the individual, what kind of progress they are going to be able to make if they know at the end of that they are going to just have to return. When they sign up for that proposal, they know they have to leave the country. They can come back here on two occasions, but then they are out. And what does that mean both to the employer and, do you think, in terms of the mind of the employee?

Mr. DAUB. I really, Senator, do appreciate Senator Kyl and Senator Cornyn's bill in many respects and I am glad they are in the debate, because I think they are headed down a common path with solving the problem. About the only troubling feature in it, sincerely, is the disruptive circumstance in our particular world of a more talented, more highly trained, more educated kind of workforce where that CNA, less skilled to start, may have come here in an undocumented status, but by the time they are in their second or third year will start that career ladder and move to be a certified nurse assistant, then to an LPN, then maybe even the potential to go on to nursing school. So it is a disruptive circumstance.

I have practiced immigration law, Senator, and I was on the American Immigration Law Reform Institute's board of directors years ago and active in the Simpson-Mazzoli debate when privileged to be a member, and I went through the SAW program and all these other kinds of efforts. And this is a time when we can solve a workforce issue and a family unification issue. My colleague, Mr. Endelman, talked about the legal immigration, and then by consanguineous affinity, by brother-sister-mother-father-and offspring thereof, we have a chain migration of 1 times 7 on the legal side. And it is disproportionate to what is in the workforce.

So from a business point of view, one of the nuts to crack in the Committee, Mr. Chairman, is this disruptive nature of how to solve the problem. And I would think in this case that is the one—I like their border enforcement and the resources, the health care provisions in their bill. There ought to be a way here to solve that problem of the disruptive nature in the workforce that is a piece of the problem, honestly.

Senator KENNEDY. Thank you, Mr. Chairman.

Chairman SPECTER. Thank you, Senator Kennedy.

Senator Cornyn?

Senator CORNYN. Thank you, Mr. Chairman.

Chairman SPECTER. We may have an opportunity to conclude the hearing if one round will be sufficient. Because the vote has not yet started, so we have a period of grace here.

Senator CORNYN. Great. Thank you very much.

Let me ask Mr. Daub and Ms. Jacoby, I understand your concerns about disruption, particularly of the 10 or however many million who have been here, perhaps for a long time. Although I note that the Pew Hispanic Survey says that only about one-third of the undocumented population has been here for more than 10 years. But the problem is, we do not really know. But we—I think it is probably reasonable to suspect that they meet all sorts of different descriptions in terms of their family circumstances, how long they have been here, and the like.

But let me ask you, first, Ms. Jacoby, I think you have expressed—I know you have expressed concerns about if there is any requirement that people who are undocumented are required to return, even if it is over a period of 5 years on a temporary basis, to their home, that you are skeptical whether people would participate. But let me ask you, if workers knew before they left that they would be eligible to return, would that address some of the concerns, perhaps their concern that they would be trapped outside of the country? But if they knew that they were going to be able to come back when they left, would that help some of your concerns?

Ms. JACOBY. I think it might. I think there are a number of conditions, if one was going to ask people to return in order to be processed and come back. One would certainly want to be able to start the processing here so that they would go back to finish, perhaps, the last stages of the processing at their home country.

Senator CORNYN. Let me ask you some more about that, though, since I think you answered that question. If the processing times of Government agencies were such that the trip abroad did not disrupt employment, do you think that would be—

Ms. JACOBY. I think that would certainly be better for them and for the employers, needless to say.

Senator CORNYN. And finally, if workers who are eligible for a green card knew that they would not have to wait for a visa, that there would not be a backlog and that they could return on a green card instead of on a short-term visa, would that likely increase the participation?

Ms. JACOBY. I think, obviously, too. I mean, the key here, the number of green cards, I think, is what you are getting at. If there either enough exemptions in green cards so people can work it that way, or the number of green cards increases enough so that people, if they leave, can leave with confidence that they can come back legally and with the kind of visa that they are seeking, certainly that would increase participation.

Senator CORNYN. I appreciate your answers and your testimony, Mr. Daub and Mr. Endelman, but I would submit that if the concerns that people have about the Cornyn-Kyl bill with regard to the population that is here, the 10 million or so, is about disruption and about stranding people outside of the country who are qualified to come back and work within a legal framework, that is clearly something that we intend to address with the Committee and with the Congress to try to avoid. It is certainly not our goal to create a disruption of the workforce or family life or to separate families, but rather, not to create a new path for people who have come here outside of our laws, which by any definition, I think, would be problematic to a lot of people; but rather, to create a way for them not to break in line, but rather to come back in through legal processes.

I realize that part of our problem with our immigration system in this country is that we make legal immigration hard by unrealistic caps, by excessive processing times because of administrative backlogs and the like. And my goal, and I think it is fair to say, Senator Kyl's goal, since we have been working most closely together, I will venture that for him as well, but I think our goal should be to try to find a way to provide these people who currently

operate in the shadows, who are subject to exploitation, to are left to die by human smugglers trying to come in illegally, people who cannot go to law enforcement because they are afraid of being deported, we ought to find a way for them to re-enter through a legal system that does not provide them any preference, but does provide them an opportunity. And certainly I am committed to that goal and look forward to working together with my colleagues in order to accomplish it.

Thank you, Mr. Chairman.

Chairman SPECTER. Thank you very much, Senator Cornyn.

Senator Brownback?

Senator BROWNBACK. Thank you very much, Mr. Chairman. A couple of quick questions, if I could.

We talked quite a bit, Ms. Jacoby, about the Social Security issue and the Kyl-Cornyn really attempts to address that. Does anybody on the panel or do you know the amount of money that is currently in Social Security that has been paid by undocumented workers, and what happens to that money?

Mr. DAUB. Yes.

Senator BROWNBACK. What is that?

Mr. DAUB. I am privileged to serve as a member of the Social Security Advisory Board and you or your staff can go to ssab.gov. That information is there. Basically, I think there is an unclaimed property account, as it is called, within the Social Security budget line item. It is about $527 billion, I believe. It is a big, big number. Now, you have to decide how valuable you think that number is. But if I were an employer in Idaho and I had 200 seasonal workers and the Social Security numbers were entered, 000–00–0000, the employer is legal, he has withheld against 200 perhaps nondocumented workers with illegal cards. The money and the match is deposited, but of course, obviously, never claimed by that individual because they had a false card. It is a huge amount of money.

Senator BROWNBACK. And it just sits there?

Mr. DAUB. It just sits there and accumulates. And it is cleaned out periodically. There are about 57 different computer programs that try to scrub it and match and match and match. Ultimately, if someone becomes legal, there is a process they can go through to prove those contributions to their account, but it is very difficult to do.

Senator BROWNBACK. So there is a trust fund?

[Laughter.]

Mr. DAUB. Actually, Senator Byrd could verify that the certificates of indebtedness are held in the Bureau of Public Debt in West Virginia.

Senator BROWNBACK. Mr. Endelman, I want to ask you before we have to go vote, we have in the McCain-Kennedy bill a proposal that allows counties that have lost population to access a certain quantity of visas. Is that along the lines of what you are talking about? You have talked about States, but not about local units of Government being able to access visas.

Mr. ENDELMAN. Yes, Senator. I would propose to abolish the diversity visa lottery and give the numbers to States, localities to allocate as they see fit. There are many parts of the country where they are having great difficulty. There is depopulation. They have

difficulty attracting workers to hospitals, to industries, as you know in your State, other States. I see no reason why immigration cannot be a tool to do that. It can be just as powerful a magnet as interest rates, tax abatements, things like that. That is exactly what I mean when I say we should use immigration in a strategic sense. We have to use immigration, we can use immigration to create the kind of society we want and solve the problems we have. I think we can and should do that.

Senator BROWNBACK. I would note, in the chairman's home State that he has a fifth of the counties would be medically underserved if it were not for foreign-born doctors.

Mr. DAUB. Exactly. That is the kind of thing that can happen if we have an active strategic approach, which I think we can and should have.

Senator BROWNBACK. Thank you, Chairman.

Chairman SPECTER. Just one question, Senator Brownback, when you talk about my home State, are you referring to Kansas?

[Laughter.]

Senator BROWNBACK. I should say your native State. The State that sponsored and helped your parents so much and where they first—I guess they first came and resided, or at least they spent much of their adult time period there.

Chairman SPECTER. They spent a lot of time in Wichita and Russell.

Mr. DAUB. Mr. Chairman, may I make the membership of EWIC a matter of record, the 35 organizations that support—

Chairman SPECTER. They will be made a part of the record.

[The information appears as a submission for the record.]

Chairman SPECTER. At Senator Kennedy's request, we will include a group of editorials and also a statement by Senator Leahy and a group of documents, all to be made a part of the record. And a statement, without objection, by Senator Grassley will be made a part of the record.

We thank you, Congressman Daub, Ms. Jacoby, Mr. Endelman, for coming in. Your testimony has been very helpful. The Committee will be pursuing this subject. We are looking forward to inputs from the Administration, and it is our hope, perhaps even expectation, that we can have a bill this year.

That concludes the hearing. Thank you all.

[Whereupon, at 10:56 a.m., the Committee was adjourned.]

[Questions and answers and submissions for the record follow.]

QUESTIONS

QUESTIONS FOR THE RECORD: SUBMITTED BY SENATOR JOHN CORNYN

SENATE JUDICIARY COMMITTEE: HEARING ON IMMIGRATION OVERHAUL

JULY 26TH, 2005

Questions for Honorable Hal Daub:

- **You testified that the turnover rate for CNA's and personal health care workers is close to 100%. Similarly, a 2002 American Health Care Association Survey reported that the turnover rate for CNA's was over 100% in 20 percent of the states. What are the factors that lead to such a high turnover rate? What percentage of CNA's and personal health care workers are employed by the same employer for over 2 years in a row?**

- **What are the education and experience requirements for a (i) staff Registered Nurse, (ii) Licensed Practical and Vocational Nurse (LPN), and (iii) Certified Nurse Assistant? Would a person who has not graduated high school, and who has no vocational training, be authorized to work in those specific fields?**

- **Are foreign CNA's and personal health care providers currently eligible to work in the U.S. under any existing temporary worker category?**

Questions for Mr. Gary Endelman:

- **Ms. Jacoby testified that many undocumented workers "have lived here 15, 20 years and have . . . U.S. born citizen children." Under current law, would a person in that situation be removed/deported, or would they qualify for any form of relief from removal/deportation?**

- **You testify that the H-1B visa should be limited to 3 years with no extension. Why do you propose to limit the length of the temporary visa? Under that model, if an H-1B worker wants to immigrate but is required to depart after 3 years, would the worker return on an immigrant visa or would he/she be eligible for another H-1B visa?**

SUBMISSIONS FOR THE RECORD

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Press Release

For Immediate Release:
May 12, 2005

Contact: Judith Golub (202) 216-2403
Jgolub@aila.org or
Julia Hendrix (202) 216-2404
jhendrix@aila.org

STATEMENT OF THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION on the Introduction of the Secure America and Orderly Immigration Act

Washington, DC – The American Immigration Lawyers Association (AILA) applauds Senators John McCain (R-AZ) and Edward Kennedy (D-MA), and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL) for their efforts to reform our immigration law and their introduction of the bipartisan Secure America and Orderly Immigration Act.

"We commend these Members of Congress for not only recognizing that our current immigration system is broken, but doing something about it by introducing comprehensive, bipartisan immigration reform," said Jeanne Butterfield, Executive Director of the American Immigration Lawyers Association. Ms. Butterfield continued, "The Secure America and Orderly Immigration Act reflects the following important facts: the federal government must step up to the plate and reform out current immigration laws; that this nation cannot have border security unless we undertake such reform; that fixing our immigration system to make it safe, legal and orderly will make us more secure; we need a controlled immigration system that would replace an illegal flow with a legal immigration flow; and finally, we need an immigration system that is consistent with the basic American values of fairness and equal treatment under the law."

While there is consensus that our current system is broken, there is some disagreement about the solutions. "Clearly, continuing to enforce our current dysfunctional system leads only to more dysfunction. In fact, experience tells us that an enforcement-only approach simply will not work," said Ms. Butterfield. AILA supports reform that would enhance our security, reunite families, give a permanent status to hard-working, tax-paying people already here and allow American business to bring in needed workers. "Such reform is central to this bipartisan measure," continued Ms. Butterfield.

AILA supports the Secure America and Orderly Immigration Act because it recognizes that change is urgently needed to enhance our national security and address the concerns of American businesses and families. The bill includes many important provisions that will help address the problems that plague our current immigration system, not the least of which is that a dysfunctional system breeds disrespect for the law. Transformation of our current unworkable and outdated system to one that promotes a controlled, legal, and orderly immigration system is long overdue.

AILA looks forward to working with Members of Congress and the Bush Administration in support of an immigration system that works and applauds the introduction of the Secure America and Orderly Immigration Act.

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Founded in 1946, AILA is a nonpartisan, nonprofit organization that provides its Members with continuing legal education, information, and professional services. AILA advocates before Congress and the Administration and provides liaison with the DHS and other government agencies. AILA is an Affiliated Organization of the American Bar Association.

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The American Jewish Committee
A Century of Leadership

AJC Supports Bipartisan Immigration Reform

May 12, 2005 - New York – The American Jewish Committee today applauded the introduction of comprehensive immigration reform legislation in both chambers of Congress. The proposed bipartisan legislation would replace the current disorganized and chaotic system with one that regulates immigration in a safe, orderly and legal manner.

"The legislation would increase our national security through enhanced border security and effective enforcement, while at the same time protecting those who are most vulnerable in our society through earned legalization and increased worker protections," said Jeffrey Sinensky, AJC's general counsel. "The legislation also contains provisions to encourage cross-border cooperation for enforcement and reintegration of those who return to their countries of origin."

Since its founding in 1906, AJC has been a strong voice in support of immigration, actively participating in many of the major immigration debates of our time.

"AJC has long been committed to fair and generous immigration policies as fundamentally good for the United States and consistent with Jewish values," Sinensky said. "At the same time, AJC is more aware than ever of the need to increase the security of our nation's borders and to better incorporate newcomers into American society and culture.

"We believe that the proposed legislation strikes an appropriate balance between these concerns and strongly urge members of Congress to take a close look at the legislation, as AJC intends to do in coming weeks," he said.

Contact: Kenneth Bandler (212) 891-6771 PR@ajc.org
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ACCESS

Arab Community Center for Economic and Social Services

PRESS STATEMENT

Press Conference
May 26, 2005

CONTACT: Hannan Deep
313-842-7010

ACCESS Welcomes Bipartisan Comprehensive Immigration Reform Bill

Dearborn, Michigan—The Arab Community Center for Economic and Social Services, a Michigan-based human services organization dedicated to the development of the Arab-American community, welcomes the introduction of the Secure America and Orderly Immigration Act, a bipartisan bill that addresses the problems with our current immigration system. The major elements of the bill include providing a pathway to permanent residence, reducing family immigration backlogs, and creating legal methods for immigrant workers to join the U.S. workforce.

"The bill rewards immigrants who have contributed to the U.S. economy and more importantly brings hope to immigrant families waiting to be reunited with their family members. ACCESS joins other leaders from diverse immigrant communities in an effort to urge the public to take action in support of this needed legislation. This bill is a long overdue," said Noel Saleh, President of ACCESS Board of Directors.

The bill was introduced in both the House and Senate by Senators John McCain (R-AZ) and Edward M. Kennedy (D-MA) and Representatives Jeff Flake (R-AZ), Luis Gutierrez (D-IL), and Jim Kolbe (R-AZ).

Noel Saleh, on behalf of ACCESS, will join a diverse community of civil rights, human rights, labor, advocacy, faith based and human services organizations in Michigan, in a press conference supporting the introduction of the bill to be held on Thursday, May 26, 2005 at 12:30 p.m., at Hope United Methodist Church located at 26275 Northwestern Hwy in Southfield, Michigan.

ACCESS is a human services organization committed to the development of the Arab-American community in all aspects of economic and cultural life. ACCESS helps low-income families, as well as newly arrived immigrants, adapt to life in America. Its goal is to foster a greater understanding of Arab Culture in the U.S. and in the Arab world. ACCESS provides a wide range of social, mental health, educational, artistic, employment, legal, and medical services, and is dedicated to empowering people to lead more informed, productive, and fulfilling lives.

ARIZONA DAILY STAR (Tucson, AZ): An Immigration Plan That's Up to the Task 05/15

Arizona Daily Star
2005-05-15

The star's view: McCain, Kolbe and others offer a bill that contains all the elements of success - for the U.S. and for immigrants.

The challenge of illegal immigration is massive - 9 million or more men, women and children living in the shadows by virtue of a national wink and a nod.

For them, this arrangement beats the prospects they face at home, mainly the poverty of Mexico. Some, though, face death in the desert or abuse once here and few can ever hold the American Dream they help build for others.

For the United States, the arrangement fuels the economy as we know it - while corroding the credibility of our system of laws and opening us to terrorism.

Something has to be done.

Arizonans should take pride in having three lawmakers among the five-member bipartisan group introducing legislation that is finally up to the task.

The Secure America and Orderly Immigration Act, introduced Thursday, addresses this massive challenge in a comprehensive way, with provisions that - used together - offer hope for a solution.

These include temporary visas of up to six years for illegal immigrants already in the country, three-year guest worker visas renewable once, a path for permanent residency that requires payment of fines and fees, a system to verify worker status, stiffer fines for employers who violate the law and new border security initiatives.

Still, many provisions of the plan - including the guest-worker program - can only be called grand experiments. They require quick action so we can see whether they work, but are unlikely to get it unless President Bush shifts some of his political capital from Social Security soon.

Opponents of the guest worker program call it a misnomer, insisting that once here immigrants are unlikely to go home. But ties to Mexico remain strong: Money sent from Mexicans living here to relatives in Mexico totaled more than $13 billion in 2003, the Star reported last May.

Opponents of a guest worker plan don't seem to understand the need to act. They include the 71 members of the House Immigration Reform Caucus.

They are one-trick ponies, obsessed with the infrastructure of border and workplace enforcement without concern for the forces of worker supply and demand.

They are bucking even President Bush in resisting the push for comprehensive reform, and they grow stronger.

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Sponsors of this legislation - Sens. John McCain and Ted Kennedy, Arizona Reps. Jim Kolbe and Jeff Flake, and Rep. Luis Gutierrez of Illinois - say effective immigration reform addresses the needs of the nation as well as the immigrants.

Fortunately, they've developed a plan that recognizes these interests have much in common.

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ARIZONA DAILY STAR (Tucson, AZ): Immigration reform: getting it done 07/10
July 10, 2005

One immigration bill now before Congress addresses all the factors that must be dealt with to ensure national security, a stable work force and the welfare of immigrants. The bipartisan Secure America and Orderly Immigration Act is awaiting a hearing date, which may be set as early as this week. Here is a breakdown of the bill:

Border security

Requires the development of a National Strategy for Border Security, empanels a Border Security Advisory Committee from the border regions and requires the Homeland Security and State departments to develop and coordinate intelligence and technology among all parties engaged in border security - here and in Mexico, Canada and Central America. The technology component includes an emphasis on aerial surveillance.

Pluses: Takes a strategic, international approach to border security, including a requirement that the United States work to secure Mexico's southern border as well as its northern border. Sets broad goals for agencies to work at on their own, with provisions for reporting to Congress.

Minuses: The author of a competing bill, Republican Sen. John Cornyn of Texas, faulted the plan as heavy on studies. It lacks specific numbers of personnel and hardware that other plans contain. Cornyn's concerns rate serious consideration: He is chairman of the Senate Judiciary border security, immigration and citizenship subcommittee.

Our view: This bill presents the only strategic, coordinated approach to border security that has been presented so far. Up until now, resources have been allocated in a piecemeal fashion with little consideration for the role Mexico can play.

New workers

Prospective immigrants find jobs and apply for a new type of visa known as H-5A. It requires a $500 fee, application costs, and security, medical and other checks. It is good for three years, so long as the holder remains employed, and can be renewed once for another three years. It is portable, so if the worker loses a job, he or she has 60 days to find another or return home. At the end of the visa period, the worker returns home or is in the pipeline for permanent resident status. Bill grants visas to workers' immediate families, and allows visa holders to visit outside the United States.

Pluses: Good for workers because it encourages them to enter the country legally. Good for the United States because it ties each immigrant to a specific job.

Minuses: Two big questions. First, will workers return home at the end of their legal stay here, and how many of the visas will be required to satisfy the demand from Mexico and other countries? Opponents of such "guest worker" proposals say they are a misnomer, that workers once here are unlikely to return to the poverty of their home countries. The bill sets the number of visas at 400,000 in the first year, to be adjusted up or down based on future demand.

Our view: Combined with a reliable identification system, this provision holds great hope for stemming the growth of the shadow class of illegal workers in the United States. Workers and jobs will be linked in the

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open. Collecting fees, now often paid to smugglers, will help offset costs of the program later and give workers a financial stake in obeying the laws. Serious immigration reform will require some risks like this.

Illegal workers

People living illegally in the United States register for a temporary H-5B visa, good for up to six years. They must meet all the requirements of guest workers entering the country for the first time - plus provide a work history here or show they're in school. They qualify for permanent resident status by undergoing further checks, meeting a future work requirement, meeting English and civics requirements, and paying a fine of $2,000 or more per adult.

Pluses: Deals head-on with the most contentious part of immigration reform. Provides incentive for workers here illegally to come forward. Creates a pool of potentially billions of dollars to help offset costs of the program in the future.

Minuses: It smacks of amnesty, which many self-proclaimed advocates of immigration reform - including President Bush - call a deal-breaker for any plan. Many critics of this provision say it rewards criminals. The Cornyn plan, co-sponsored by Sen. Jon Kyl of Arizona, requires illegal immigrants to go home before they can be considered for permanent resident status.

Our view: This provision or something like it is the key to meaningful immigration reform. Unless Congress finds a way to draw more than 10 million illegal immigrants out of the shadows, no other component of reform can be expected to succeed. Few other suggestions have been made for accomplishing this. We hope those with the rigid view that illegal immigrants are criminals will consider those numbers and ask themselves how we got here. The answer is an unofficial U.S. policy that beckons illegal workers to jobs that only they will do even as our government struggles unsuccessfully to keep them out.

Circular movement

Requires foreign countries to enter agreements with the United States to control the flow of workers here and encourage their return home. Encourages U.S. government to partner with Mexico in developing its economy and reduce the pressure to emigrate illegally.

Pluses: Trying to shift some of the burden on the countries that send us illegal immigrants might work if it's part of an overall strategy such as this. Proponents of the bill say most immigrants come here seeking money to use back home, not to start a new life in a foreign land.

Minuses: This provision puts the "comprehensive" in comprehensive reform, with a segment that lays out a simple plan for the recovery of the Mexican economy. This certainly is the long-term answer to immigration reform. But if all it took was an act of Congress, it would already be done.

Our view: It's worth a try.

Enforcement

The Social Security Administration and Homeland Security would work to create a new electronic system for verifying that applicants are eligible for work. It replaces a slow, paper-based system now used. Visas would use biometrics at first, such as retina scans, and perhaps simple card swipes later - like credit cards. Designates the Labor Department as investigator of businesses suspected of employing illegal immigrants.

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Pluses: Establishes a rigorous process using modern technology to guard against fraud and streamline a system that will process millions of people.

Minuses: None we can see.

Our view: Certainty about an applicant's identification and qualifications will give the system credibility. Proponents say it may take the first steps toward a national identification card for all Americans, which may become necessary - in part - to distinguish noncitizens from citizens and avoid immigration fraud.

• **To learn more about this bill,** visit www.thomas.loc.gov and enter the name - Secure America and Orderly Immigration Act. Let your representatives know what you think by contacting them through www.house.gov or www.senate.gov

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ARIZONA DAILY STAR (Tucson, AZ): All cards on the table now for border reform 07/20
July 20, 2005

The star's view: With a bill introduced by Sen. Kyl, hearings are finally scheduled on crafting a new immigration policy. It's what Arizona has waited for.

Now it can begin - a serious discussion of comprehensive immigration reform with the promise of stopping deaths in the desert, stabilizing the American work force and restoring the rule of law.

If there were any doubt that Congress was waiting for Arizona Sen. Jon Kyl before moving forward, consider this: A week to the day after he announced his plan, with fellow Republican Sen. John Cornyn of Texas, the first hearing will finally be held.

The setting is the Senate Judiciary committee, whose members include both men. On the agenda will be Kyl-Cornyn as well as another approach to the same problem - the McCain-Kennedy bill introduced in May by another Arizonan, Sen. John McCain.

How much attention immigration reform receives might depend on another issue looming before the same committee - the nomination of a Supreme Court candidate to replace Sandra Day O'Connor of Arizona.

Leaders in Congress already have said they doubt a vote will come this year on immigration reform. And while the competing Senate bills address very similar challenges, they do so in conflicting ways. Still, you can hear advocates of reform rubbing their hands at the chance to get moving.

Even U.S. Rep. Jeff Flake, a Mesa Republican and co-sponsor of McCain-Kennedy, had kind words about the competing bill Tuesday: "It's clear that momentum for congressional action this year is growing."

Kyl had signaled the intent of his bill long before Tuesday, emphasizing enforcement as the leading component and drawing a line in the desert sand against anything that resembles amnesty for people here illegally. The bill turns out to be as good as his word, mandating the hiring of 11,250 new officers and requiring foreign workers to return home each time they wish to gain or renew legal residency.

The Kyl-Cornyn bill is inferior in many ways. It provides little incentive to come forward for the illegal immigrants already here - more than 10 million by the Census Bureau's count, up to 20 million in Kyl's statement.

McCain-Kennedy offers them a path to permanent residency in the belief that most will return home eventually and are merely stuck here because we've hardened the border against their return. This path is too arduous - requiring fines, fees, evidence of a job and civics proficiency - to be described as amnesty. Still, that's what critics are calling it.

Kyl-Cornyn seeks to lure people out of the shadows with this promise: Come forward and be deported, but rest assured you can go to the front of the line when you try to come back. Many questions remain about how this provision will jibe with existing laws that bar certain illegal immigrants from returning for three years, 10 years, even a lifetime. Rather than luring people to register, Kyl-Cornyn may force a massive national roundup.

On the issue of enforcement, Kyl-Cornyn goes overboard. Hiring a slug of new officers comes straight from an earlier Intelligence Reform bill, but it throws bodies more than answers at the problem. The Border Patrol

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has said it can't train and deploy all these agents in a timely fashion. Tucson Sector Chief Michael Nicley, in an interview earlier this year, told the Star that manpower alone can't do the job. He needs better technology.

Still, there are obvious openings for compromise in the two bills. Both, in fact, set six years as the maximum period for a temporary visa. But progress will require a level of cooperation we haven't yet seen from this Congress. Perhaps if two Arizona Republicans can come to agreement, the rest of the nation can, too.

- *D.J.*

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ARIZONA REPUBLIC (Phoenix, AZ): Sanity, not amnesty 05/13
McCain and Kennedy bring sense, not rhetoric, to immigration
May. 13, 2005 12:00 AM

Any jackass can kick down a barn, but it takes a good carpenter to build one.

- Lyndon B. Johnson

This isn't about amnesty.

The bill introduced Thursday by Sens. John McCain, R-Ariz., and Edward Kennedy, D-Mass., is a bipartisan move toward immigration reform that has the support of business and immigrant rights groups.

It reflects the realities - not the rhetoric - of illegal immigration. It shows respect for human dignity, family values and national security. It also recognizes current and future labor needs.

This bill includes border security measures. It seeks to get Mexico to accept responsibility for medical care for migrants, as well as joining in multinational efforts to prevent illegal immigration.

The proposal recognizes future labor needs in the United States by creating an expanded guest-worker program.

It increases employer sanctions for hiring the undocumented, and calls for establishing a secure identification system so those sanctions can be imposed. The lack of such an identification system makes the employer sanctions in current law nearly impossible to enforce.

The focus of congressional debate should be on how to make that identification system reliable, fair and compatible with a free society.

The debate should be about how to structure an efficient process so that would-be migrants abandon the criminal smugglers they now employ and embrace the legal option.

The focus should be on making this reform plan better.

Unfortunately, the debate is being defined by those who kick about "amnesty," but offer nothing constructive on which to build immigration reform.

Yes, the bill aims to lure the current undocumented immigrant population into the light.

But in order to achieve guest-worker status, these immigrants have to pay a stiff fine and back taxes. They also have to demonstrate a good work history and pass a background check.

They don't go to the head of anybody's line, either. Undocumented immigrants who are granted guest-worker status will have to wait much longer to apply for legal residency than those who come legally through the guest-worker program the bill establishes.

Although the bill provides for family unification, it may actually lessen the migration of family members to this country by allowing guest workers to travel back and forth across the border to visit family members.

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The current emphasis on border enforcement has made such trips so expensive and risky that migrants often pay smugglers to bring their spouses and children here to live with them.

The carrot of legalization is essential to get the undocumented population - estimated at as many as 11 million people - to come forward and be counted.

Lifting the vast majority of migrants out of this shadow population and into regulated status will deny cover to criminals or terrorists who hide among them. It's about national security, and it's something the current system does not serve.

Border enforcement alone can never succeed without a mechanism to bring willing workers to the employers who need their labor. The buildup of Border Patrol agents during the 1990s was a costly failure that led to increased deaths along the border while illegal immigration also increased.

It is time to embrace a comprehensive policy that moves would-be workers to the ports of entry while allowing Border Patrol agents to focus their energies on stopping drug smugglers and other criminals.

This is about national security, not amnesty. This is about humane border policies, not amnesty. This is about the needs of this nation's economy, not amnesty.

In the House of Representatives, Arizona Reps. Jim Kolbe and Jeff Flake, both Republicans, and Illinois Rep. Luis Gutierrez, a Democrat, have joined McCain and Kennedy to offer a plan to build sane immigration policy.

It's the constructive approach.

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ARIZONA REPUBLIC (Phoenix,AZ): Below the belt 07/21

Congressional delay on border reforms is a sucker punch for Arizona and for the nation
Jul. 21, 2005 12:00 AM

We've been sucker-punched.

When Senate Majority Leader Bill Frist deemed it unlikely that Congress would pass a major immigration reform bill this year, Arizona took a hard shot to the solar plexus.

This state has provided real leadership on the issue. The bipartisan guest-worker legislation offered by Arizona's Sen. John McCain and Massachusetts' Ted Kennedy is a pragmatic approach that addresses immigration reform as a law enforcement, human rights, economic and national security issue.

That bill has been waiting as Congress wallowed in denial.

Years of federal inaction have resulted in a population of undocumented immigrants estimated at 10 million. The out-of-control border not only brings workers to employers who gladly hire them, it provides cover for terrorists who want to slip in unnoticed.

Instead of embracing responsibility at long last, Frist offers this: Maybe next year.

A breathtaking, heartbreaking assessment considering that next year is an election year; that was the excuse for not tackling this issue in 2004.

Arizona took the punch and staggered to its feet with yet another proposal to fix the broken federal system.

Jon Kyl, Arizona's junior senator, offered a bill this week with Texas Sen. John Cornyn that also seeks to move the immigration debate forward.

This proposal wisely puts more emphasis on workplace enforcement. Illegal immigration will stop only when employers stop hiring undocumented immigrants.

But the measure's approach to the current undocumented population is unrealistic. Under the McCain-Kennedy approach, those working here illegally could remain after paying a fine. This provides a needed incentive for people to identify themselves, and it keeps the workforce in place.

The Kyl-Cornyn bill requires undocumented immigrants to sign up for a "mandatory departure" program. They could then remain for up to five years but would have to leave at the end of that time.

Many members of the undocumented population have been living here for most of their adult lives. They have families and social ties. They are unlikely to step forward into deportation.

The Kyl-Cornyn bill lands somewhere between the McCain-Kennedy approach and a highly punitive measure being offered by Rep. Tom Tancredo, R-Colo., which, among other things, makes it a felony to be in the country illegally.

Kyl and Cornyn have scheduled a hearing on their bill before the Senate Judiciary Committee on Tuesday. That would be a good time to begin a debate that should include the McCain-Kennedy approach.

It's time Senate leadership gave them the support they need to move ahead. The same week Frist was

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delivering his gloomy prognosis on immigration reform, Homeland Security Secretary Michael Chertoff called for an expanded guest-worker program and increased border enforcement for the sake of national security.

As Chertoff recognizes - even if the Republican leadership of Congress does not - illegal immigration is a serious national concern. Congress needs to deal with it now.

Offering excuses for delay is a sucker punch that does more than take the wind out of Arizona - it affects the entire nation.

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ARIZONA INTERFAITH NETWORK

FOR RELEASE AT 10:30 A.M. ARIZONA TIME
Thursday, May 12, 2005
Contact: Dick White, 480-510-9071

Interfaith Group Praises "Real Immigration Reform" in McCain-Kennedy Bill

Bipartisan Measure Outshines AZ Legislature's "Piecemeal" Approach

Phoenix, AZ – Finally, Arizonans got their first look at a real immigration reform package today when Senators John McCain (R-Ariz.) and Ted Kennedy (D-Mass.) introduced the "Secure America and Orderly Immigration Act." According to clergy members from around the state of Arizona, the bipartisan measure is something all Arizonans can get behind, in stark contrast to the Arizona Legislature's recent half-baked attempts to stop illegal immigration.

"Our state needs immigration reform, but it's certainly not going to happen with our Legislature's partisan piecemeal approach of setting up new barricades," said Dick White, President of the Arizona Interfaith Network. "It's going to take a comprehensive and bipartisan approach, and the Arizona Interfaith Network believes this national bill is a good start."

Within the last week, Gov. Napolitano vetoed two of the Republican-controlled Legislature's anti-immigrant measures: SB 1511, which tried to limit "acceptable" forms of identification so that even passports wouldn't be recognized for emergency and other public services, and SB 1167, which would have prohibited Spanish speakers from receiving government correspondence, like water bills and voter guides, in the only language they can read. The Arizona Interfaith Network opposed both pieces of legislation and requested the Governor's veto.

While the Arizona Legislature has been busy passing bills with unintended consequences that do nothing to stop illegal immigration at our border, the McCain-Kennedy bill takes a more far-reaching approach. First, the bill directs the Department of Homeland Security to develop a comprehensive plan to enhance border security. Then, the bill creates new rules for students, workers, and their families who want to be in this country legally. For example, a new three year temporary-worker plan for low-wage, low-skilled workers would be renewable one time and would eliminate the backlog within 5 to 6 years. The McCain-Kennedy measure helps keep family units together by increasing visas for family members and provides new funding to help them learn English and American civics lessons. And the bill offers reimbursements to the state for imprisonment of undocumented immigrants and reimbursement to hospitals for their care of the undocumented.

AIN is part of a national coalition called the New American Opportunity Campaign that is "tired of waiting, tired of false promises," and is actively lobbying and challenging national leaders to start moving on real immigration reform. AIN is also building alliances with business leaders who are also calling for real immigration reform.

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ARKANSAS DEMOCRAT GAZETTE (Little Rock, AR): Them, Us and We 05/24

Come, let us reason together

May 24, 2005

. . . And we are here as on a darkling plain Swept with confused alarms of struggle and flight, Where ignorant armies clash by night.

—Matthew Arnold, Dover Beach

IT'S UNLIKELY, it may be impossible, to put aside all the feelings evoked by the phrase and red flag, Illegal Immigration.

Wave those words around often enough, and loudly enough, and you'll produce a debate just as confused as the current one in the U.S. Senate over the filibuster—but one that's a lot more volatile. Because this is a subject that excites the people, not just the politicians.

Immigration, after all, isn't just a matter of parliamentary procedure; it's a question that goes to the heart of who we Americans are, and were, and will be.

The history of America is to a great extent a history of immigrations—and of the reactions to them. The country is now in the midst of the greatest wave of immigration it's experienced since the New Immigration from southern and eastern Europe at the turn of the last century (circa 1880-1920). And the emotions it's stirred are in proportion to its size.

Much of this debate is about as clear as ships passing in the night. Each side has its own banner—ILLEGAL ALIENS! versus A Nation of Immigrants!—and each may think it's sufficient to just go on repeating its favorite shibboleth. But a slogan is not an argument, no matter how often or how loudly it is repeated.

LET'S TRY a thought experiment: Suppose we could put aside all the distracting and provoking rhetoric about illegal immigration and come up with a common, constructive policy. What would it look like?

Well, such a policy would make our borders more secure, instead of the sieve they have become. So that illegal immigration would not become an even greater problem than it already is. It would make immigration an orderly process so that the Border Patrol could focus on looking for dangerous terrorists instead of people seeking only work.

As for the millions of illegals already here, ideally we would find a way for them and their children to become recognized residents and then law-abiding citizens, instead of fugitives forever vulnerable to exploitation and discrimination.

At the same time, such a policy would have to be fair. None of these illegals should be allowed to cut in line and become eligible for legal status ahead of immigrants who have followed the rules—and have waited years before being allowed into this country.

What's needed is a way to keep track of where all these now shadowy millions are, what they're doing to sustain themselves, and how far along they are on the road to citizenship. Those who are willing to come out from the shadows would pay a hefty fine—this would be no amnesty—and become part of an open process leading to full participation in American society.

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A workable policy would recognize not just the illegals' interest in becoming Americans but the country's interest in them, for they play a crucial role in the economy. And their posterity will play a crucial role in the country's future. But for now these illegals are part of a vast underground economy, with all the abuses, uncertainties, and dangers that go with it.

These illegal immigrants are in effect unpersons—without the rights and protections that come with legal status. They need to be matched with willing employers, openly and legally, instead of both workers and those who hire them being left in the dark.

Illegal immigrants now constitute a second, hidden America, and no economy—or republic—can hope to thrive off the books. The alternative—just pick 'em up (by the millions) and send 'em back—makes great demagoguery but poor policy. Besides being cruel and self-destructive (think of what mass deportations would do to the economy), adopting such a simplistic reaction to a complicated problem is unrealistic. It just ain't gonna happen.

IN SHORT, a fair and constructive policy would look a lot like the bill just introduced by John McCain and Ted Kennedy in the U.S. Senate, and cosponsored by Congressmen Jim Kolbe, Jeff Flake and Luis Gutierrez in the House.

And their bill in turn looks a little like the guest-worker program George W. Bush proposed last year, though it's a decided improvement.

For example, the McCain-Kennedy bill wouldn't require these immigrants to return home after three years in order to apply for permanent residence. Instead, it would allow them to visit family and return freely thanks to a special new visa. It would give authorities a way to keep up with this immigration. And it would require three years' residence to attain permanent residence (the coveted green card) and another three years of good behavior here to apply for citizenship.

This bill also proposes a new public private corporation to teach immigrants English and civics, and generally prepare them to become full-fledged Americans.

No, this approach won't eliminate illegal immigration entirely, but nothing will so long as the jobs are here and the people desperate for work are there. People will go where work is. It's a law of economics, and maybe a law of nature. One might as well try to halt the tide.

This latest approach addresses the challenges of immigration realisticallyunlike unworkable proposals to deport tens of millions of people, wall the country off from the outside world, and punish ourselves as well as the immigrants by crippling the American economy.

The dirty little secret of those leading the charge against illegal immigration, and it's not such a secret, is that it's immigration itself that riles many of them. There will always be those who, when confronted by a system that's broken, would prefer to do almost anything besides fix it. Like jump up and down and generally fulminate. You can see how well that's worked over the past decade. Playing on fear and prejudice may further the careers of politicians who know how to ride bad feelings into office, but it won't help the country.

Why not consider doing the rational, humane and constructive thing instead? Of course that would require a whole new attitude on the part of those who have been the most vociferous on this subject; it's called forgiveness. It's said to heal the past and clear the way for a happier future. Maybe we should all try it; they say it works wonders.

Too much time has been wasted thinking in terms of Them and Us. It's time to think of how best to come together as We. Or, in the founders' phrase, how to form a more perfect union.

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ARKANSAS DEMOCRAT-GAZETTE (Little Rock, AR): For rent: Social Security 06/17

Arkansas Democrat-Gazette Northwest Edition
Posted on Friday, June 17, 2005
URL: http://www.nwanews.com/story/adg/119524

REMEMBER the 1986 Immigration Reform and Control Act?

Anyone? Hello? Anyway, the immigration reform act of the mid-1980s has proved about as effective as Hillary Clinton's health-care reform of the mid-1990s—which never quite got off the drawing board. One of the provisions of the ' 86 immigration law required that employers face fines and penalties if they hired illegal workers. So companies started demanding some paperwork from prospective employees. Like a Social Security number. Result? Listen to this from a story the other day in the New York Times: "The new law did not stop unauthorized immigrant work, of course. An estimated 10 million illegal immigrants live in the United States today, up from some 4 million before the immigration law went into effect. But it did create a thriving market for fake documents."

Also for real documents that can be sold or rented to fake immigrants. Here's the latest: Legal immigrants in the United States who got a legit Social Security number are returning to their homeland and renting out their number to illegals.

It's a practice that's almost impossible to track, and has some other rip-offs both parties can share: The renter gets to work without as much fear of being found out, and the card's legitimate owner builds up his Social Security retirement account. (He usually splits an earned-income tax credit with his Social Security alter-ego, too.)

Plus, as an Extra Added Bonus and way to job the system, this arrangement provides a convenient loophole for legals who want to leave the USA but keep their American identity. By renting that Social Security number to an illegal, a legal immigrant keeps his green card current. Although it's not hard to obtain a fake green card. According to the Times, the going rate for a Document Combo (a fake green card and a fake Social Security card) is about a hundred bucks.

Keep all this in mind should Jim Holt's practically useless but politically useful attempt at Immigration Reform gets on the ballot next year. Because the state senator's quote-unquote reform—at least in its form as a Senate bill—basically amounted to asking for more paperwork. Like proper ID to vote and proper ID to receive state services such as pre-natal care. To judge by the story in the Times on the increasing number of ID rentals, the major effect of a plan like Jim Holt's would probably be to increase the demand for fraudulent paperwork. In short, it would probably be about as effective as the 1986 Immigration Reform and Control Act—and a lot less humane.

A few more demands for a few more forms of identification won't solve the problem of illegal immigration or even ease it much. Immigrants—legal, illegal and in-between—we may always have with us. So long as (a) folks from other countries are desperate to come here, especially folks in Third World countries like Mexico who can practically reach across the border and touch the American Dream, and (b) the American economy battens on the cheap labor that immigrants are eager to provide.

Anybody honestly think those trends are going to change any time soon? They've only accelerated since 1986.

NEWS OF this latest racket makes the immigration bill introduced last month in the U.S. Senate by John McCain and Ted Kennedy even more relevant. And even more sensible. Because the McCain-Kennedy bill

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would let immigrants who signed up for this new program visit home and return freely. They'd travel with a special new visa, so authorities could track their movements. That way, immigrants wouldn't be forced to choose between family at home or the American Dream.

As for those illegals desperate for work and a fake identity, the McCain-Kennedy bill would just let them be themselvesessentially guest workers. The bill would require three years' residence before immigrant workers could attain that coveted, and legal, green card, as well as another three years before they could apply for citizenship. And it would all happen out in the open, in full view of the authorities and the public. Unlike the way the present, underground economy operates—with all its evasion, corruption, and general disrespect for the law.

We've already tried the More Paperwork Approach to immigration reform once. And we can all see how well that's worked out. The number of illegal immigrants has more than doubled.

As our old captain in the Army used to say when we could find nothing better to do than gripe: You've got your choice. You can keep fighting the problem or you can try to solve it.

America has been fighting this problem for years, and the result has been an outdated, slapdash, thoroughly corruptible and just plain unworkable immigration policy. Let's solve the problem instead—together, humanely, openly, and constructively. Let's all come out from the shadows.

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STATEMENT ACORN www.acorn.org

For Immediate Release:
May 12, 2005

Contact:
Allison Conyers 202-547-2500

Statement of ACORN Vice President Maria Polanco on "The Secure America and Orderly Immigration Act"

ACORN, the nation's largest organization of low and moderate-income families, announced its support of new, bipartisan, comprehensive immigration legislation, introduced today.

"The immigration system in this country is broken," ACORN's National Vice President Maria Polanco said. "ACORN is excited to be a leader in supporting this new legislation, a solution that will create a path to citizenship."

On Thursday May 12th, in Washington D.C., bipartisan comprehensive immigration reform legislation was introduced in both the House and Senate to fix our broken immigration system. The legislation's sponsors are Senators John McCain (R-AZ), Edward Kennedy (D-MA) as well as Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL).

"This bill will work on the ground because it rewards work, reunites families, and respects workers in a way that reinforces our nation's security," continued Ms. Polanco. "ACORN has always been dedicated to the fight for justice in every community and our membership understands that it is important to protect the rights of everyone."

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ACORN is the nation's largest community organization of low- and moderate-income families, with over 175,000 member families organized into 800 neighborhood chapters in 80 cities across the country Since 1970 ACORN has taken action and won victories on issues of concern to our members. Our priorities include: better housing for first time homebuyers and tenants, living wages for low-wage workers, more investment in our communities from banks and governments, and better public schools. We achieve these goals by building community organizations that have the power to win changes -- through direct action, negotiation, legislation, and voter participation. ACORN is an acronym, and each letter should be capitalized. ACORN stands for the Association of Community Organizations for Reform Now.

ACORN's website is at http://www.acorn.org.
To receive updates on ACORN's work every two weeks go to http://acorn.org/getinvolved

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ATLANTA JOURNAL-CONSTITUTION (GA): Seize effort to ease immigration load 05/22

OUR OPINION: Bipartisan bill aims to reform system that flouts rule of law and encourages underground economy
Staff
Sunday, May 22, 2005

The United States needs an immigration policy that secures its borders, re-establishes the rule of law and recognizes how dependent its own economy is on illegal immigrants who have crossed our borders in hopes of bettering their lives.

Getting agreement on the details of such a policy seems an impossible task in the current political climate. Virtually any proposed change in the existing immigration law is tagged with favoring businesses over individuals or catering to lawbreakers at the expense of law-abiding Americans.

Sadly, the lack of a thoughtful national discussion on immigration policy has allowed extremists to dominate the debate with a too-simplistic send-them-all-home message that neither reflects practical reality nor the nation's rich heritage of assimilation. That's why a comprehensive immigration-reform measure introduced by a bipartisan group of U.S. Senate and House members this month merits attention. It contains a substantive list of reforms needed to deal with the impact of an underground economy of 10 million to 12 million immigrants in the country illegally.

The "Secure America and Orderly Immigration Act" would:

> Allow most of the illegal immigrants in the United States to apply for a six-year visa by paying $2,000 in fines --- half up front and the remainder at the end of the period --- plus yet-to-be determined processing fees. Applicants would have to meet English language and civics requirements now compulsory for citizenship candidates, clear medical and security checks and be fingerprinted. They also would need to document their U.S. work history and pay back income taxes. At the end of six years, they could apply for permanent residency.

> Grant temporary visas to would-be immigrants to fill low-skill jobs that U.S. citizens don't take. Applicants would have to pay a $500 fee, clear a security check and undergo a medical exam, at the applicant's expense. The visa would be good for three years and could be extended once, for another three years.

> Combat fake IDs by requiring tamper-proof, machine-readable visas that would be checked by employers against a national database of eligible workers. The computerized system would replace the current paper process that is inefficient and subject to fraud.

> Rely on an honor system for those in the country illegally to come forward and for businesses to check eligibility of workers. To combat cheating, fines for knowingly hiring illegal immigrants would be doubled and surprise workplace checks increased.

> Require foreign labor recruiters to register with Homeland Security.

> Tighten border security against terrorists and illegal immigrants. It would mandate aerial surveillance of U.S. borders and direct the Homeland Security secretary to devise a comprehensive plan to secure them.

> Provide technical and financial support to Central American countries to thwart illegal immigrants trying to use Mexico as a conduit into the United States.

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> Reimburse state and local governments for the cost of arresting, charging and detaining illegal immigrants.

> Encourage Mexico to improve health- care services for its citizens to reduce the financial burden imposed on the United States by illegal immigrants who come here seeking better medical care.

> Accelerate a current U.S.-Mexico program to promote economic opportunity in Mexico.

The measure doesn't solve all of the problems with the current system, but it does provide a foundation for a more meaningful debate about how to reform it. For instance, relying on an honor system for illegal immigrants to come forward so their employers can check their status may be naive and impractical. Similarly, employers who knowingly hire illegal immigrants should face more than just increased fines. Repeat violators should be jailed.

Nor does the bill contain any real hope of relieving local school districts of the overwhelming burden of paying for English language instruction for illegal immigrants. Any reform proposal must include an expanded federal role in paying for this.

Still, the proposal attempts to deal in other ways with the severe impact the flow of illegal immigrants has had on many communities. Day labor pools --- the source of neighborhood complaints about litter and loitering --- would likely go away. Funds would be appropriated for hospital and health-care providers that have been hit hard by immigrants who show up needing care. Local police departments will get money to enforce the law instead of being told to ignore it.

Perhaps most important, the measure flatly declares that immigrants here now without permission are breaking the law and will have to pay a price for doing so. It also codifies what's expected of them --- such as making an attempt to learn English and the customs of their new country.

Critics --- and there will be many --- have already labeled the bill an amnesty proposal that won't work and will continue to suppress American wages. They point to a failed 1986 amnesty plan that was supposed to deal with the same issue.

But this measure is much more comprehensive. It involves almost every department of the federal government and requires them to make periodic reports about the status of immigrants here as well as those who still want to come.

The nation needs this debate. This proposal will get us started.

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AUSTIN AMERICAN-STATESMAN (TX): Bridging the immigration divide 05/17

EDITORIAL BOARD

Tuesday, May 17, 2005

The latest round of the seemingly never-ending debate over immigration has U.S. Sen. John McCain, R-Ariz., a central casting conservative, and U.S. Sen. Edward Kennedy, D-Mass., a central casting liberal, working shoulder-to-shoulder to make something happen.

They offer a step toward fixing a bewildering set of immigration rules and regulations that has proven ineffective in stopping a swelling tide of illegal immigration. That phenomenon, driven by a complex set of global economic factors, is the object of a lot talk, but precious little action.

Muttering, complaining and stomping feet won't deter illegal immigration, but provisions in the McCain-Kennedy proposals might at least stem the flow. Included in the proposals are a guest worker program — a common sense approach pushed by the president — and mechanisms to offer incentives for foreign workers to become citizens.

Proponents of the immigrants are as wary of a guest worker scheme as those who oppose them. The result is nothing happens and immigrants keep coming.

A guest worker program won't stop illegal immigration in its tracks, but would at least give governments on both sides of the border an idea of who and where the immigrants are.

It's amazing that with all the time and attention devoted to this topic that nothing much has resulted. If nothing else, members of Congress should take note of that and show their constituents some action instead of wasting time and money on bluster, hyperbole and xenophobia.

A good faith look at the McCain-Kennedy proposal would be a nice place to start.

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BALTIMORE SUN (MD): A road to reform 05/17

May 17, 2005

WITH THE introduction of a comprehensive and thoughtful immigration reform proposal last week, Sens. John McCain and Edward M. Kennedy, the current darlings of immigrant advocacy groups, emerged as voices of reason in the increasingly heated and politicized debate over immigration.

Their aptly named "Secure America and Orderly Immigration Act" addresses numerous concerns of those on the right and left about immigration policy, focusing the debate instead exactly where it should be - on keeping the nation's borders safe, controlling the flow of migrants who illegally cross them daily, meeting the needs of a labor market hungry for low-wage workers, and moving into mainstream society and onto the tax rolls millions of illegal immigrants in this country.

Among other things, the proposed legislation creates a new visa program to allow in 400,000 foreign workers annually. The visas would be good for up to six years, after which workers would be required to either return home or apply for legal permanent residency. Participants would be hired for specific jobs, clear security and medical checks, and pay at least $500 in application fees.

What's more, states would be reimbursed for detention and hospitalization costs related to undocumented immigrants, addressing the concerns of states with high numbers of migrants. The measure also calls for formal workplace protections for the workers, random labor law compliance audits of employers by the U.S. Department of Labor and increased fines for illegal employment practices. It requires participating countries to sign agreements with the United States pledging to help control the flow of people seeking jobs here, and for Mexico to promote economic development at home to staunch the outward flow of job-seekers, and to share health care costs for Mexican workers in the program.

Undocumented workers here who apply for permanent residency would be required to pay back taxes and meet English and civics requirements. This would undo some of the damage done to immigrants' image since the 9/11 attacks and help fully integrate them into American society. No doubt a great many would jump at the chance, and privilege, of becoming Americans - even at a cost of $2,000 in fines and applications fees.

At a time when civility and compromise are in short supply in Congress, Senators McCain and Kennedy, a Republican and a Democrat, and three co-sponsors in the House, are examples of bipartisanship at its best. Congressional lawmakers should follow their lead and support the proposal.

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Testimony

of

Most Rev. Gerald Barnes

Chairman

United States Conference of Catholic Bishops' Committee on Migration

Before

The Senate Judiciary Committee

July 26, 2005

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I am Bishop Gerald Barnes, bishop of San Bernardino, California, and chairman, United States Conference of Catholic Bishops' Committee on Migration. I am pleased to testify on the position of the U.S. Catholic bishops on comprehensive immigration reform.

I would like to thank Chairman Arlen Specter and Ranking Member Patrick Leahy for holding this important hearing. I would also like to thank Senator John Cornyn, chairman of the Senate Subcommittee on Immigration, and Senator Edward M. Kennedy, ranking member of that subcommittee, for their leadership on this issue.

As we are all well aware, the tragic events of September 11, 2001, have changed the landscape and political environment for achieving comprehensive immigration reform. In the aftermath of the attacks, our nation understandably turned its attention even more diligently to national security concerns.

On January 7, 2004, however, President Bush announced principles for reforming the U.S. immigration system. Since that time, immigration reform has received national attention and more serious consideration by members of Congress. Several bills addressing immigration reform were introduced during the 108th Congress and several more have been introduced during the 109th Congress.

During the 109th Congress, the administration and congressional officials have an opportunity to enact comprehensive legislation which would not only address the plight of immigrant workers in the United States, but also make our nation more secure. To accomplish these dual goals, the administration and Congress must work together on a comprehensive package which would provide a path to citizenship for undocumented migrants and their families in the United States; provide legal avenues for migrants to enter our nation to work and support their families; reform the family-based immigration system so that families may be reunited in a more timely manner; restore basic due process protections for immigrants; and address the root causes of migration.

Mr. Chairman, in January 2003, the U.S. and Mexican Catholic bishops issued a joint pastoral letter on the issue of migration. Among its many recommendations, it outlines elements which we believe are necessary to reform the U.S. immigration system in a just manner. My testimony today reflects policy recommendations included in the pastoral letter.

Specifically, my testimony today recommends that Congress---

- Enact the Secure America and Orderly Immigration Act of 2005 (S. 1033), introduced by Senator John McCain (R-Az.) and Senator Edward M. Kennedy (D-Mass.), legislation which makes important changes to our legal immigration system consistent with principles articulated by the U.S. Catholic bishops;

- Examine U.S. economic and trade policies and their impact on low-skilled workers in Mexico and Central America and devise an economic package which encourages the creation of jobs for these workers in their home communities;

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- Enact the Agricultural Job Opportunity, Benefits, and Security Act of 2005 and the Development, Relief, and Education for Alien Minors Act (DREAM);

- Reexamine immigration enforcement policy along the U.S.-Mexico border to help mitigate migrant deaths; and

- Include the necessary elements in any legislation to ensure efficient implementation of an new immigration program, including taking actions to eliminate the enormous backlogs in the adjudication of immigrant benefit petitions and applications.

I. Catholic Social Teaching and Migration

The Catholic Church in this country is an immigrant church. Catholics from every corner of the globe have made the United States their new home and the Church has responsibility to assist these newcomers in their transition.

The Church's work in assisting migrants stems from the belief that every person is created in God's image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:17-19). In the New Testament, the image of the migrant is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way: "I was a stranger and you welcomed me." (Mt. 25:35) Jesus himself was an itinerant preacher without a home of his own as well as a refugee fleeing the terror of Herod. (Mt. 2:15)

In modern times, popes over the last 100 years have developed the Church's teaching on migration. Pope Pius XII reaffirmed the Church's commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.[1] Pope John Paul II stated that there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work: "Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all."[2] In his pastoral statement, *Ecclesia in America,* John Paul II reaffirmed the rights of migrants and their families and the need for respecting human dignity, "even in cases of non-legal immigration."[3]

In an address to the faithful on June 5, 2005, His Holiness Pope Benedict XVI referenced migration and migrant families: "...my thoughts go to those who are far from their homeland and often also from their families; I hope that they will always meet receptive friends and hearts on their path who are capable of supporting them in the difficulties of the day."

I have already mentioned the joint pastoral letter issued by the bishops of the United States and Mexico in 2003. In our letter, *Strangers No Longer: Together on the Journey of Hope,* we further define Church teaching on migration, calling for nations to work toward a "globalization of solidarity." "It is now time

[1] Pope Pius XII, *Exsul Familia (On the Spiritual Care of Migrants)*, September, 1952.
[2] Pope John Paul II, *Sollicitudo Rel Socialis,* (On Social Concern) No. 39.
[3] Pope John Paul II, *Ecclesia in America (The Church in America)*, January 22, 1999, no. 65.

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to harmonize policies on the movement of people, particularly in a way that respects the human dignity of the migrant and recognizes the social consequences of globalization."[4]

The U.S. and Mexican bishops also point out why we speak on the migration issue: "As pastors, we witness the consequences of a failed immigration system every day in the eyes of migrants who come to our parish doors in search for assistance. We are shepherds to communities, both along the border and in the interior of the nation, which are impacted by immigration. Most tragically, we witness the loss of life at points along our southern border when migrants, desperate to find employment to support themselves and their families, perish in the desert."

For these reasons, the Catholic Church holds a strong interest in the welfare of immigrants and how our nation welcomes newcomers from all lands. The current immigration system, which can lead to family separation, suffering, and even death, is morally unacceptable and must be reformed.

II. Policy Recommendations

A. Addressing the Root Causes of Migration

In their pastoral letter, the U.S. and Mexican Catholic bishops write that..."the realities of migration between both nations require comprehensive policy responses implemented in unison by both countries. The current relationship is weakened by inconsistent and divergent policies that are not coordinated and, in many cases, address only the *symptoms* of migration and not its *root causes*."[5]

It is critical that the Congress and the administration look at the immigration issue with Mexico as part and parcel of the entire bilateral relationship, including trade and economic considerations. Addressing the immigration systems of both nations, for example, will not control the forces which compel migrants to come to the United States.

Without a systematic approach that examines why people migrate, the U.S. and Mexican governments will not be able to address the underlying causes of migration. It is clear that Mexican workers continue to come to this nation regardless of enforcement strategies pursued by both governments. What attracts many are the employment opportunities here. Many cannot find work in their home countries or can find better opportunities here, because of underemployment in Mexico and inadequate compensation there.

Increased economic integration between the United States and Mexico in the past twenty-five years has not led to improved living standards for the majority of the Mexican population. The competition of subsidized U.S. corn imports against Mexican corn under the North American Free Trade Agreement (NAFTA), for example, has harmed Mexican farmers and their families. Since NAFTA has come into effect, in fact, the purchasing power and real wages for the average worker in Mexico has declined by almost 21 percent.

In addition, Mexico's economic growth rate in the past decade has not been sufficient to keep pace with the growth of the labor force. Each year, the gap between the number of new jobs created and the number of new entrants in the labor market has widened, leading to increasing outflows of migrants northward. Those who remain in Mexico are largely underemployed or employed in precarious work situations.

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[4] *Strangers No Longer: Together on the Journey of Hope. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States,"* January 23, 2003, n. 57.
[5] *Strangers No Longer, n. 56.*

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Between 1991 and 2002, the percentage of the Mexican labor force working in the informal economy (receiving no regular paychecks or benefits) increased from 33.7 percent to 42.8 percent.[6]

Specifically, Congress should consider the development of an economic package which targets sectors of the Mexican economy which employ low-skilled workers, particularly agriculture. In addition, Congress should examine the impact of NAFTA on low-skilled labor and migration and consider ways to mitigate any adverse effects on economic sectors which are labor-intensive. Finally, the U.S. and Mexican governments should resume bilateral migration negotiations so that all issues which impact migration to the United States are addressed.

A. Legalization (permanent residency) of the Undocumented[7]

A main feature of any comprehensive immigration reform measure should be a legalization program that allows undocumented immigrants of all nationalities in the United States the opportunity to obtain permanent residency, either because of contributions already made or through a prospective work requirement. Such a feature would provide benefits to both the U.S. and the "sending" countries and would help migrants and their families to "come out of the shadows" and become fuller members of the community. Let me be clear, the legalization program we espouse is not "amnesty, " but rather an opportunity to earn the right to remain in this country legally should those who qualify choose to do so and are otherwise eligible. Such a legalization program would provide many benefits, as follows:

- **Legalization would keep families together and improve the well-being of U.S.-citizen children.** Legalization would help stabilize immigrant families and would protect U.S.-citizen children in "mixed" status families. A 1999 study by the Urban Institute found that 85 percent of immigrant families were of "mixed" status, that is, families in which "one or more of the parents is a non-citizen and one or more children is a citizen." Looked at from a different angle, 9 percent of U.S. families with children nationwide were of mixed status. The figure rises to 14 percent in New York and over 25 percent in California.[8]

- **Legalization would recognize and maintain the economic contributions of the undocumented.** Undocumented workers are an integral part of many industries across the country, including agriculture, service, construction, meatpacking, and poultry processing. For example, undocumented workers make up more than 50 percent of the labor force in agriculture. Of the roughly five to six million undocumented workers in the U.S. labor force, the Pew Hispanic Center estimates that more than 1 million are in manufacturing, 600,000 in construction, 700,000 in restaurants, and 1 million to 1.4 million in agriculture.[9] In addition, undocumented workers contribute billions to the tax and Social Security systems. According to a 1997 study by the National Research Council, immigration delivers a "significant positive gain" of $1 billion to $10 billion a year to native-born Americans.[10]

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[6] Catholic Relief Services, background paper, 2005.
[7] In the context of this testimony, "legalization" means obtaining permanent residency.
[8] Micheal Fix and Wendy Zimmerman, *All under one Roof: Mixed-Status Families in an Era of Reform.* Washington, D.C.: Urban Institute, June 1999.
[9] Pew Hispanic Center, *How many undocumented: the numbers behind the U.S.-Mexico migration talks,* March 21, 2002.
[10] James P. Smith and Barry Edmondson, editors, *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration,* National Research Council (Washington: National Academy Press, 1997).

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- **Legalization would improve wages and working conditions for all workers.** By legalizing the labor force in a way which allows immigrants to become permanent residents, wages and working conditions would improve for all workers. According to a North American Integration and Development Center study, a new legalization program would increase the wages of immigrant workers by 15 percent, similar to the effect after passage of the 1986 Immigration Reform and Control Act.[11] Legalization also would allow workers to organize and assert their rights, leading to better working conditions and wages for all workers.

- **Legalization would promote development and stability in Mexico and Central America.** Legalization would ensure that immigrants in the United States, many of whom have lived here for years and do not intend to return to their homeland, are not deported and add to the instability in sending nations. It also would ensure that remittances, which now amount to $10 billion a year in Mexico, continue to assist sending communities.

- **Legalization would help bring U.S. immigration policy in line with U.S. economic policy.** The United States and Mexico are more integrated than ever. U.S. immigration policy has yet to adjust to the fact that U.S. economic policies such as NAFTA have facilitated rapid interdependence between Mexico and the United States. As economic policies are integrated, so, too, must bilateral migration policies. While Mexican workers search for employment, the U.S. labor market in the years ahead will experience a shortage of low-skilled workers. According to the Labor Department, the largest growth in absolute numbers of jobs during the next decade will be in several categories which require short-term, on-the-job training of one month or less.[12]

Despite the dire warnings of opponents of a legalization path for undocumented workers, evidence suggests that legalization would yield benefits at many levels by preserving family unity, securing the economic contributions of migrants, and raising the wages and working conditions of all workers. It would also ensure the participation of all undocumented workers because of the opportunity for residency.

Any legalization program which leads to permanent residency through prospective work requirements must be achievable and independently verifiable. To be achievable, a worker must be able realistically to work the number of days per year necessary and must be able to "earn" residency over a reasonable amount of years. To be independently verifiable, the program must include provisions that allow qualified non-profit organizations that can independently attest that the worker has completed the necessary requirements.

B. Employment-Based Immigration

Perhaps the most problematic aspect of immigration policy reform is the creation of a worker program which protects the basic rights of all workers, both foreign and domestic. The history of "guest worker" programs in the United States has not been a proud one. Indeed, the *Bracero* program, the largest U.S. experiment with temporary laborers from abroad, ended abruptly in 1964 because of abuses in the program.

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[11] Raul Hinojosa Ojeda, *Comprehensive Migration Policy Reform in North America: The Key to Sustainable and Equitable Economic Integration.* Los Angeles, California: North American Integration and Development Center, School of Policy and Social Research, UCLA, August, 2000.

[12] Daniel Hecker, "Occupation Employment Projections to 2012," U.S. Department of Labor, *Monthly Labor Review,* February 2004.

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A new model for a worker program which avoids the mistakes of the past should include several elements. Each of these elements, properly implemented, would, in our view, help protect the rights of foreign and U.S. workers and ensure that legal avenues are provided for future migrants so that they can enter the country in a safe, legal, and humane manner.

- **Wage and Benefit Levels.** Any worker program must feature wage levels and benefits given domestic workers in an industry. Overtime pay should be available. Benefits such as worker's compensation, social security, housing, and health-care should be made available.

- **Worker Protections and Job Portability.** Workers should enjoy the same protections of U.S. labor law as U.S. workers, regardless of industry, including a right to redress grievances in federal court and a transparent arbitration system; safe and sanitary working conditions; and expressed terms of employment. Workers should be able to move to other employment within an industry and not be tied to one employer. Work accrued toward permanent residency should not be affected by changing jobs or employers.

- **Family Unity.** Workers should be able to be joined by spouse and children in the United States during the length of the worker's visa. Either spouse should be eligible for work authorization, regardless of whether they work in the program. Spouse and children should be able to become eligible for permanent residency at the same time as the worker in the program.

- **Labor-Market Test.** A mechanism should be included to ascertain whether U.S. workers within an area are adversely impacted by the hiring of workers from abroad. Employers should be required to advertise job openings to the maximum extent practicable and make good-faith efforts to recruit U.S. workers for a sufficient amount of time.

- **Mobility.** Workers and their families should be able to travel throughout the United States, travel back and forth from the United States to their country of origin, as well as travel from work site to work site, regardless of location, for the duration of their visa. Visas should be renewable as long as workers meet the requirements of the program, and applicable waivers to bars to admission should apply.

- **Enforcement Mechanisms.** Resources should be appropriated to ensure proper enforcement of worker protections in the program. Workers should be given the right to sue in federal court for violation of rights.

- **Path to Residency.** Workers should have the option of working to earn permanent residency over time, similar to an earned legalization program, as outlined in my testimony.

Any new temporary worker program should contain these elements in order avoid the abuses of past such programs and to ensure that worker's rights are protected. In addition, it should be enacted in conjunction with a legalization program for the undocumented so that groups of workers are not pitted against each other. A just worker program which creates legal avenues for migration will mitigate the amount and effects of undocumented migration; which can lead to the abuse, exploitation, or even death of migrants.

C. Family-Based Immigration

Family reunification, upon which much of the U.S. immigration system has been based for the past 40 years, must remain the cornerstone of U.S. immigration policy. Immigrant families contribute to our nation and help form new generations of Americans. Even while many migrants come to the United States to find employment, many come as families or to join family members already here.

The current visa quota system, last revised by Congress in 1990, established statutory ceilings for family immigration that are now inadequate to meet the needs of immigrant families wishing to reunite in a timely manner. The result has been waiting times of five years or more—and more than eight years for Mexican permanent residents—for spouses to reunite with each other and for parents to reunite with minor children. The waiting times for adult siblings to reunite can be twenty years or longer. [13]

Such lengthy waiting times are unacceptable and actually provide unintentional incentive for some migrants to come to the United States illegally. Substantial changes must be made to the U.S. family-based immigration system so that it will meet the goal of facilitating, rather than hindering, family unity. Such changes can be made in several ways, but they should not alter the basic categories in the family preference system.

U.S. citizens and lawful permanent residents file petitions on behalf of certain close family members to immigrate to the United States. The spouses and unmarried children under age 21 of U.S. citizens are considered "immediate relatives" under immigration law. Likewise, the parents of U.S. citizens who are at least 21 years of age are considered "immediate relatives" as well as certain widows or widowers of U.S. citizens. Immediate relatives are exempt from numerical and per-country limitations on immigrating to the United States. This means that if a foreign national falls within the definition of "immediate relative" under the immigration law, then the only waiting line s/he will encounter in immigrating to the United States is the processing time of the relative petition and the application for the immigrant visa.

For other family relationships, however, Congress created a "preference" category system. As with the immediate relative system, U.S. citizens and lawful permanent residents file petitions on behalf of certain relatives, who do not qualify as immediate relatives. There are four family preference categories under immigration law. The first preference category is for the unmarried sons and daughters of U.S. citizens. The second preference category has two subcategories: (A) the spouse and unmarried children of lawful permanent residents, and (B) the unmarried sons and daughters of lawful permanent residents. The third preference category is for the married sons and daughters of U.S. citizens. The fourth preference category is for the siblings of adult U.S. citizens.

The immigration law limits the number of people who can immigrate to the United States each year through each of these family preference categories. In other words, people who immigrate to the United States through the preference category system, as opposed to immigrating as immediate relatives, are subject to numerical and per-country caps each fiscal year. This current visa quota system, last revised by Congress in 1990, is now inadequate to meet the needs of immigrant families wishing to reunite in a timely manner.[14] Because there are many more people who apply each year to immigrate through the preference category system than there are visas available due to the caps, huge lines have formed for people in each of the preference categories. This has resulted in people waiting many years to immigrate lawfully to the United States.

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[13] *U.S. Citizenship and Immigration Service Fact Sheet,* January, 2004.
[14] The Immigration Act of 1990, Pub. L. No. 101-649 (1990).

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For example, the beneficiary of a second preference petition – i.e., the spouse or child of a lawful permanent resident – who receives his or her visa in November 2004 had to wait almost four-and-a-half years to get that visa. Because demand for immigrant visas are so high, if a lawful permanent resident were to file a petition today on behalf of his or her spouse or child, then the spouse or child would most likely have to wait much longer than four-and-a-half years because the demand would far surpass the cap on the number of visas which can be issued each year.

As another example, if the spouse or child beneficiary of a second preference petition were from Mexico and he or she received the immigrant visa in November 2004, then that spouse or child would have waited approximately seven years to have obtained that immigrant visa. Again, if the petition were filed today on behalf of that Mexican spouse or child, then the beneficiary would most likely have to wait much longer than seven years from today to obtain that immigrant visa. The waiting times for adult siblings to reunite can be twenty years or longer. [15]

In addition, we must revise stringent income requirements ("public charge") which prevent family members from joining their families. In order for a U.S. citizen or a lawful permanent resident to petition on behalf of family members to immigrate to the U.S. or to otherwise obtain lawful permanent residence, the petitioner must demonstrate that s/he is able to support the beneficiary and any family members which will accompany or follow-to-join the beneficiary as well as support the petitioner's own family at 125 percent of the Federal Poverty Guidelines. This is a very difficult standard for working class people to meet. We recommend that this "affidavit of support" requirement be reduced to 100 percent of the Federal Poverty Guidelines.

D. Due Process: The Unlawful Presence Grounds of Inadmissibility

In order to preserve families, we must also consider repealing bars to admissibility. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 amended the Immigration and Nationality Act (INA) to bar certain foreign nationals from gaining admission to the United States because of previous immigration violations – regardless of the seriousness of the violation and without consideration of how the refusal to admit the foreign national would impact the U.S. citizen or lawful permanent resident family members of that foreign national.

A section of the INA sets forth the "grounds of inadmissibility" into the United States. The grounds of inadmissibility list ten general classes of foreign nationals who are ineligible to receive immigrant visas to the United States and who are ineligible to gain admission into the United States. Examples of certain grounds of inadmissibility include health-related grounds, such as a person who has a "communicable disease of public health significance" or criminal-related grounds, such as drug trafficking. This section of the law also authorizes the government to grant waivers for certain grounds of inadmissibility.

IIRIRA expanded the "grounds of inadmissibility" to include more types of conduct that would prevent a foreign national from gaining an immigrant visa to or admission into the United States. For example, foreign nationals who accrued a certain amount of "unlawful presence" in the United States and then departed the United States would be barred from gaining admission into the United States for a certain period of time.

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[15] *U.S. Citizenship and Immigration Service Fact Sheet,* January, 2004. See also the U.S. Dep't of State, No. 75, Vol. VIII, "Visa Bulletin" (Nov. 2004).

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If a foreign national is unlawfully present in the United States for more than 180 days but less than one year and then departs the United States, s/he is barred from gaining admission into the United States for 3 years from the date of departure. This ground of inadmissibility is referred to as the "3-year-bar." If a foreign national is unlawfully present in the United States for at least one year and then departs the United States, s/he is barred from admission into the United States for 10 years from the date of departure. This ground of inadmissibility is referred to as the "10-year-bar."

Both the 3- and 10-year bars have certain limited exceptions as to who *does not* fall within the ground of inadmissibility, such as children under the age of 18, certain battered women and children, and certain asylum seekers. For those foreign nationals who fall within the 3- and 10-year bars, the law permits the government to grant waivers of the bars in limited circumstances. Specifically, the government has the *discretion* to grant a waiver of the 3- and 10-year bars when a foreign national can demonstrate that the refusal to grant admission to the foreign national would cause *extreme hardship* to a lawful permanent resident or U.S. citizen *spouse or parent* (but not child) of the barred foreign national.

A separate ground of inadmissibility, known as the "permanent bar," permanently bars a foreign national who accrued more than one year of unlawful presence in the United States and then departed the United States and re-entered or attempted to re-enter the United States without authorization. After the barred foreign national is outside the United States for at least 10 years, then s/he may apply for admission. Unlike the 3- and 10- year bars, which expire after their designated periods, this bar is permanent unless the barred foreign national re-applies for admission after ten years. Moreover, there is no guarantee that the government will grant the request for admission after the ten-year period passes. Not only is the foreign national separated from his or her family for the ten years, the individual is then subject to the whim of the government officer who is considering the application for re-admission after the ten-year period.

These two examples of expanded grounds of inadmissibility illustrate the harsh nature of the amendments added to the INA by IIRIRA. *Due Process of law* requires that people be treated fairly in legal proceedings. The "unlawful presence" bar and so-called "permanent bar" violate due process because they impose an unduly burdensome punishment on the foreign national for violating these civil grounds of inadmissibility. In our view, the penalty for violating these grounds of inadmissibility is disproportionate to the actual violation committed. They also separate families for indefinite periods.

The "unlawful presence" bars and the so-called "permanent bar" should be eliminated because of their harsh consequences on hard-working foreign nationals. Those impacted by these bars are working to support their families are contributing to the development of the U.S. economy.

E. Enforcement

Mr. Chairman, the Catholic Church recognizes the right of the sovereign to protect its national security and to control its borders. At the same time, we advocate that the human dignity of the individual be upheld and protected in any enforcement action. We have grown increasingly concerned that the U.S. immigration enforcement regime violates basic human dignity and has placed the lives of migrants at risk.

Since the advent of Operation Gatekeeper in San Diego in 1994, the United States has spent more than $20 billion dollars on Border Patrol agents, reinforced fencing, and technology along the U.S.-Mexico border. This border strategy has failed. According to the Pew Hispanic Center, over roughly the same time period the number of undocumented persons from Mexico who have entered the United States has

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risen from 300,000 to 500,000 annually.[16] Tragically, because of the blockade of more traditional routes of migration, more than 2,000 migrants have died in remote regions of the American Southwest since 1998.

The border enforcement strategy pursued by our government also has given rise to sophisticated smuggling networks, in which migrants pay exorbitant fees to smugglers to transport them across the border. The much-publicized deaths of 19 migrants in Victoria, Texas, in May 2003, highlight the brutal nature of these networks. It is evident that the basic human need to survive will continue to force migrants to attempt to run the gauntlet of our southern border, despite the money and resources applied by our government to prevent them.

Comprehensive immigration policy reform which emphasizes legal avenues for migration will mitigate the perceived need for a blockade enforcement policy. By providing legal avenues for migrants to enter and work in the United States, such reform would alleviate the pressure on border enforcement by undermining human smuggling operations and reducing the flow of undocumented migrants across the border. It also would help create a more stable atmosphere for the implementation of enforcement reforms, such as biometric visas and passports, which will help better identify those who come to harm us.

Any enforcement regime pursued by the U.S. government should be targeted, proportional, and humane:

Targeted. U.S. enforcement resources should be focused to ensure that those who are in the country for nefarious purposes are more easily identified. Anti-terrorism policies should not include broad and sweeping changes which unjustly impact all immigrants, and ethnic or racial profiling should be avoided. Improvements in intelligence and information sharing and technological improvements in border security would help ensure that would-be terrorists are apprehended.

Proportional. Enforcement of immigration laws should not feature unnecessary penalties or the use of unnecessary force. Immigration control officers and border patrol agents should receive intensive training on cultural awareness, appropriate enforcement tactics, and the appropriate use of force. State and local law enforcement officials should not be authorized to enforce immigration laws. Asylum-seekers should receive appropriate screening by a qualified adjudicator.

Humane. In any enforcement action, the human rights and dignity of the individual must be preserved. For example, undocumented immigrants should not be shackled by their hands and feet and detained for lengthy amounts of time in deplorable conditions. Families and children should receive special care and attention.

Mr. Chairman, let me again repeat that the U.S. Conference of Catholic Bishops, and the Catholic Church's teaching, recognize and support the right of a sovereign government to secure its borders and provide security for its citizens. While we support this right, we also advocate that enforcement policies are frequently reviewed and ultimately find an expression which upholds the human dignity of all involved.

III. Implementation of Immigration Policy Reform

[16] B. Lindsay Lowell and Roberto Suro, *How Many Undocumented: The Numbers behind the U.S.-Mexico migration talks,"* Pew Hispanic Center, March 21, 2002.

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Mr. Chairman, it is important to understand that the manner in which comprehensive immigration reform is implemented is vital to its success. A public-private partnership is necessary so that immigrant communities are aware of the facts of the application process (thus eliminating the involvement of "notarios") and are able to receive assistance in assessing the program. We recommend the inclusion of the following elements in any legislation to ensure that a program is implemented appropriately:

- **Confidentiality.** Applicants for both the new program should be extended confidentiality and not be subject to arrest and deportation if they fail to qualify for the program. This would ensure maximum participation in the program.

- **Use of Non-Profit Legal Agencies.** Non-profit legal agencies should be engaged to assist in implementation of any new program.

- **Adequate Funding.** Adequate funding should be authorized and appropriated to ensure full and complete implementation of the program. Funding for any new program should not be taken from the examination fee account or other DHS budgets.

- **Reasonable Implementation Period.** Sufficient time should be given between enactment of the legislation and implementation so that regulations, procedures, and infrastructure are in place. Deportations of prospective applicants should be suspended between these two dates.

- **Creation of a Separate Entity.** A separate entity should be created within the Department of Homeland Security (DHS) to implement the legislation.

- **Derivative Benefits.** Immediate family members should receive the same immigration benefits under any new program as the worker.

- **Generous Evidentiary Standards.** For purposes of verifying an alien's eligibility for the new program, evidentiary standards should include a wide range of proof, including attestation.

- **One-Step Legalization.** A one-step legalization program would verify eligibility and security and background checks in one process up front and not in a two-step process, i.e. upon conditional status and permanent status.

- **Operational Terms should be defined:** Operational terms in the bill, such as "continuous residence," "brief, casual, and innocent," and "known to the government," should be defined to avoid later confusion.

- **Broad humanitarian waiver.** At a minimum, a broad waiver of bars of admissibility for legalized aliens, such as unlawful presence, fraud, or other minor offenses, should be included in the legislation.

The inclusion of these elements in any legislation would facilitate the implementation of any new program.

In addition, the Congress and the administration should take steps to reduce the immigration adjudication backlogs which now exist so that immigrants receive benefits in a timely way and that the U.S. Citizenship and Immigration Service (USCIS) is able to implement any new program.

Currently, waiting times in many adjudication categories are too long. According to the U.S. Citizenship and Immigration Service, processing for naturalization applications has grown from 10 months in September, 2002, to 13 months in August, 2003, and is significantly longer than 13 months in many districts. The backlog for adjustment of status applications has reached an all-time high of 1.2 million.[17]

Moreover, in 2004 the government increased fee applications by approximately $55 per application, leaving these benefits financially out of reach of many applicants.[18] At the same time, USCIS reduced its funding request for directly appropriated funds by $95 million for FY 2005.[19]

A reduction in the current backlogs in naturalization and adjustment of status applications should be part of our nation's efforts to reform our immigration system. Congress should evaluate the budget of the U.S. Citizenship and Immigration Service (USCIS) and provide more appropriated funding for infrastructure and backlog reduction. Without more efficiency in the system, a new comprehensive reform program of any type may be unworkable, absent the creation of a new entity to implement it.

IV. The Secure America and Orderly Immigration Act of 2005

Mr. Chairman, the U.S. Conference of Catholic Bishops supports enactment of the Secure America and Orderly Immigration Act of 2005 (S. 1033), introduced by Senator John McCain (R-Az) and Senator Edward M. Kennedy, because it most closely comports with the policy recommendations outlined in my testimony. While it does not contain all of our recommendations, it includes major changes to the U.S. legal immigration system which we believe are necessary to repair the broken U.S. immigration system.

Specifically, we believe the creation of an H-5A temporary worker program and an H-5B program to permit undocumented workers to work legally and earn permanent residency in the legislation are essential. As outlined earlier in my testimony, these programs will ensure that legal pathways are established for future migrant workers to work legally in the United States and for workers already here to regularize their status and continue to contribute to their communities. Moreover, we strongly support changes made by S. 1033 to the family-based immigration system, changes which will reduce waiting times for families to reunite legally.

Mr. Chairman, we oppose the concept of requiring undocumented workers who have established equities in our country to return to their homeland before applying for any new temporary worker program. This concept, which has been proposed in other bills before your committee, is, in our view, unworkable. It is questionable whether these workers, many of whom have resided in our nation for years and have little or no ties to their home countries, would risk return. The formula established in the Secure America and Orderly Immigration Act is more workable and realistic, in that workers in the United States would have an incentive to participate in the program because of the opportunity to earn permanent residency. We also do not believe an earned legalization program is an "amnesty" as traditionally understood, since it requires the payment of fines and a work requirement of six years before a worker can apply for permanent residency.

Two other immigration measures, which enjoy bipartisan support, should be included in any comprehensive reform package or separately enacted.

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[17] *U.S. Citizenship and Immigration Services Fact Sheet,* January, 2004.
[18] 69 Federal Register 5088 (February 3, 2004)
[19] FY 2005 Budget Submission for the Department of Homeland Security, February, 2004.

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The Agricultural Job Opportunity, Benefits, and Security Act of 2005 "AgJobs" represents a bipartisan initiative which would help protect both a vital industry and a labor force which is vulnerable to exploitation. The measure, which represents a negotiated agreement between the agricultural employers and the United Farm Workers, would both stabilize the labor force in this important industry and ensure that employers have access to a work-authorized supply of labor, if necessary.

Currently, more than 50 percent of the agricultural labor force is undocumented and is subject to abuse and exploitation. AgJOBS would provide a path to permanent residency for many of these undocumented farm workers in the United States. This would allow these workers to earn permanent status, thus stabilizing their families and allowing them to "come out of the shadows." It also would allow employers to hire such workers without fear of penalty, thus providing them with a legal and stable supply of workers. In addition, it would place in statute many worker protections for farm workers, including a three-fourth work guarantee (ensuring work during three-fourth of a season) and expressed terms of employment.

The Development, Relief, and Education for Alien Minors Act in the U.S. Senate and the Student Adjustment Act in the House of Representatives represent bipartisan initiatives which would allow some undocumented students to be eligible for in-state tuition and give them an opportunity to become permanent legal residents. Having entered the United States as very young children, often through no fault of their own, these students have otherwise contributed to their schools and communities. Many have lived in the United States for years.

V. Conclusion

Mr. Chairman, we appreciate the opportunity to testify today on the issue of comprehensive immigration reform. We urge you and the committee to consider our recommendations as you consider this important issue.

We are hopeful that, as our public officials debate this issue, that immigrants, regardless of their legal status, are not blamed for the social and economic challenges we face as a nation. Rhetoric which attacks the human dignity of the migrant does not serve the interest of fair deliberation and leads to polarization and division.

Mr. Chairman, the U.S. Catholic bishops strongly believe that comprehensive immigration reform should be a top priority for Congress and the Administration. We look forward to working with you in the months ahead to enact legislation which upholds the valuable contributions of immigrants and reaffirms the United States as a nation of immigrants.

Thank you for your consideration.

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Statement of Most Reverend Gerald R. Barnes
Bishop of San Bernardino
Chairman, USCCB Committee on Migration

On

The Secure America and Orderly Immigration Act of 2005

July 19, 2005

On May 12, 2005, the Secure America and Orderly Immigration Act of 2005 (S. 1033, HR 2330) was introduced in Congress. The legislation seeks to repair the current U.S. immigration system, a system which is broken and needs reform.

The Secure America and Orderly Immigration Act of 2005 represents a comprehensive and bipartisan approach to reforming our broken immigration system. It creates legal avenues for migrant workers to enter the United States in a safe and orderly manner. It provides an opportunity for immigrants in the United States to work toward permanent residency. It also provides additional visas for families to be reunited through the family preference system.

For these reasons, the United States Conference of Catholic Bishops' (USCCB) Committee on Migration supports the Secure America and Orderly Immigration Act of 2005. This legislative proposal best reflects principles for immigration reform set forth by the United States bishops.

We look forward to working with the sponsors of the legislation and others to include additional important provisions to the measure. These would include additional labor protections in the essential worker program for both U.S. and foreign workers; mechanisms to ensure that migrants are treated humanely by enforcement personnel; and provisions which allow for the involvement of community organizations in the implementation of the new program.

As Congress considers immigration reform, we urge all parties to engage the debate in a civil manner so that all sides can work together to fashion an immigration reform package which is humane and in the best interests of our nation.

We commend the sponsors of the Secure America and Orderly Immigration Act of 2005 and urge members of Congress to support this important initiative. We urge President Bush to work with the sponsors and members of Congress to enact comprehensive immigration reform legislation during the 109th Congress.

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DATE: July 19, 2005 , FROM: William Ryan, O -202-541-3200, H -202-686-1824
FOR IMMEDIATE RELEASE

BISHOPS BACK MAJOR IMMIGRATION REFORM PROPOSAL

WASHINGTON—Bishop Gerald R. Barnes, Chairman of the Committee on Migration, United States Conference of Catholic Bishops (USCCB), expressed support for the McCain-Kennedy bill, "The Secure America and Orderly Immigration Act of 2005." "The legislation seeks to repair the current U.S. immigration system, a system which is broken and needs reform," Bishop Barnes said.

"This legislative proposal best reflects principles for immigration reform set forth by the United States bishops," the Bishop said in a statement released July 19. The legislation (S. 1033, HR 2330) was introduced in Congress last May.
"The Secure America and Orderly Immigration Act of 2005 represents a comprehensive and bipartisan approach to reforming our broken immigration system," Bishop Barnes stated. "It creates legal avenues for migrant workers to enter the United States in a safe and orderly manner. It provides an opportunity for immigrants in the United States to work toward permanent residency. It also provides additional visas for families to be reunited through the family preference system."

"For these reasons, the United States Conference of Catholic Bishops' (USCCB) Committee on Migration supports the Secure America and Orderly Immigration Act of 2005," the Bishop said. "This legislative proposal best reflects principles for immigration reform set forth by the United States bishops."

Bishop Barnes expressed a desire to work with the sponsors of the legislation and others to include additional important provisions to the measure. These would include additional labor protections in the essential worker program for both U.S. and foreign workers; mechanisms to ensure that migrants are treated humanely by enforcement personnel; and provisions which allow for the involvement of community organizations in the implementation of the new program.

"As Congress considers immigration reform, we urge all parties to engage the debate in a civil manner so that all sides can work together to fashion an immigration reform package which is humane and in the best interests of our nation," Bishop Barnes said.

"We commend the sponsors of the Secure America and Orderly Immigration Act of 2005 and urge members of Congress to support this important initiative," the Bishop said. "We urge President Bush to work with the sponsors and members of Congress to enact comprehensive immigration reform legislation during the 109th Congress."

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BOSTON GLOBE (MA): Safe and open borders 05/21

May 21, 2005

ILLEGAL IMMIGRANTS do farm work that puts food on American tables. They clean workplaces. They work in meat-processing plants. They are a policy contradiction: boosting the economy but breaking the law.

Last week, Senators Ted Kennedy and John McCain offered some relief by filing the Secure America and Orderly Immigration Act, a model of good policy and good diplomacy. The bill would increase security *and* reform the law. It unites Democrats and Republicans, and it makes allies of liberals who praise the promise of reform and conservatives who laud the tough enforcement.

A key security feature is improved information-sharing and better coordination between other countries and this country's city, state, and federal governments. The bill also calls for enhanced technology. This is important, but as Sept. 11 showed, better human intelligence is essential. The bill would also give local law enforcement more money to pay for prosecuting illegal immigrants.

The bill would create 400,000 renewable, three-year, temporary visas for foreign workers, offering a rational alternative to sneaking into the country and working in the shadows. Companies could legally hire the workers they need. The visa would be portable, so workers could change jobs. And they could seek protection from workplace abuses or violations of their rights. Companies that continued to hire undocumented workers would face stiffer fines.

Other countries would join the effort, forming immigration pacts with the United States to control the flow of migration. Mexico and the United States would work together to create more healthcare options, for example, so the costs don't fall solely on this country.

A few provisions seem unwise. The bill calls for immigrants to pay a $500 fee for a temporary visa, a sum many are unlikely to have. There would also be a chance to seek permanent legal immigrant status, but only for those who could pay up to several thousand dollars in fees and fines.

The next step is selling the bill in Congress, where some may claim it coddles lawbreakers and encourages terrorists. This false charge should be confronted at every turn. Creating a legal path for migrant workers is not an automatic invitation to greater danger.

Business leaders have a stake in reform because rational laws will help them hire needed workers without breaking the law. And President Bush should add his approval.

Immigration and terrorism are largely separate issues. The events of Sept. 11 do mean that it's crucial for the country to increase security. But the Kennedy-McCain bill shows that safety can co-exist with comprehensive immigration reform.

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GLOBE EDITORIAL

The Boston Globe

Answers on immigrants

July 26, 2005

TODAY THE Senate Judiciary Committee is scheduled to hash out the best way to reform immigration law. It is badly needed but politically messy work, a matter of creating a rational, legal environment for an estimated 11 million immigrants who are here illegally but help fuel the economy.

The committee will consider two bills, one from Senators Ted Kennedy and John McCain, and one from Jon Kyl and John Cornyn. McCain and Kyl are both from Arizona and Cornyn is from Texas, border states where managing immigration is a large, costly effort. And all four senators wisely see the need to work with other countries.

In June, speaking at the first US-Mexican bishops conference on migration, Cornyn said: "We must find a way to protect our border security and uphold the rule of law, while at the same time bringing immigrants who are truly here to work and provide for their families out of the shadows and into the law."

But the Kyl-Cornyn bill focuses too heavily on law enforcement, punishment, and creating legal hurdles for immigrants. It would create a temporary worker program designed to give immigrants a legal way to hold jobs in the United States, with a new visa category that lets people work for two years. They could renew the visa, but only after they had spent a year living continuously in their home countries. Such a schedule could create a troubling boom/bust cycle for immigrants and deprive employers of seasoned employees. And the bill makes no mention of labor law protection for workers.

Immigrants would also be asked to deport themselves by applying for "mandatory departure status." They would leave the United States and pursue reentry through legal channels. It's a convoluted option that could encourage people to stay hidden.

It's "an unrealistic and unworkable immigration reform plan," says Ali Noorani, head of the Massachusetts Immigrant and Refugee Advocacy Coalition.

A tough approach might sell in Congress as a means to increase safety. But it would not address the problem, since immigration and national security are largely separate issues. Immigrants typically come here to earn money, not attack the country.

The Kennedy-McCain bill offers a better blend of security and opportunity. It also sets up a temporary worker program but allows for visa renewals without requiring people to leave the country. Money would be invested in giving immigrants English classes. And the bill would create the possibility, though not the guarantee, of citizenship. Congress should act quickly. These proposals offer a fair deal for immigrants and common-sense protections for the country. ■

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Opening Statement of Senator Sam Brownback

Hearing before the U.S. Senate Judiciary Committee on "Comprehensive Immigration Reform"

July 26, 2005

Thank you, Mr. Chairman, for holding this important hearing on "Comprehensive Immigration Reform."

Immigration is one of the most important issues facing our nation. Frankly, the first step toward addressing this issue is acknowledging the reality of the current situation.

And Mr. Chairman, that reality is grim. There are approximately 11 million undocumented immigrants living in the United States today, with roughly 6.3 million of them participating in the work force. Although these immigrants should not be given amnesty, deporting them is both unrealistic and economically untenable. And the growing stream of illegal immigration in turn breeds problems like human trafficking, drug trafficking, and death

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on the Southern border, none of which are consistent with American values.

We can all agree on two things: first, the current system is broken; and second, a national solution is desperately needed.

I am an original cosponsor of S. 1033, the Secure America and Orderly Immigration Act. This bill, introduced by my distinguished colleagues Senator McCain and Senator Kennedy, provides the comprehensive immigration reform that our nation needs. I believe that this bill would improve border enforcement, would encourage legal immigration, and would match willing workers with willing employers when Americans cannot be found to fill the job.

This approach to comprehensive immigration reform is innovative. It would secure our borders, would ensure the future growth of our economy, and would help America live up to its

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noble commitment, etched on the Statue of Liberty, to those "huddled masses yearning to breathe free."

It is often noted that ours is a nation of immigrants, and I intend to participate actively in the process of making sure that our laws preserve that rich tradition. I look forward to hearing the statements of Senators McCain, Kennedy, Cornyn, and Kyl, as well as the other witnesses.

Thank you, Mr. Chairman.

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BUSINESS WEEK (National): Tough-But-Fair Rules For Tomorrow's Illegal Immigrants 07/08

Fri Jul 8, 4:00 PM ET

They may be here illegally, but they are certainly not undocumented. Nearly 4 million Mexican citizens living in the U.S. hold matriculas -- identity cards issued by a Mexican consular office. And more than 8 million (often illegal) workers have individual tax identification numbers issued by the Internal Revenue Service to foreigners who are ineligible to receive a Social Security card yet hold jobs or assets that make them liable for U.S. taxes. A rapidly growing number of American businesses are accepting those documents to offer the nation's 11 million illegal residents everything from new Fords to home mortgages.

That's not without controversy. Many angry U.S. citizens rightly note that American business is rapidly legitimizing the residence of immigrants who have broken the law to enter or remain in the U.S. But there's a deeper force at work here: the American Dream. Its promise of opportunity and a better way of life has become such a powerful symbol worldwide that it is almost naive to expect foreigners to accept that it's reserved only for those who are here legally. And since America shares a porous 2,000-mile border with a developing nation, Mexico, stemming the resulting wave of illegal immigration is increasingly like trying to hold back the ocean's tide.

Besides, let's be real: Rightly or wrongly, the U.S. is not about to arrest and herd millions of men, women, and children into boxcars for transport back across the Rio Grande. That's a nativist's fantasy that will never come to be. So it's time for Washington to come up with a reasoned, consistent way to deal with the illegal immigrants who are already here and to set tough-but-fair new rules for those seeking to work in the U.S. in the future.

FIRST, ANY GUEST-WORKER program should be targeted at jobs the U.S. has difficulty filling. Although Mexican President Vicente Fox has taken considerable heat for his racially insensitive remarks in recent months, he is correct that there are some jobs that few Americans of any race want -- at least not at the low wages they currently command. Think farm work or service jobs such as lawn workers or restaurant dishwashers. Many of those jobs already go to illegals, who accept minimal wages because they're more than comparable pay back home. Identifying these job categories and setting up registries where guest workers -- as well as American workers -- can see available openings would ensure that foreigners got jobs only after U.S. citizens have taken a pass. And all employers should be required to withhold payroll and income taxes from the earnings of guest workers.

NEXT, THERE MUST BE reasonable limits on the number of guest workers -- probably fewer than 400,000 per year, until policymakers can study the effect on U.S. labor markets -- and on how long they may work in the U.S. The McCain-Kennedy immigration bill currently in the Senate would let guests remain for three years, with one three-year extension before they must either attain green card status or return home. The government has every right to charge for these guest visas -- a scarce and precious commodity in the eyes of foreign workers -- and should definitely charge considerably more for any applicant who is already living in the U.S. illegally. That's one way to deal, partially, with criticism that a guest program rewards foreigners who entered the country illegally. Another would be to strengthen enforcement of current laws requiring employers to ascertain applicants' immigration status before they are hired -- a practice often ignored by employers hungry for cheap labor.

Third, guest-worker legislation should ensure guests maintain financial ties to their native countries, perhaps by requiring a certain dollar level of annual remittances to family back home or by maintaining a foreign household while in the U.S. While difficult to enforce, requiring active economic ties back home boosts the likelihood guests will leave when their visas expire.

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Last, any guest-worker setup must include increased incentives to boost economic activity in Mexico -- the source of most illegal immigration to the U.S. Unless the U.S. works harder to give more poor Mexicans a reason to stay home, they will continue to flood the shadow economy north of the border. So helping Mexico develop jobs, particularly in poor regions far from the U.S. border, is in our own national interest.

The need for such reform is certainly distasteful to many Americans, but it's unavoidable. If some conservative lawmakers feel they have to hold their noses while supporting President George W. Bush's call for guest-worker legislation, so be it. Unfortunately, this late in the game -- a new Bear, Stearns Asset Management study puts the tally of illegals at up to 20 million -- principle must yield to pragmatism.

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Deporting the Undocumented

A COST ASSESSMENT

Deporting the Undocumented: A Cost Assessment provides the first-ever cost assessment of a policy designed to deport all undocumented persons currently in the United States and those who successfully cross the border (approximately 10 million people). Based on publicly available data, we estimate the costs of a mass deportation effort to be at least $206 billion over five years ($41.2 billion annually), and could be as high as $230 billion or more. Spending $41.2 billion annually would:

- Exceed the entire budget of the Department of Homeland Security for FY 2006 ($34.2 billion);
- More than double annual spending on border and transportation security ($19.3 billion);
- More than double the annual cost of military operations in Afghanistan ($16.8 billion).

Relying on data analysis by David Jaeger, Ph.D., associate professor of economics at William & Mary, and authored by Rajeev Goyle, the report illustrates the false allure of a mass deportation policy. Real solutions are needed to repair our nation's broken immigration system, not unrealistic and costly ideas that would drain our Treasury without increasing our security.

The report makes conservative assumptions for key variables; most notably, it estimates that 20% of the undocumented population will self-deport and leave voluntarily.

The report estimates the costs of deporting the existing pool of undocumented individuals and the flow across the border. The costs of reducing the pool to zero are driven by five factors: apprehension, detention (including bed space), legal processing, and transportation.

The costs of reducing the flow across the border to zero are driven by increasing border patrol agents.

Center for American Progress

CHICAGO TRIBUNE (IL): A bid for order on the border 05/17
May 17, 2005

Even before the ink was dry on the latest immigration reform plan, Rep. Tom Tancredo (R-Colo.), the leading congressional proponent of curbs on immigration, opened fire. He charged the plan was weak on enforcement and would only encourage more illegal immigration.

Tancredo should read the bipartisan proposal again, or perhaps for the first time. The Secure America and Orderly Immigration Act, introduced last week in the Senate by John McCain (R-Ariz.) and Ted Kennedy (D-Mass.), and in the House by Jeff Flake (R-Ariz.), Luis Gutierrez (D-Ill.) and Jim Kolbe (R-Ariz.), goes a long way toward the kind of realistic, humane and comprehensive immigration reform the nation needs.

In many significant aspects it parallels a guest worker program for illegal immigrants that was proposed last year by President Bush but never moved as legislation.

McCain-Kennedy would grant about 400,000 guest worker H-5A visas each year, the exact number fluctuating according to the demands of the low-skill labor market. All incoming foreign workers would have to demonstrate they have a job waiting in the U.S. They would have to clear health, security and other checks and pay a $500 fee before being issued a tamperproof work permit card.

Enforcement provisions, for both incoming workers and those already here, include heavy fines for employers who hire unqualified immigrants and for immigrants who do not abide by the terms of the new guest worker program.

Undocumented immigrants who are already here could obtain a work permit and eventual permanent residence if they meet minimum work requirements, pay a $2,000 fine, prove payment of taxes and register for military service. Spouses and children of those immigrants would be allowed to apply for permanent residence too.

The chief differences between the McCain-Kennedy and Bush plans are the possibilities of legal residence and eventual U.S. citizenship for those who meet the requirements. Bush would grant three-year work visas, renewable once, after which immigrants would have to return to their home country. McCain-Kennedy would allow immigrants to seek legal residence, and once that is established they could eventually apply for citizenship.

With McCain-Kennedy on the table there is common ground for Congress and the White House to hammer out an immigration reform bill. That is urgently needed to safeguard national security, provide an adequate labor supply and protect the rights of American and immigrant workers.

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The Coalition for Humane Immigrant Rights of Los Angeles

Press Statement

For Immediate Release
May 12, 2005

Contact: Alvaro Huerta, 213.353.1789,
ahuerta@chirla.org, (English & Spanish)

The Potential for Genuine Comprehensive Immigration Reform

Our country needs to hold a vigorous debate about immigration reform. As such, we welcome the Secure America and Orderly Immigration Act of 2005, introduced by Senators Kennedy and McCain, as well as by Representatives Gutierrez, Flake, and Kolbe, and we thank them for taking an important first-step towards genuine comprehensive immigration reform.

These members of Congress are opening avenues for discussion about repairing our immigration system in a way that respects and redeems the American Dream. We look forward to reviewing this legislation in hopes that it will lead to the implementation of a safe, orderly, and just immigration system that respects the dignity and humanity of hard-working immigrants while allowing them to come out from the shadows where they are vulnerable to abuse and exploitation and unable to fully participate in a society that they help to build every day.

Recently, Congress has focused too much energy on narrow and anti-immigrant legislation like the REAL ID Act, which drives immigrant communities deeper into the shadows of society and threatens public safety for all. The REAL ID Act, recently inserted into the Emergency Appropriations bill and signed by President Bush, is legislation that only makes worse our already broken immigration system.

It is time for a sophisticated approach to immigration. We need a forward-thinking system that reunites families, reduces backlogs, maintains worker protections, and creates a path towards citizenship for millions of undocumented workers. We need policies that respect the rights of all, protect individuals fleeing persecution, make us all more secure, and acknowledge the economic, social, and cultural contributions of immigrants.

If Congress is willing to pursue such policies, then we welcome legislation, like the Secure America and Orderly Immigration Act, which will invigorate the immigration debate with genuine efforts at real comprehensive immigration reform.

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The Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) was formed in 1986 to advance the human and civil rights of immigrants and refugees in Los Angeles, promote harmonious multi-ethnic and multi-racial human relations and through coalition-building, advocacy, community education and organizing, empower immigrants and their allies to build a more just society.

2533 W Third Street, Ste 101, Los Angeles, CA 90057 * tel 213 353.1333 * fax 213 353 1344 * www.chirla.org

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CONCORD MONITOR (NH): Here illegally 05/15

Police chief called attention to a problem too long ignored.
Article published May 15, 2005

Last month, New Ipswich Police Chief Garrett Chamberlain made it to the talk-show circuit by charging 21-year-old Jorge Mora Ramirez, a Mexican national who works for a Jaffrey construction company, with criminal trespass for being in the United States illegally. Ramirez's arrest marked the first such use of criminal trespass laws. Last week, the Hudson police used the same charge to prosecute two Nashua residents who are in the country illegally.

All three arrests occurred as a result of routine traffic stops for apparently just causes. There has been no charge that the police engaged in racial profiling. But were they grandstanding and wasting their efforts? Grandstanding? Yes. A wasted effort? No.

There are an estimated 11 million people in the nation illegally. Some 500,000 cross America's borders each year and hundreds die trying. But the Immigration and Naturalization Service, which is now part of the Homeland Security Department, was not amused by Chamberlain's actions.

Enforcing the nation's immigration laws is not the responsibility of local police officers, an agency spokesperson said. Nor, because it is too busy dealing with illegal immigrants who are, or may be, criminals or terrorists, can the agency afford to arrest and deport every illegal alien rounded up by the police.

Nevertheless, we're glad Chamberlain found a novel way to point out that America's immigration system is a hypocritical mess.

The timing of the New Hampshire arrests was fortuitous. Plans to reform immigration policy, including one by President Bush and another filed this week by Sens. Ted Kennedy and John McCain, are before Congress.

The president's proposal can be summed up as a "toil and go home"guest worker plan. Immigrants - up to 400,000 of them - would receive permission to come to the United States to work on the condition that they returned home after five years.

The McCain-Kennedy bill is a "work and stay" plan. It would create a way for the millions of illegal aliens already here to remain legally. It would also allow a limited number of new workers to enter each year.

We're no fan of the Bush proposal. It would be a mistake to create a two-tiered society of resident citizens and low-wage guest workers with no stake in the future of America save as a place to make money. The McCain-Kennedy plan puts illegal workers and their families on a path - albeit a long one - toward citizenship. In time, they would melt in the pot like those who came before them.

Despite the increased threat of terrorism, the government has taken few meaningful steps to combat illegal immigration. That's because, as McCain said, the economy would grind to a halt if all the illegal workers who do the nation's least attractive jobs were rounded up and deported. Yet when the supply of such workers is inexhaustible, as it now is, wages and living standards are driven down for legal employees.

Illegal immigrants who come forward under the McCain-Kennedy bill would, after a criminal background check and medical screening, be given a tamperproof ID containing biometric information that is extremely difficult to counterfeit. Companies that hire workers without verifying that they are in the country legally would face stiff fines.

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Cracking down on unscrupulous employers who hire undocumented workers would, we believe, slow the rush over America's borders.

No one can be blamed for fleeing their native land in search of the freedom and economic opportunity America offers. In fact, such people are to be admired. But every nation must make meaningful attempts to secure its borders.

Whatever Chief Chamberlain intended, that was the main message in his arrest of Jorge Mora Ramirez.

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FOR IMMEDIATE RELEASE *MAY 12, 2005*

CONSERVATIVES AND BUSINESS REPRESENTATIVES APPLAUD BIPARTISAN PUSH ON IMMIGRATION

We the undersigned applaud the introduction today of **THE SECURE AMERICA AND ORDERLY IMMIGRATION ACT** by **Sen. John McCain (R-AZ), Sen. Edward Kennedy (D-MA), Rep. Jim Kolbe (R-AZ), Rep. Jeff Flake (R-AZ)** and **Rep. Luis Gutierrez (D-IL)**.

Immigration is one of the most urgent issues facing the nation. Our immigration system is broken. It must be fixed – for the sake of our economy and our national security. We warmly welcome this effort to craft a solution that will permit us to retake control of our borders and reestablish the rule of law in our communities.

The broken status quo is of concern to all Americans – workers, employers, taxpayers and all who care about our national security – and any solution worthy of the name will have to be broadly bipartisan: it must meet concerns on both sides of the aisle and among a wide array of citizens. The leadership of Senators McCain and Kennedy, and their House counterparts, makes broad bipartisanship all the more likely, and we are particularly gratified that they have produced a bill consistent with the vision of immigration reform outlined by President Bush in January 2004.

Although not all of us approve of every section of this legislation, as conservatives and business leaders we are particularly pleased by five elements:

- **Enforcement with teeth.** Unlike the current system, which is all but unenforceable and often lacks teeth where we need them most, THE SECURE AMERICA AND ORDERLY IMMIGRATION ACT sets realistic immigration ceilings and provides for an array of tough and innovative enforcement measures – including a new, more practical system to ensure that all employers who hire immigrant workers can comply with the new law.

- **The security we need in an age of international terrorism.** Unlike our existing immigration code, which provides so few legal channels for foreign workers that it all but guarantees an illegal flow that undermines our control over our borders, THE SECURE AMERICA AND ORDERLY IMMIGRATION ACT would funnel laborers into a legal guest worker program, freeing up border agents to focus their energy on terrorists, drug smugglers and other criminals.

- **Unleashing economic growth.** Unlike existing temporary worker programs, which hamstring businesses with red tape and bureaucratic regulation, THE SECURE AMERICA AND ORDERLY IMMIGRATION ACT would allow the free market to match willing workers and willing employers – the best way to keep our economy growing rapidly and robustly.

- **Realism about illegal immigrants.** Unlike some proposals for reform, which either ignore illegal immigrants or let them off the hook with amnesty, THE SECURE AMERICA AND ORDERLY IMMIGRATION ACT recognizes that we cannot fix the system without eliminating the existing underground economy – but also penalizes illegal immigrants and makes them go to the back of the line to wait their turn for permanent visas.

- **Helping immigrants become Americans.** Unlike the current system, which does virtually nothing to encourage immigrants to assimilate, THE SECURE AMERICA AND ORDERLY IMMIGRATION ACT creates a public-private foundation to pay for English and civics classes.

Of course, there is still much work to be done before we pass the landmark legislation that's needed to fix our broken immigration system. We look forward to the efforts of others in Congress, both in crafting their own proposals and in strengthening the bill put forward today. Only collaboration of this kind can produce the new law we need: a broadly bipartisan package that can pass in a divided Congress and that, once passed, will work to solve all aspects of this complex problem. We encourage policymakers on both sides of the aisle to join in pressing forward to complete reform in the 109th Congress, and we congratulate Senators McCain and Kennedy and their House counterparts, Congressmen Kolbe, Flake, and Gutierrez, on the bold start they have made today.

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Manhattan Institute Senior Fellow Tamar Jacoby is available to comment on the letter.
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DAILY JOURNAL (North East MS): Immigration reforms 05/17
5/17/2005 12:57:21 AM
Daily Journal

The Daily Journal's week-long series of stories in 2004 about Hispanic immigrants - legal and illegal - in Northeast Mississippi documented the employment of illegals in some of our region's businesses.

That fact rises from a double economic self-interest: Immigrants come to Mississippi and other states looking for a better life, and businesses need to stay competitive in labor costs with increasing off-shore competition.

Last week, two high-profile senators representing usually opposite views on Capitol Hill proposed a new immigration law that could help even-out the immigration situation in Mississippi and other states.

Republican John McCain of Arizona and Democrat Edward Kennedy of Massachusetts introduced Thursday a proposed law that would create a new national immigration standard, especially related to thousands of illegals who live and work in the U.S.

President Bush introduced the idea for similar reforms in his first administration, and they went nowhere. Sen. Chuck Hagel, R-Neb., and former Senate Minority Leader Tom Daschle, D-S.D., also tried a similar bill in the last Congress.

In terms of bipartisanship, there's reason to hope the McCain-Kennedy bill might go farther in the pipeline, eventually becoming law in a form reasonably similar to what the two senators propose.

The bill would do several things that make sense for Mississippi and the rest of the country:

- It would require new investment in border security and technology;

- It would allow employers to hire foreigners under a temporary visa program if they prove they can't hire American workers for the same job;

- Visa-holders would be able to change jobs, would be able to apply for legal status and would be issued tamper-proof identification.

Many illegals now use fake Social Security numbers.

The bill would allow illegal immigrants to legalize their status but at considerable cost to each of them.

They would have to pay a substantial fine and pay back taxes, thus admitting wrongdoing and making recompense for it.

The bill's temporary visa permit would help prevent a new pool of illegal immigrants from arriving because it would become politically acceptable to fine those knowingly employing illegals.

It's estimated that 10 million illegal immigrants live in our nation, and not dealing with them automatically causes more lawbreaking by sanctioning the status quo of illegality.

Border state politicians, in particular, want meaningful changes. The problem grows every day in Mississippi because the flow of illegal immigrants, especially from Mexico and other Latin American nations, is constant.

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The bill would deal both directly and indirectly with vexing national security issues related to our open borders with Mexico and Canada. Those borders can stay mostly open if people who have moved here illegally are controlled and, if necessary, expelled for violating immigration law.

The situation now is overwhelming in magnitude and enforceability.

America grew and prospered because of immigration. Some of the greatest American success stories of the past 150 years rise from the flow of immigrants, but that flow was documented and controlled even when enormous in numbers.

One element particularly should be included in any final version of the bill: McCain's and Kennedy's insistence that legal status require fluency in English, the language of everyday life, government and commerce in our country.

In an atmosphere increasingly hostile to bipartisanship, McCain and Kennedy have crafted a proposed law with huge potential benefit for our nation's safety and prosperity.

To join an online discussion of this topic, log on to www.djournal.com, or respond at opinion@djournal.com for publication as a letter to the editor.

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DALLAS MORNING NEWS (TX): To the Front Burner: Congress should press ahead on immigration 06/16

12:06 AM CDT on Thursday, June 16, 2005

Sen. John Cornyn is keeping immigration reform front and center, holding six hearings this year on immigration with plans for a seventh next week.

But not everyone on Capitol Hill is so eager. Some Democrats and Republicans prefer to let the divisive issue just drag on.

What are they thinking? Americans need a policy that owns up to holes in our borders and grasps that parts of our economy rely on foreign workers.

Otherwise, terrorists could sneak into the country, while illegal immigrants remain pawns in an economic game.

Mr. Cornyn is trying to balance these goals. His earlier hearings concentrated on border security, while the next one will delve into foreign workers.

GOP Sen. John McCain and a bipartisan group of senators already have laid down a marker on that latter issue. The McCain team, which ranges from liberals like Sen. Ted Kennedy to conservatives like Rep. Jeff Flake, has presented an intriguing "guest worker" program.

It would allow 400,000 foreign workers annually to apply for a temporary visa to work here in selective industries such as agriculture. Applicants receiving such a visa could apply while working here to become permanent legal residents.

While in the end this may not be the best approach, it is an honest one. Few illegal immigrants are likely to apply for a guest worker program if they know they must *go home* before seeking permanent U.S. residency.

And what this country most needs is to bring illegal workers out of the shadows, so government can better keep terrorists at bay. That's easier to do if we know who has legal residency and who does not.

We hope Mr. Cornyn keeps these points in mind when he produces his own plan, which could come out by early July. Meanwhile, other members of Congress need the same sense of urgency that Mr. Cornyn and Mr. McCain are showing on this issue.

Too much delay and we'll remain stuck through the 2006 congressional races with border worries and a cruel system.

WHAT AMERICA NEEDS

Tighter borders
Realistic guest worker program
Immigration overhaul by mid-2006

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American Health Care Association

Testimony

By
Hal Daub
President and CEO
American Health Care Association (AHCA) &
National Center For Assisted Living (NCAL)

On Behalf of the Essential Worker Immigration Coalition (EWIC)

Hearing before the
Senate Judiciary Committee

"Comprehensive Immigration Reform"

Tuesday, July 26, 2005

Thank you, Mr. Chairman, and members of the committee. My name is Hal Daub, and it is an honor and a privilege to testify before you today on the important, timely topic of comprehensive immigration reform.

I serve as the President and CEO of the American Health Care Association (AHCA) -- the nation's largest association of long term care providers – and my testimony today is given on behalf of more than 10,000 members that include not-for-profit and proprietary skilled nursing facilities, assisted living communities, and facilities for the developmentally disabled. We represent over 1.5 million nursing staff, and approximately 1.7 million residents and patients.

I am also here today on behalf of the Essential Worker Immigration Coalition (EWIC), a broad-based coalition of businesses, trade associations, and other organizations from across the industry spectrum who are concerned with the shortage of both skilled and lesser skilled ("essential worker") labor. EWIC supports policies that facilitate the employment of essential workers by U.S. companies and organizations, and supports reform of U.S. immigration policy to facilitate a sustainable workforce for the American economy, while still ensuring our national security and prosperity. EWIC was formed in July of 1999 with principal leadership from the AHCA.

AHCA/NCAL and EWIC thank you, Senator Specter, for bringing the immigration reform debate to the forefront, during what is obviously a busy time for the Senate Judiciary Committee – and we thank Senators McCain, Kyl, Cornyn, and Kennedy for

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their commitment to resolving this onerous problem in a manner that advances ideas and solutions in a straightforward, bi-partisan fashion.

We can all agree America is a stronger and better nation because of the hard work, faith, and entrepreneurial spirit of the millions of immigrants who have arrived on our shores for hundreds of years.

Every generation of immigrants has reaffirmed the wisdom behind America remaining open to the talents and dreams of all seeking a better life, for themselves, and for their children. Every successive generation of arriving immigrants also has assimilated into our society, and into our diverse workforce. This has, and always will be, a defining strength of America.

The United States values immigration as an ideal, and depends upon immigration to bolster a rapidly changing and growing workforce. Ultimately, we must support and promote public policies that improve our immigration laws in a manner that strengthens the U.S. economy, improves our security, and maintains the historic principles upon which our nation was built.

Reform must begin by confronting the fact that many of the jobs being created by America's growing economy are jobs that American citizens simply are not filling – in fact, these are jobs no one is filling. Our laws, therefore, should allow willing workers to enter our country and fill this void.

According to the Bureau of Labor Statistics, about 98 percent of projected employment growth between 2002 and 2012 will be in the service industries. 80 percent of that growth is in five service sectors: education and health services, professional and business services, state and local governments, leisure and hospitality services, and retail trade. The growth in the education and health services sector accounts for 25 percent of total 2002-2012 projected employment growth. Nearly half (40 percent) of the projected employment growth in education and health services is in ambulatory health care services, mostly persons who provide health care and other support to the elderly.

Many of the 58 occupations projected by BLS to have faster than average employment growth between 2002 and 2012 are in service industries and employ essential workers. These fast-employment growth industries collectively account for 84 percent of the total projected employment growth. Employment services, healthcare services, food services, and construction are projected to account for 5.3 million additional jobs, or one-quarter of the total expected to be added by 2012. Food services, for example, are projected to have output growth slightly above average (2.4 percent a year versus 2 percent), and employment growth of 16 percent, boosting the number of jobs from 8.4 in 2002 to 9.7 million in 2012.

BLS expects employment in all occupations to rise by 21 million jobs between 2002 and 2012 - from 144 million to 165 million - an increase of 16 percent. However, because of

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changing demographics and retirements/turnover, BLS projects 56 million job openings during the decade, or an average 2.6 job openings for each net additional job.

America's health care system, in particular, is straining due to a shortage of key caregivers necessary to care for a rapidly aging population. From the standpoint of long term care, Mr. Chairman, we are ready, willing, and able to offer tens of thousands of good-paying jobs that, if filled, will help boost the quality of seniors' care in nursing homes across America.

The high demand for long term care workers already is documented by the federal government as well as by AHCA/NCAL. A recent study by the Department of Health and Human Services (HHS) and U.S. Department of Labor (DoL) estimates that the U.S. will need between 5.7 million to 6.5 million nurses, nurse aides, home health and personal care workers by 2050 to care for the 27 million Americans who will require long term care – up over 100 percent from the 13 million citizens requiring long term care in 2000.

In addition, a recent AHCA study examining staff vacancy rates in our nation's nursing homes found approximately 52,000 Certified Nursing Assistants (CNAs) are needed immediately – just to meet existing demand for care. While we are cognizant that the various legislative proposals on the table do not specifically address the need to fill key frontline caregiving positions, a comprehensive approach to immigration reform is better than piecemeal, industry-specific efforts which have not worked in the past.

The current temporary and permanent visa programs are insufficient and inadequate to accommodate U.S. needs. The H-2B program for seasonal workers is narrowly defined and has a Congressionally mandated cap that is arbitrarily set at 66,000 per year. The H-2A visa program for agricultural workers contains no numerical cap, but does not respond quickly enough to the often rapid fluctuations in agricultural labor demand, and is thus seldom used by employers. The permanent residence program provides approximately 5,000 slots annually for essential workers. Our current immigration system can not handle our continuing need for foreign-born workers.

Comprehensive immigration reform should be guided by three basic goals.

First, America must always remain in absolute control of its borders and know who lives within those borders. On this point, there is no debate.

Second, new immigration laws should serve the needs of the U.S. economy. If an American employer is offering a job that American citizens are not willing or available to take, we ought to welcome into our country a person who will fill that job – especially a job that has the capacity to improve the health and well being of our seniors and people with disabilities.

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Third, undocumented workers who pay taxes and contribute to our labor needs should be given a vehicle to earn legal status. Of course, we should not provide unfair rewards to illegal immigrants in the citizenship process, or disadvantage those who came here lawfully; but, we must recognize contributions and provide mechanisms for attaining legal status.

The path to permanent status, and eventually U.S. citizenship, is especially important to the our nation's long-term care profession. With a turnover rate for CNAs and personal care workers in some of our skilled nursing facilities and assisted living residences close to 100 percent, we find it illogical that an administrator must send his or her most senior, qualified aide home after just two or three years simply because they were born in a foreign country.

That key caregiver should be offered the opportunity to extend his/her stay and continue to contribute to both the U.S. economy, and the care of our frail, elderly, and disabled.

Moreover, it is time for our nation to acknowledge the enormous and growing importance of undocumented immigrant workers within our borders who, one way or another, are integrating into the U.S. economy. The Pew Hispanic Center estimates that in 2004 there were 10.3 million undocumented immigrants in the United States: 5.9 million from Mexico; 2.5 million from other Latin American countries; 1 million from Asia; 600,000 from Europe and Canada; and 400,000 from Africa and elsewhere.

Incredibly, 86 percent of undocumented immigrants have arrived since 1990 and 30 percent have arrived just since 2000. Over the past decade, the undocumented population has grown by 700,000 - 750,000 persons per year.

These statistics highlight the broken immigration system created in 1986 after the passage of the Immigration Reform and Control Act. We have let our immigration system spin out of control over the past 2 decades. However daunting the statistics regarding the undocumented in our country may be, we must keep in mind that these overwhelming numbers represent mothers and fathers, sons and daughters. Many of these undocumented workers not only want to help themselves and their families, but have the capacity to help many of our businesses, and to help care for many of our citizens. That is why AHCA/NCAL with EWIC helped craft the business communities' basic principles of what comprehensive immigration reform should include:

- Reform should be comprehensive, addressing both future economic needs for workers and undocumented workers already in the United States.
- Reform should strengthen national security by providing for the screening of foreign workers and creating a disincentive for illegal immigration.
- Reform should strengthen the rule of law by establishing clear, sensible immigration laws that are efficiently and vigorously enforced.
- Reform should create an immigration system that functions efficiently for employers, workers, and government agencies.

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- Reform should create a program that allows hard working, tax paying, undocumented workers to earn legal status.
- Reform should ensure that U.S. workers are not displaced by foreign workers.
- Reform should ensure that all workers enjoy the same labor law protections

We believe these principles dovetail with the President's principles and some of the proposed legislation that members of this committee are addressing.

AHCA/NCAL and EWIC want this Committee to know that we are delighted and encouraged by the fact that the President and key legislative leaders from both sides of the aisle recognize that vast sectors of the American economy have significant, unfilled labor needs that require attention and action.

This is the beginning of the process, not the end. We look forward to working with the Committee in a positive, cooperative manner as comprehensive immigration reform policy is debated, crafted, and, hopefully, passed into law as soon as possible.

Thank you for the opportunity to testify before you today.

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DENVER POST (CO): Odd cast boosts immigration reform 06/12

McCain-Kennedy bill is a solid launching pad for Congress' immigration debate. The subject carries social, economic and security implications.

DenverPost.com
Article Launched: 06/12/2005 01:00:00 AM

With an estimated 11 million or more illegal immigrants in the United States, it's clear that existing border policies have become a joke. They too often ignore the labor needs of the economy and, well, where do we begin about the lack of enforcement? The laws against illegal immigration and hiring undocumented workers are poorly enforced, when they are enforced at all.

Past efforts to update U.S. immigration laws have taken years. The task is among the most ticklish and difficult facing Congress, with social and economic ramifications along with diplomatic and domestic security impacts.

Some weeks ago, a serious effort to tackle the immigration headache was launched by Sens. John McCain, a border state Republicans, and Ted Kennedy, a Northeast liberal. This odd duck authorship represents the need to forge a broad consensus. Indeed, McCain-Kennedy is a rational approach that holds much promise if calm heads can prevail over demagoguery.

The McCain-Kennedy bill is in synch with many of President Bush's immigration-reform ideas, which increases the likelihood of success. (Also, the word out of Washington is the president now supports concepts he once opposed, such as not requiring illegal immigrants to return home to gain legal status.)

"It's certainly the most ambitious formulation that we've seen," said Doris Meissner of the Migration Policy Institute in Washington, "and it really does take on the broad sweep of the issues." Meissner, director of the Immigration and Naturalization Service under President Clinton, said McCain- Kennedy will "help focus the discussion. It creates something specific against which to really have a debate" and "probably will go through several iterations" before reaching the Senate floor. She also observed the White House was "amazingly mum about McCain-Kennedy when it was introduced."

In contrast, Rep. Tom Tancredo, R-Littleton, gave the bill both barrels. He ripped border security provisions as "little more than commissioning of a few more government reports and working groups," and said, "The rest of the bill is dedicated to things like providing taxpayer-funded health care and instant amnesty for millions of illegal aliens who have broken our laws."

True, the bill proposes legitimizing the status of illegal workers currently in the U.S. They would have to pay $2,000 in fines, as well as back taxes, and pass criminal background checks and medical exams. These immigrants could then apply for three-year guest-worker visas, renewable once. After six years, the workers would be eligible to apply for permanent resident status for themselves and their families, and, after five more years, U.S. citizenship.

The bill would allow U.S. employers to hire up to 400,000 foreign workers the first year on a showing that no residents would take the jobs. These workers also eventually could become permanent residents.

Other provisions include electronically verifiable identity cards for the guest workers and doubled fines for employers who knowingly hire newly arrived illegal immigrants.

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Despite its bipartisan support, McCain- Kennedy faces an uphill fight on both sides of the aisle: from Republicans opposed to any form of amnesty and from Democrats who fear cheap foreign labor will depress domestic wages.

McCain-Kennedy is a reasonable springboard to debate the many tough issues that are raised by U.S. immigration policy.

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EAST VALLEY TRIBUNE (Mesa/Scottsdale, AZ): Extremists must not be allowed to hijack immigration proposal 05/13

May 13, 2005
Tribune Editorial

With the introduction of bipartisan immigration-reform legislation on Thursday, maybe, just maybe, we can get some action on this serious, festering issue.

National security is at stake due to our porous southern border. So is continued healthy economic growth that historically has depended upon a reasonable flow of immigrants. The rule of law, in tatters from the spotty enforcement of immigration laws and woefully inadequate documentation requirements for employment status, also is at stake.

Legislation unveiled on Thursday by members of Arizona's congressional delegation and others addresses all of these critical issues. It toughens border enforcement, creates a guest worker program, levies penalties on illegal immigrants and strengthens identification requirements for employment.

This legislation won't satisfy extremists that for too long have held workable immigration reform hostage. Those on the far left have charged that clamping down on illegal immigration is unnecessary at best and racist at worst. Those on the far right have opposed a guest worker program as unnecessary and demanded prosecution or deportation of even gainfully employed illegal immigrants.

Thankfully, there are many Democrats and Republicans who've shunned the extremes — including Sens. John McCain, R-Ariz., and Ted Kennedy, D-Mass., U.S. Reps. Jeff Flake and Jim Kolbe, R-Ariz., and Rep. Luis Gutierrez, D-Ill., who are cosponsors of the reform legislation. President Bush, Gov. Janet Napolitano, U.S. Sen. Jon Kyl, R-Ariz., and other prominent officials from both parties also have voiced strong support for reforms that include the elements cited above.

Let the debate begin on this legislation. But let the debate center on the details: the size of the guest worker program, penalties for illegal immigrants as well as employers who knowingly hire them, how many new Border Patrol officers to add to ensure border security. Don't allow the debate to be hijacked by those of either extreme who refuse to embrace its key tenets.

That would lead only to further inaction. And as residents of a border state where the pressure cooker of illegal immigration has been building for too long, that is unacceptable. Action is needed — the kind of multi-pronged, practical action contained in this legislation. Congress and the president simply cannot allow it to stall.

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THE ECONOMIST (London): The best solution so far to one of America's thorniest problems 05/21

Lexington
May 21, 2005

ON THE BORDER
The best solution so far to one of America's thorniest problems

THERE are many reasons for moderate pragmatists to be irritated by the culture wars that are consuming American politics. They are polarising an already polarised electorate; they are reigniting the politics of personal destruction; and they are filling the airwaves with mind-numbing debates about filibusters. But the biggest reason is that they are diverting attention from other pressing problems.

Immigration is a good example. There is no doubt that America's system is badly broken, with, perhaps, 10m immigrants working in the country illegally and another 1m arriving every year; there is equally no doubt that this imposes huge costs on the country in terms of lawlessness and human misery. On May 12th, two powerful senators, Ted Kennedy and John McCain, proposed a sensible solution. Yet their arguments risk being lost in the babble about John Bolton and judges.

America's present immigration law flies in the face of economic reality. The economy is creating far more low-end jobs than American workers are willing to take (the proportion of native-born Americans dropping out of high school has fallen from half in 1960 to just 10% today). Entire industries - agriculture, food-processing, construction - rely on cheap immigrant labour. But America's yearly quotas are far too small to satisfy its needs.

The resulting black economy undermines the rule of law. Check into a hotel, and you may be the beneficiary of a complex chain of law breaking. The hotel owner may have hired illegal immigrants. The valet-parker may have paid $ 2,000 to be smuggled across the border by a criminal gang. Several of his friends may have died trying to get in (last year 200 immigrants, including a three-year-old child, died in the Arizona desert). The criminal gang may have engaged in shoot-outs with immigration officials or rival gangs. His $ 2,000 fee may have been used to subsidise drug-smuggling. Tamar Jacoby, a Manhattan Institute scholar who is a beacon of light in a foggy debate, likens the current immigration laws to prohibition: impossible to enforce, they encourage a whole sub-culture of criminality.

The black economy also threatens two things pretty much all Americans hold dear. The first is the cherished tradition of assimilation. Illegal immigrants live in a shadow world where they are reluctant to put down roots and even visit their children's schools. The other is national security. The easiest way for a terrorist to enter the country without a trace is through Arizona. Forget about visas and background checks. All you need to do is hire a coyote: he will smuggle you across the border, no questions asked, and then plug you into a criminal network that specialises in giving people false identities and hiding them in a huge illegal sub-culture.

The Kennedy-McCain bill is the result of ten months of hard slog. The two senators were still hammering out the details the day before they unveiled their plan. But the product is a hard-nosed law that tries to align America's immigration laws to the economic realities without rewarding illegal behaviour.

The bill provides both illegal workers and law-breaking employers with a ladder out of the shadow world they now inhabit. Illegal workers will be allowed to apply for temporary work permits (which will not be tied to specific jobs, as in earlier schemes). And employers will be allowed to hire immigrant workers if they can demonstrate that no Americans want their jobs. But at the same time the bill avoids being soft on illegal

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immigration. Any illegal immigrants in the country will pay hefty fines, as well as their back taxes, and go to the back of the queue for green cards. Employers will also face much stricter penalties. Money will be pumped into border security and a new system of tamper-proof identity cards.

Jumping over the congressional barrier

Plenty of people on both sides of the spectrum want to stop this bill. The AFL-CIO union combine has declined to endorse it. A mainly Republican anti-immigration caucus in the House contains around 70 diehards united behind the idea "What part of illegal don't you understand?"; they have just demonstrated their legislative muscle by pushing through a bill that makes it harder for illegals to get driving licences. John Cornyn, the chairman of the Senate sub-committee on immigration, has made it clear that he's opposed to any bill with a "work and stay" provision. Meanwhile, the White House, which has been badly burned on Social Security reform, is reluctant to spend significant amounts of political capital on an issue that so divides Republicans.

Yet immigration reformers also have muscle on their side. Employers' groups and some unions are behind the bill. So are many border-state politicians who know the status quo means chaos. And there is the clout of the two sponsors. Mr Kennedy remains the most determined legislative warhorse in the Senate. Mr McCain is a charismatic reformer with a broad constituency (particularly in the media). Both men are past masters at pushing complicated bipartisan legislation through Congress, including far-reaching reforms of education and campaign finance. They have already recruited Joe Lieberman and Sam Brownback.

The reformers' most important ally, though, is common sense. America has spent millions of dollars trying to tighten up its borders only to see the situation get worse. It now relies on illegal workers to pick its vegetables and build its buildings. Closing the border is impossible without some sort of legalisation for the millions in the country; mass deportation would do irreparable harm both to America's economy and to its traditions as an immigrant-friendly nation.

The problem for Messrs Kennedy and McCain is that common sense needs the oxygen of publicity if it is to breathe. And for the moment all that oxygen is being consumed by tedious debates about the virtues of filibusters.

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EL DIARIO/LA PRENSA (NYC): Kennedy- McCain Immigration Bill 06/15
June 15, 2005

It`s time to get the ball rolling on one of the most promising proposals for immigration reform. The Kennedy-McCain bill, (the Secure America and Orderly Immigration Act), if passed, is the solution for many immmigrants to become American citizens. The bill will alleviate countless problems and is needed for the more than 1.2 million illegal and legal immigrants in America, however, it still stands in both the house and senate.

After months of debate and negotiation, Senators Ted Kennedy and John McCain came to a decision on the terms of the bill along with congressmen Kolbe (R-AZ), Flake (R-AZ) and Gutierrez (D-IL). First, the USA would accept at least 400,000 foreign workers each year and provide them with three year visas. For the more than 10 million undocumented immigrants that are already in America, they would have to register, pay a $2,000 fine, clear a background check, pass an english exam and possibly also pay back taxes. The act would also increase fines for employers who hire undocumented immigrants, allow workers to change employers and fully protect them under labor laws. The act would also increase border enforcement and control.

The bill allows hardworking immigrants to live and work in the United States while paying taxes. This will improve their chances to achieve residence and eventually citizenship. Not only does the bill apply to the individual, but also their family members. Divided familes and lack of citizenship continue to be large problems for immigrants trying to make a living.

American legislators have finally realized the importance of immigrants in America. This teamed up with the DREAM act, which will make undocumented immigrant students eligible for subsidized in-state tuition, are improving immigrant status in America.

We urge the house and senate to pass this bill as it will help millions of immigrants obtain citizen status.

EL DIARIO/LA PRENSA (NYC): La legislación de Kennedy McCain 06/15
2005-06-15

Es hora de impulsar una de las más prometedoras propuestas para la reforma de inmigración. El proyecto legislativo Kennedy McCain (*the Secure America and Orderly Immigration Act*) si es aprobado, será la solución para que muchos inmigrantes se conviertan en ciudadanos estadounidenses. Dicha propuesta aliviará numerosos problemas y es una necesidad para cerca de 1.2 millón de inmigrantes legales e ilegales. Sin embargo, la misma todavía sigue en manos de la Cámara y el Senado.

Tras meses de debates y negociaciones, los senadores Ted Kennedy y John McCain decidieron los términos del proyecto de ley con la ayuda de los congresistas Kolbe (R-AZ), Flake (R-AZ) y Gutiérrez (D-IL). Primeramente, EE.UU. aceptaría como mínimo 400 mil trabajadores extranjeros cada año, a quienes proveerían con un visa válida por tres años. Los más de 10 millones de inmigrantes indocumentados actualmente en Estados Unidos, tendrían que registrarse, pagar una multa de $2,000, someterse a un chequeo de antecedentes penales, aprobar un examen de inglés y posiblemente pagar impuestos atrasados al estado.

La ley también aumentaría las multas para los empleadores que contraten indocumentados; permitirá que los trabajadores puedan cambiar de patrones y se les protegerá bajo las leyes laborales. Todo ello reforzará el control y vigilancia de las fronteras.

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La legislación permite a inmigrantes que trabajan duro a permanecer en los Estados Unidos mientras pagan sus impuestos. Esto elevará sus oportunidades de obtener una residencia y eventualmente la ciudadanía. No sólo la medida aplica al individuo, sino también a los miembros de su familia. Familias divididas y falta de ciudadanía continúa siendo un gran problema para inmigrantes que tratan de ganarse la vida.

Los legisladores americanos han comprendido la importancia de los inmigrantes para América. Esto se une al *DREAM act*, que hará a estudiantes indocumentados elegibles para recibir becas subsidiadas por el estado, mejorando el estatus del inmigrante en el país.

Urgimos que la Cámara y el Senado aprueben este proyecto de ley para ayudar a que millones de inmigrantes aseguren su estatus de ciudadanía.

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EL PASO TIMES (TX): Immigration: Security must be balanced with sensitivity 07/05
July 5, 2005

Sometimes it's a bit difficult to discern what's going on with immigration reform in Washington, D.C.

Reconfiguring the nation's immigration procedures is, by almost anyone's admission, something that is very necessary -- vital, in fact. And after President Bush took office for his first term, it looked as if something was going to be done fairly quickly.

But after the tragedies of 9/11, immigration problems took a back seat to more pressing security matters. Back seat? It was more like immigration reform dropped out of sight.

Reform ideas, mostly insubstantial mutterings about a guest-worker program, have surfaced since then, but haven't resulted in much. However, now it appears that Congress might be ready to go after some reforms with substantive plans. That's welcome.

Possibly this new push was brought on, or at least encouraged, by the Minutemen's activities along the southern border. Although having untrained and sometimes armed civilians patrolling the border wasn't, and still isn't, a good idea, at least it serves to bring attention to the problems we have with immigration and lack of enforcement.

One proposal actually was brought up in May, a bipartisan effort by two senators, Massachusetts Democrat Edward Kennedy and Arizona Republican John McCain.

In McCain's floor statement about the Secure America and Orderly Immigration Act of 2005, taken from his Web site, he said, "I would like to mention some startling statistics that demonstrate the critical need for immigration reform. I think the numbers speak for themselves:

-- "Over 300 people died last year trying to cross the border -- about 200 of those deaths occurred in Arizona's desert.

-- "Last year 1.1 million illegal immigrants were caught by the Border Patrol and 51 percent of those were caught in Arizona.

-- "The Border Patrol is currently apprehending over 1,000 undocumented immigrants a day in Arizona.

-- "According to the FBI, an increasing number of these individuals are OTMs (Other Than Mexicans) from "countries of interest."

And, according to Knight Ridder News Service, GOP Sens. John Cornyn of Texas and Jon Kyl of Arizona are "weeks away" from revealing a similar measure. The major difference seems to be that Cornyn-Kyl would have participants eventually return to their home countries, while Kennedy-McCain would aim toward eventual citizenship.

Cornyn-Kyl legislation also embraces more security measures, such as 10,000 more Border Patrol agents in the next five years.

The Pew Hispanic Center says that the population of undocumented immigrants is now about 11 million. Is immigration reform needed? You bet.

However, reform must be accomplished not only with an eye toward security, but also with sensitivity to the human and humane issues involved. There will be lots of debate about this issue, and there must be, because that's how an equitable plan will be forged.

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EMBASSY OF HONDURAS
WASHINGTON, DC

Statement

of

The Embassy of Honduras

Before the Senate Committee on the Judiciary

For the
July 26, 2005
Hearing Entitled

Comprehensive Immigration Reform

Chairman Specter, Ranking Member Leahy, and Members of the Senate Committee on the Judiciary, the Embassy of Honduras respectfully submits this statement. We thank you for holding hearings on this important issue and Honduras and its people thank you for all of the initiatives supported by the United States that assist Honduran immigrants.

Introduction

As you deliberate immigration reform legislation, we urge you to consider extending the opportunity for a more stable immigration status to the more than 81,000 Hondurans working legally in the United States on Temporary Protected Status (TPS).[1] In addition to Hondurans, 4000 Nicaraguans and 250,000 Salvadorans benefit from the TPS program, constituting 98% of all TPS recipients.[2] These workers pay U.S. taxes and are an essential part of the U.S. economy. Many have been living and working in U.S. on TPS for over six years and have developed contractual and employment relationships as well as significant ties to their communities. They are required to register with the U.S government and must maintain a clean criminal record to retain their TPS, thus are easily traceable and pose a low security risk. The remittances they send home are crucial for maintaining stable democracies and free market economies for

[1] *See* U.S. Citizenship and Immigration Services Press Release: *October 29 2004, DHS Announces 18-Month Extension of Temporary Protected Status (TPS) for Nationals of Honduras and Nicaragua.* Available at *http://uscis.gov/graphics/publicaffairs/newsrels/Hon_Nica_TPS_04_11_01.pdf.*

[2] *See* U.S. Citizenship and Immigration Services Press Releases: *October 29 2004, DHS Announces 18-Month Extension of Temporary Protected Status(TPS) for Nationals of Honduras and Nicaragua; January 6, 2005 DHS Announces 18-Month Extension of Temporary Protected Status(TPS) for Nationals of El Salvador.* Available at *http://uscis.gov/graphics/publicaffairs/newsrels/Hon_Nica_TPS_04_11_01.pdf and http://uscis.gov/graphics/publicaffairs/newsrels/elsal_2005_01_06.pdf.*

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U.S. allies in Central America and to increase trade, control immigration, and combat organized crime and drug trafficking in the region.

TPS has a limited duration, however, and without legislation creating some mechanism by which these individuals may seek a more stable status, tens of thousands of Hondurans may suddenly lose their legal status. This would harm both the U.S. and Honduras. The U.S. would loss hundreds of thousands of legal workers and the Honduras would lose remittances, which are a vital source of income for much of our population. Moreover, the sudden influx of hundreds of thousands of people would profoundly destabilize Honduras' relatively new free market economy and democracy. Honduras has been a valuable ally of U.S in providing for a secure and stable region during Central America's civil wars in the 80's and in the current war against terror . Honduras and its Central American neighbors are also partners of the U.S. under the Dominican Republic – Central American Free Trade Agreement.

Providing a means by which TPS recipients may achieve a more stable status would benefit both the U.S. and Honduras. In Honduras' case, the U.S. could retain over 80,000 registered law abiding workers who are easily traceable and, through remittances, provide a steady stream of aid supporting democracy and economic stability in Honduras. Honduras would continue to receive the much needed remittances and avoid having to suddenly absorb ten of thousands of workers.

Set forth below is a more detailed explanation of TPS and importance of providing these workers with an opportunity to seek more a more stable immigration status.

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Temporary Protected Status (TPS)

TPS permits eligible nationals of designated countries or regions to temporarily live and work in the United States. Under the Immigration Act of 1990 and Homeland Security Act of 2002, Secretary of Homeland Security is authorized to provide TPS to foreign nationals in the United States who temporarily are unable to safely return to their native country as a result of armed conflict, environmental disaster, or other extraordinary and temporary conditions.

To be eligible for TPS, a foreign national must:

- Establish continuous physical presence and residence in the United States for a specified period of time; and
- Timely register for TPS benefits and re-register if an extension is granted.

The foreign national is not eligible for TPS, if he or she is:

- convicted of any felony or two or more misdemeanors;
- a persecutor, terrorist or otherwise subject to one of the bars to asylum; or
- subject to one of several criminal-related grounds of inadmissibility for which a waiver is not available.

As stated above, TPS is temporary and there is no mechanism by which most TPS recipients can achieve a more stable status. Thus, in most cases, when the Secretary terminates TPS for a country, the former TPS recipients are no longer eligible to live and work legally in the United States.

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Central Americans in the U.S. on TPS

There are approximately 335,000 Central Americans living and working in the United States on TPS. Out of those, are 81,875 Hondurans and 4,309 Nicaraguans granted TPS in 1999 as a result of the devastation caused to their countries by Hurricane Mitch. The remainder are Salvadorans granted TPS in 2001 because of a series of earthquakes that severely damaged that country. The Department of Homeland Security has extended the TPS period for these Central Americans as their countries continue to suffer from the effects of the natural disasters. TPS for Hondurans and Nicaraguans is set to expire in July 2006 and for Salvadorans in September 2006.

The Need for a More Stable Status

A. The Impact of Terminating TPS

The TPS program has provided much needed support to Honduras in the form of continued employment for TPS recipients at a time when Honduras and its neighbors continue to recover from the aforementioned natural disasters and other difficulties they have faced. The situation in Honduras is illustrative. Our economy is very dependent on remittances. According to the Central Bank of Honduras, total official family remittances sent from Hondurans working in the U.S. (including, but not exclusively Hondurans here on TPS) is US $900 million, or 13% of the Honduras's GDP. By some estimates, remittances support 25% of the population.

Moreover, it would destabilize Honduras' economy and strain its infrastructure to absorb the TPS recipients at this time. If the over 80,000 workers currently on TPS were

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to suddenly return to Honduras, the country's unemployment rate could increase by as much as 60%. Honduras' capacity to provide food, housing, health, education, and other social services, also would be severely strained. Indeed, according to the most recent official data from the XXVI Permanent Multipurpose Household Survey (EPHPM), of September of 2003, of a total 1,346,362 dwellings (of which 652,938 are urban, and 693,424 to rural level): 209,378 are under conditions of overcrowding; 242,913 do not have sanitation systems, and an additional 282,904 do not have drinkable water.

B. Benefits to the Providing a More Stable Status

1. Economic Benefits

Providing TPS recipients with an avenue for a more stable status provides benefits to both the U.S. and Honduran economies. The Essential Workers Coalition, the AFL-CIO, the U.S. Chamber of Commerce, the restaurant industry, the National Association of Manufacturers and a number of institutions such as the Catholic and Episcopal Churches, the Immigration Forum, the American Bar Association, and others cite evidence that immigrants are beneficial to the U.S. economy and that the United States cannot function without them.[4]

Most economists have established, however, that maintaining a healthy U.S. economy requires population growth and a continued flow of immigrant workers. The

[4] The University of Illinois at the New Center for Urban Economic Development at the College of Urban Planning and Public Affairs published a study entitled "Chicago's Undocumented Immigrants: An Analysis of Wages, Working Conditions, and Economic Contributions." February, 2002. The study is enlightening and supports the argument that immigrants, including undocumented workers, benefit the United States. The key findings of the study indicate that undocumented immigrants primarily seek work in low wage service and labor occupations and are paid less than their counterparts. A substantial portion of them, relative to immigrants with legal status, work at high risk jobs and do not receive health insurance or other benefits. To the contrary, the study demonstrates that the economic activity of undocumented immigrants in the Chicago area generates more than 31,000 jobs in the local economy and adds $5.45 billion dollars annually to the gross regional product. Approximately 70% of the undocumented workers pay taxes, according to the study, yet they use very few of the public benefits available.

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2000 U.S. Census indicated that in recent years Latinos contributed close to 50% of the growth of the U.S. population. Without this growth, the U.S. economy would slow down considerably.

2. Security at Home and Abroad

As U.S. attention turns to countries engaging in the fight against terrorism, the remittances that Honduras receives from its nationals abroad, including those benefiting from TPS, undercuts the ability of international drug cartels and terrorist organizations to operate in Honduras and the other Central American countries. This is an important policy consideration in the U.S. war on terrorism and its efforts to promote international stability, democracy, and security.

Also, the Honduran TPS recipients are 81,000 registered law abiding workers who are registered and have undergone background checks as part of the TPS process. As a result they are easily identifiable , traceable, and pose a low security risk at home.

Conclusion

Honduras and its people are deeply thankful for all of the initiatives supported by the United States to assist Honduras. The United States' continuous support cements the long-term friendship and common objectives shared by the peoples of both countries, has made a difference in the lives of hundreds of thousands of Hondurans, and will allow Honduras to face the ongoing process of national reconstruction and transformation.

It is clear that the return of over 80,000 Hondurans in less than a year to a country "unable to handle adequately their return" would have serious negative effects on

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Honduras' political, economic, and social stability, and could even reverse the progress made to date in the areas of democratization and free market reform, at a time when events throughout Latin America threaten gains made in these areas.

Thus, we respectfully request you consider extending the opportunity for a more stable immigration status to the more than 81,000 Hondurans currently legally living and working here in the U.S.

Thank you for your time.

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A NATION AT RISK: IMMIGRATION AND THE NATIONAL INTEREST

By GARY ENDELMAN

SUMMARY:

The purpose of immigration should be to strengthen the nation, not aid the immigrant. Chain migration does not do that. Most family categories are an unregulated jobs program. All numerical limits on the family second preference should be lifted but all other family preferences should be abolished. It is impossible to protect US workers through restrictions on employment immigration alone when the vast majority of immigrants who come to work arrive as family preference cases. America needs to shift most family visas over to the employment categories, give the aliens themselves much greater control over their own visas, extend the concept of portability and allow the economic needs of the nation, as well as those of states and localities, to shape our immigration policy. No longer should the specific needs of individual employers play a decisive role. No longer should all occupations or all countries be given equal weight or treatment when it comes to visa validity or allocation. Flexibility, transparence and enlightened national self-interests should be the hallmarks of a new system that is nation-centered, not alien-centered.

WHY WE SHOULD CARE

Is America ready and able to compete in the global economy? That question remains very much unanswered. In its most recent July 25th issue, Fortune Magazine worried aloud:

> No one is saying that Americans can't adapt and win once more. But look at our preparedness today for the emerging global economy and the conclusion seems unavoidable. We're not ready

What will it take to reverse this trend and make America able to seize and occupy the high ground? We learn from Columbia University's Jeffrey Sachs that "there is no other fundamental mover of economic development than science and technology." Immigration can be a vital tool to win the battle for economic supremacy. How can we make that happen? The answer to that should shape our national policy for the future.

THE VIRTUE OF DEREGULATION

One place to start is to eliminate micromanagement by the government. Mass migration and micromanagement cannot co-exist. Either micro-management or mass migration will have to go. Deregulate the system. Mass migration can only exist if regulated with a light touch. Congress should decide how many immigrant visas to issue and then charge employers a registration fee. In effect, employers would buy the right to hire foreign-born workers on a permanent basis. Let Congress set the going rate, put willing employers

together with willing workers, to use President Bush's felicitous phrase, and then get out of the way so that the concerned parties can sit down and negotiate a deal.

STRATEGIC IMMIGRATION

We need a paradigm shift in the way that the US Government thinks of immigration. With the exception of the rarely used investor visa, we have always had a passive approach to immigration that is driven the specific needs of individual employers. Whatever comes in over the transom, that is what the INS/CIS decides. Our economy needs a more activist approach. Just as we use tax policy to encourage business activity and shape investment decisions, so immigration policy can and must be deployed in a targeted and highly disciplined fashion to promote those with certain knowledge or talent to come while discouraging others. Immigration must become a tool that we can use to fashion the kind of society we want to create. Granting immigration credits to an employer for some sponsorship, for example, while withholding them in others, or making some cases subject to a numerical cap while exempting others, or even allowing employers to trade or sell immigration credits between or amongst themselves, is neither a new nor particularly shocking idea. Governments on all levels already do the same things in many other areas of American life, such as environmental remediation, urban renewal and corporate relocation. Immigration is now so inextricably intertwined in all areas of our national, regional and local economic life, and in all sections of the nation, as opposed to traditional areas of immigrant concentration, that incentives based on immigration can be just as powerful a magnet in fostering the kind of economic activity we want to underwrite as government encouragement, tax abatements or relaxation of building code restrictions. A market driven system would be simple, honest and transparent. It would protect American workers far better than the false promises of the current regime by giving immigrants what they need and want the most- true occupational mobility that is not tied to the need for employer sponsorship. For the first time, foreign workers could vote with their feet as they seek to realize in full measure the promise of American life for themselves and their families. No longer would government red tape subsidize an inefficient system that serves mostly to perpetuate itself and protect the vested interests of those elites who take false refuge in its complexity. Deregulation, not more of the same, is the cure for our immigration ills.

EMPLOYMENT OVER FAMILY

While the US needs to retain a core commitment to asylum, refugee rights, and family unit, immigration is neither social outreach nor international self-help. Properly understood, it is an exercised in enlightened national self-interest. Most Americans would be surprised to learn that the vast majority of legal workers never had a work visa. They came in as family migrants even though they came to work. That is what family migration has become, an unregulated jobs program. While most Americans love their siblings and adult children, they do not live with them. It is unconscionable that the families of permanent residents are divided for years on end. That must stop and all caps on family second preference must go. Once that is done, all other family categories must be abolished with their numbers shifted over to the employment side of the ledger. This

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should also be done with the diversity visa lottery for which there is no economic rationale. This can be phased in gradually so as not to hurt those who have waited in line for so long. Alternatively, they can immigrate on the basis of these extended family relationships subject to a labor market test. If America does not need the siblings of US citizens, or married children, they should not come. In truth, they would be able to come faster than they do today.

The primary reason for immigration should not be to help the immigrant but to enrich the nation. We need not to protect those jobs that now exist but to use immigration as a way to create new jobs and expand national wealth. When US immigration policies are set without reference to global realities, mature industries lose jobs and emerging industries lose something equally precious but harder to spot, the possibility for jobs. These jobs are lost to the US economy even before they are created.

SOME MODEST PROPOSALS

Now is not the time to tinker. Now is the time for bold thinking . We have serious problems and we need serious solutions to solve them. Try these on for size:

- We need more green cards and fewer H1Bs. Congress should remove all numerical caps on the H but only allow for three years with no extensions.

- Abolish the labor condition application and give the alien ownership of his or her own work visa. Allow self-petitioning valid for any employer under the H-1B category. Take the concept of H1B portability all the way to its logical conclusion. Allow the alien to file an H petition much as he or she can now file a national interest waiver or extraordinary ability immigrant petition. The H-1B approval would then truly belong to the H-1B worker and not to the employer who loses any leverage that the market would not otherwise provide. Armed with such a weapon to guard against unreasonable employer demands, the H-1B alien would have no need for a labor condition application which can be abolished.

- Adopt the suggestion advanced by John Doerr, legendary Silicon Valley venture capitalist, under which every foreign student who graduates from a US university with a Ph.D. gets a green card.

- There is no reason why real-time data cannot tell us what real-world labor shortages exist. Using the Bureau of Labor Statistics's occupational projections, the DOL should be able to tell us what occupations are in short supply. If BLS numbers indicate that the number of vacancies in any occupational category, when adjusted for regional or even metropolitan differences, will outpace the ability of the domestic labor pool to fill them, then grant the H-1B and allow that alien to apply for the green card without any further need to advertise the job or demonstrate the lack of qualified, willing or available Americans.

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- Reward not past achievement but future potential when deciding which aliens have the talent to enrich the American economy. Decisions on extraordinary ability, national interest waivers or outstanding researchers should be governed not by what someone has done before but on what they are likely to do once they get here. We need people who are going to do their best work for us in the years to come, not those whose salad days are long gone, even if their resume looks more impressive right now.

- We need much tougher enforcement and much higher levels of immigration. Opponents of immigration should no longer be able to frustrate what the economy needs but supporters must stop acting as if September 11th never took place.

- Recognize, as noted above, that the real threat to US workers comes not from the distinctly limited number of employment visas but from the much larger number of family visas whose entry is unchecked by any labor market controls.

- It should be harder to come and easier to stay. Impose more restrictions on nonimmigrants and fewer on those who seek green card status.

- The American people must understand the laws and feel they have a stake in its interpretation, enforcement and evolution. It must belong to them, not to lawyers, lobbyists, bureaucrats or think tanks.

- Remove any artificial caps on employment-based categories. When employers no longer need to hire, they will not need big brother to tell them not to. We do not need a law to encourage the hiring of Americans first. At the same time, make it much more expensive for those employers that do bring in immigrants. Both supporters and opponents of immigration must learn to trust the culture of capitalism and believe in its legitimacy.

- Employment-based immigration should care more about the creation of new economic opportunity, rather than the preservation of what exists now. Growth not protection is the goal. Facilitating future growth and not punishing past transgressions is what all who care about America must place first.

- Abolish the practice of allocating immigrant visas by nation states. Why do we continue to insist that Denmark and China get the same number of immigrant visas? We should base our decisions on what the economy needs, not on an accident of geography.

- If we keep a nation-centered immigrant visa allocation scheme, institute a flexible cap so that no nation, read India or China, can grab more than 10-15% of the quota. Once this limit was reached, nationals of this nation could still come but preference would be given to under-represented nations and graduates of US universities regardless of their country of origin.

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- Double the number of employment-based immigrant visas by only counting principal visa applicants, not family members.

- Allow for flexibility to meet unusual demand in changing times. Congress can set a fixed number of immigrant, or even non-immigrant visas, every few years, say for a three-year projection. Thereafter, a market-based auction can be conducted , perhaps quarterly subject to prevailing wage oversight and subject to random audits, so that additional visas can be released to meet unexpected demand. The Committee for Economic Development suggested something very close to this several years ago when Congress passed the American Competitiveness in the 21st Century Act. The idea is to allow the economy, not federal regulators, to open or close off the visa spigot when demand rises or falls.

- For the first time in American history, immigration is a national, not a regional or local phenomenon. Places that never knew or cared about immigration now realize that it can be used to reverse population decline, replenish fading neighborhoods, restore burned out inner city cores, and promote new business creation. The consequences of immigration going national cannot be overlooked. The paradigm of employment-based immigration must begin to shift away from one based on responding to the specific needs of individual employers towards the larger requirements of local, state and regional economies. It is more important to help Appalachia or bring dead New England mill towns back to life than to assist a particular employer. This does not mean that the current model of employer sponsorship must be cast aside. It does mean that an alternative model should be tried, perhaps on a trial basis. Abolish the Diversity Visa lottery for which there is no sustaining rationale. Give out these same 55,000 visa numbers as credits to the states much as is now done with carbon credits for emission controls. Allow the states to trade or exchange these credits between themselves since no one knows what the different economies of America need more than the people who live there. Use immigration as a practical incentive to restore and revive those parts of America that have been left behind. Let those who come give hope to those now there who have none.

- Create a blanket H-1B visa that can be applied for directly at a US Consulate, much as it is now possible to apply for a Blanket L visa. Eligibility for this Blanket H should depend on the number of approved H petitions in the past year, the percentage of full-time equivalent H workers in their employ (no eligibility for dependent H employers) and documentation of a demonstrated ability to pay the prevailing wage. No employer who is guilty of a willful or material H wage violation can apply.
- Having or not having a college degree should not be the only criteria for H-1B eligibility. Does the person have special talent? Do they have a demonstrated ability to solve important technical or commercial problems? Can they perform cutting-edge research? Will their employment have a multiplier effect allowing the sponsoring employer to hire more US workers? All of these should go into the mix. If America needs skilled plumbers, electricians or mechanics more than

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MBAs, or talented systems analysts with only a high school diploma but an expert grasp of cutting-edge technology, then these are the people who deserve an exempt or a cap subject H visa slot.

- Does the economy have the same need for all H-1B occupations? The question literally answers itself. Prepare a list of occupations deserving of H approval. This is precisely what USDOL has long since done with labor certification in the form of its Schedule A. Annual revision of the list will keep it current. For those occupations not on the list, they can still get an H visa but only for shorter duration and with no exemption from the intending immigrant presumption found in Section 214(b) of the Immigration and Nationality Act. This is a one time grant with no extension.

- All visas are not created equal. So, for example, in those places where US workers do not want to go, or for those occupations that are growing, or in those disciplines that Americans will not gravitate towards, such as auto mechanic where there is a yawning vacancy of some 60,000 jobs, make the visa longer and give it a larger share of the quota. This would easily apply in the H visa context but might apply elsewhere as well. Correspondingly, if a region has no need of imported expertise, or if an industry is stagnant and has fallen back into negative growth, then cut back on the number or validity of the visa, or even ban it entirely until growth resumes or rises to whatever level Congress finds acceptable.

- Rather than extending the scope of the labor condition application to the L-1, why not give L-1 workers true protection by enabling them to look for a better job without sacrificing visa eligibility? Extend the concept of portability under the American Competitiveness in the 21st Century Act so that any L-1 who is being cheated, lied to, or taken advantage of can port to any other employer who does business in the USA and at least one other country.

CONCLUSION

The stakes are huge. It is not that much of an exaggeration to predict that the continued erosion of scientific and technical leadership can pull down the American standard of living that is the envy of the world, and cripple our ability to project American influence in preservation of key national goals or strategic objectives. Immigration is hardly the only answer, but it is certainly part of the answer. We must stop thinking of immigration as a problem to be controlled and start thinking of it as an asset to be maximized. It makes no sense to have a system where, as Geoffrey Colvin writes in *Fortune*, if "Albert Einstein wanted to move in today but had no US relatives, he'd have to get in line behind thousands of poorly educated manual laborers who did." America can do better. As Emerson reminded us in his address to the American Scholar, there is still time for discovery: "Come my friends, it is not too late to seek a newer world."

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EWIC Essential Worker Immigration Coalition

Press Release
May 12, 2005

BUSINESS GROUP SUPPORTS BIPARTISAN IMMIGRATION REFORM BILL

Hats off to the brave legislators in both the House and Senate for addressing the issues of comprehensive immigration reform through the introduction of The Secure America and Orderly Immigration Act. The Essential Worker Immigration Coalition (EWIC) hails the introduction of both a bicameral and bipartisan bill and commend Senators John McCain (R-AZ) and Ted Kennedy (D-MA) and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL). They have taken the baton from the White House on immigration reform and produced a bill that addresses head-on the serious issues of immigration reform -- security, safety and lawful immigrant worker programs. This legislation will shore-up momentum and may provide the architecture for the development of a truly secure and orderly immigration system.

"The current dysfunctional immigration system as it applies to workers essential to sustaining and growing America's economy must be changed as a matter of national and economic security." said Laura Reiff, Co-Chair of the coalition.

"This bill addresses issues important to the country and to the President and clearly was drafted with his principles in mind." said John Gay, Co-Chair of the coalition.

Although this is a thoughtful and comprehensive bill, we do have serious concerns with some of its provisions. However, it is through efforts such as this one that progress is made in immigration reform.

EWIC believes that the concepts of providing for a legal vehicle for new workers to enter the country when employers are unable to find U.S. workers, combined with a mechanism to bring existing undocumented workers in the U.S. out of the shadows and grant them some sort of legal status will serve the goals of significantly enhancing U.S. security efforts and recognizing the valuable contributions of immigrant workers.

EWIC looks forward to working with Senators McCain, Kennedy and Representatives Flake, Kolbe and Gutierrez as well as other key leaders in both the Senate and the House that are committed to make our immigration system secure, fair and viable.

EWIC (www.ewic.org) is a broad-based coalition of national businesses and trade associations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled ("essential worker") labor. EWIC supports policies that facilitate the employment of essential workers by U.S. companies that are unable to find American workers.

For more information, contact EWIC Co-Chairs John Gay at (202) 662-0768 and/or Laura Reiff at (703) 749-1372.

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MEMBERSHIP LIST

EWIC Essential Worker Immigration Coalition (as of May 2004)

- American Health Care Association
- American Hotel & Lodging Association
- American Immigration Lawyers Association
- American Meat Institute
- American Road & Transportation Builders Association
- American Nursery & Landscape Association
- Associated Builders and Contractors
- Associated General Contractors
- Associated Landscape Contractors of America
- Building Service Contractors Association International
- The Brickman Group, Ltd.
- Carlson Hotels Worldwide and Radisson
- Carlson Restaurants Worldwide and TGI Friday's
- Harborside Healthcare Corporation
- Ingersoll-Rand
- International Association of Amusement Parks and Attractions
- International Franchise Association
- Nath Companies
- National Association for Home Care
- National Association of Chain Drug Stores
- National Association of Home Builders
- National Association of RV Parks & Campgrounds
- National Club Association
- National Council of Chain Restaurants
- National Retail Federation
- National Restaurant Association
- National Roofing Contractors Association
- National Tooling & Machining Association
- National School Transportation Association
- Outdoor Amusement Business Association
- Professional Lawn Care Association of America
- Retail Industry Leaders Association
- Truckload Carriers Association
- US Chamber of Commerce

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FIRM
FAIR IMMIGRATION REFORM MOVEMENT

FOR IMMEDIATE RELEASE:
May 12, 2005

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Statement on McCain-Kennedy Immigration Reform from FIRM, the Nation's Largest Coalition of Grassroots Organizations Working on Immigration Reform

"No longer can the federal government defend the status quo of an immigration system which exploits hard working immigrants while breaking their dreams and dignity every day. For far too long, immigrants have had to endure life in fear of death, deportation and discrimination. The time to fix these laws is now. America deserves an immigration system that reflects our values of fairness and equality."
-Deepak Bhargava, Executive Director of the Center for Community Change, FIRM organizer

Senators Edward Kennedy (D-MA) and John McCain (R-AZ) along with House Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL) have introduced comprehensive immigration reform bills that respond to the current deplorable realities of our immigration system.

Unlike the Real ID act which equates immigrants to terrorists and fails to address legitimate immigration solutions; this bi-partisan effort recognizes the contributions immigrants make to our economy and to our society. For too long, Americans have benefited from the hard work of millions of law-abiding undocumented workers that have had to endure a life of fear of deportation and discrimination. The McCain-Kennedy legislation recognizes that our current immigration system is not working. Legal immigrant families have been waiting decades to be reunited with loved ones, while our economy demands hundreds of thousands of new workers each year. This legislation opens the door for further bi-partisan discussion on real comprehensive immigration reform that embraces our principles–to create a path to citizenship for millions of undocumented workers, ensure workers rights reunify families, restore civil liberties, protect refugees and asylees, and offer opportunities for safe future migration for millions of hardworking immigrants and their families.

Immigration reform is desperately needed. The McCain-Kennedy bill is an important first step in working towards a reasonable approach to immigration reform. FIRM coalition members look forward to reviewing this legislation. We stand ready to work with all Members of Congress to ensure that comprehensive immigration reform reflects FIRM's principles and the American principles of humanity, fairness, and equality.

* * *

FIRM (Fair Immigration Reform Movement) is a coalition of grassroots community organizations nationwide, including statewide immigrant rights coalitions, organizing networks, faith-based groups, and low-income and other networks organized around ethnicity or national origin organizations, working on behalf of comprehensive immigration reform and immigrant rights. FIRM is convened by the Center for Community Change

1536 U street, NW, Washington DC, 20009
www.fairimmigration.org

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Contact: **Trevor Miller**
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Statement of U.S. Senator Russ Feingold

Senate Judiciary Committee Hearing on
"Comprehensive Immigration Reform"

July 26, 2005

Thank you, Mr. Chairman. I am pleased that the Committee, through recent related Subcommittee hearings and this hearing, is taking up this critical issue.

I strongly support efforts to curb illegal immigration and to prevent terrorists from entering our country to do harm. But as we work to protect our nation from future terrorist attacks, I have been, and will continue to be, vigilant to ensure that the federal government is successful in securing our borders while respecting the need for foreign workers, family members, students, businesspeople, visitors, refugees and others who wish to come to our nation legally.

Today, millions of undocumented workers live in and contribute to our communities and economy, in Wisconsin and across the country. But while they work hard and contribute in many ways, these immigrants live in fear, each and every day, of deportation and often of exploitation by unscrupulous employers. Both for our nation's security, and to be true to basic American values of fairness and justice, we should bring these workers out of the shadows. We will all be better off if we create a realistic immigration system that recognizes that we need these workers, that allows them to come into the United States legally, and that ensures the government knows who is entering the country. If we permit these workers to enter the country legally, border agents can focus their efforts on terrorists and others who pose a serious threat to this nation.

We also need to recognize that foreign workers who have paid their dues should be treated fairly and deserve the same protections as other workers. All workers will be better off if guest workers are paid fair wages and are covered by adequate workplace protections.

This is an issue that affects not only these workers, but American employers as well. The law should acknowledge the reality that American businesses need access to foreign workers for jobs they cannot fill with American workers. In Wisconsin, I have heard

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from many business owners about the need for Congress to fix the broken immigration system. These hard-working Americans want to play by the rules, and cannot fathom why Congress has dragged its feet on this issue for so long. Whether we are talking about agriculture, or tourism, or landscaping, or any of the other industries where foreign workers make valuable contributions, businesses will suffer more than they already have if we fail to enact meaningful, comprehensive, long-term immigration reform.

It is time for Congress to act. So I would like to take a moment to recognize the hard work of my colleagues, Senators Kennedy and McCain. They have introduced legislation that I believe would address many of the issues plaguing the current system. The Secure America and Orderly Immigration Act would vastly improve border security, and would bring meaningful reform to our immigration system in a way that reflects economic reality and the value of keeping families together. I commend them for their efforts, and I intend to support their bill when it comes before the Committee, which I hope will be soon.

In addition, I would to like to comment briefly about another proposal introduced by Senators Cornyn and Kyl. While I appreciate their efforts, I have serious concerns about their proposal. In order to be successful, we need an approach that will encourage undocumented workers who are already here to come out of the shadows, that will provide American employers a stable workforce, that ensures that immigrant workers are treated fairly, and that promotes family reunification. The Cornyn-Kyl proposal, though well-intentioned, falls short in these areas.

There is a bipartisan consensus in this country that our immigration policies need to be updated. Although we may not all agree about how to get there, I think we can all agree that this is a serious issue, and one that the Committee should address. I commend my colleagues for their efforts on this issue, I look forward to working with them, and I urge the President to work with Congress to enact comprehensive, sensible immigration reform.

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Chuck Grassley

Thank you, Chairman Specter, for holding this hearing today. I commend this committee for discussing comprehensive immigration reform. I also commend the members who have done their duty to exercise oversight of the Departments that implement our policies.

I've always said that there's no silver bullet to immigration reform. We're going to have to work hard to come up with a long-term solution to the problems we're seeing. We must refuse the temptation to provide a short term solution - a band-aid of sorts - to an ever increasing illegal population. Amnesty is amnesty is amnesty. We cannot go down that road.

Last week, I sent Secretary Chertoff a letter regarding day laborers and hiring halls. I'm told that immigration agents drive past the illegal workers but do nothing. While I realize the Department has higher priorities than those who loiter on our street corners looking for work, immigration officials shouldn't just ignore this practice.

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In my letter, I also touch on the use of taxpayer funds to set up centers for these day laborers. I plan to follow up with other agencies to make sure that taxpayer funds are not being expended for illegal aliens to find jobs.

Like I said, I realize the Department of Homeland Security has higher priorities. For example, illegal aliens are working in places that are a national security risk or that contain critical infrastructure. I am working with Senator Hatch on legislation to require employers to use the Basic Pilot program to verify the work authorization of its employees. This would apply to employers in places such as federal facilities, nuclear power plants, weapons sites, and airports.

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Here are a few examples of this risk to our security:

In February of 2004, 7 foreign nationals from Iraq, Syria, and Somalia were arrested for working illegally at the Fort Polk Joint Readiness Training Center in Louisiana. Employees of a government contractor, the workers were "role players" in exercises to prepare soldiers for combat in Iraq.

In September of 2004, the Wornick Company, a company that makes the U.S. military's packaged food, employed 10 illegal aliens while providing the U.S. military forces with over 1.1 million "Meals Ready to Eat" in 2003.

In March of 2005, the Nuclear Regulatory Commission (NRC) allowed illegal aliens to work as contract painters at nuclear facilities.

Also in March of 2005, illegal aliens, all contract employees of Brock Specialty Services, were arrested. They were working at the Crystal River Power Plant, a nuclear power plant in Florida.

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These are situations where employers should be making sure that they're not hiring undocumented individuals. The Department of Homeland Security should be educating all employers about the employment verification program, which has existed since 1996. All work sites that include our country's critical infrastructure should be required to use it. It's a tool that is going to waste while illegal aliens - and potential terrorists - are taking advantage of those who hire them. Our legislation would require employers to use the basic pilot program and eliminate these risky situations.

I appreciate the time to discuss my concerns with our witnesses here today. I look forward to working with my colleagues to craft an immigration reform bill that builds upon the foundations of our country and respects the rule of law.

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GRAND RAPIDS PRESS (MI): Immigration law, immigration reality 06/01
Wednesday, June 01, 2005

The United States must find a way to make immigration rules meet reality.

The status quo -- widespread violation of laws that are nearly impossible to enforce -- is unacceptable.

A new proposal in the United States Senate, while not a panacea for this complex problem, moves in the right direction. The bill balances national security, economic need and humane treatment of those coming to America in search of a better life.

Whole sectors of the U.S. economy are built around the estimated 10 million illegal immigrants living and working here. They wash dishes, change hotel beds, watch children and pick crops -- jobs many Americans don't or won't take.

Kicking them out of the United States is a logistical impossibility. Were it possible, it would be an economic nightmare.

Allowing them to stay under current laws, however, neglects a central reality: They are here illegally. That's no trivial concern. Accounting for people flying under the legal radar has to be a high priority in post-9/11 America.

The reform bill put forward by Sens. John McCain, R-Arizona, and Edward Kennedy, D-Massachusetts, tries to bring some order to this irrational system.

It would allow about 400,000 temporary workers into the country a year, creating two new visa categories. The first covers people from other countries who don't currently work in the United States but want to; the second covers people already working here illegally who want to stay.

Foreigners could use an Internet database to apply through U.S. consulates for jobs not filled by U.S. citizens. They would undergo background and medical checks, be issued a secure visa and pay a $500 processing fee. The visa would be good for three years and renewable for another three. Workers under this category could seek permanent residency within four years.

Workers here illegally would be required to pay a $2,000 fine. They would go to the back of the line for legal residency, having to wait six years before applying.

They would have to prove they have learned English and civics, and undergo tough criminal background checks.

That does not amount to an "amnesty," as critics have claimed. The two-tier system proposed in this bill punishes those who have skirted the law and rewards those who follow it.

Key to making any change work is tough enforcement. The federal government has to get serious about rooting out illegal immigrants and cracking down on businesses that hire them. In-country illegals won't come forward to face stiff penalties unless the alternative -- being found and deported -- is a real possibility.

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The legislation would authorize the Department of Labor to conduct random audits on employers and levy heavier fines. In addition, the bill includes a high-tech system that would allow employers to easily check immigration status.

The broad outlines of the plan are similar to one put forward by President Bush last year.

The president's proposal differed in one key respect. Mr. Bush would have forced temporary workers to return to their home countries when their visas expired.

Savaged by critics on the left and the right, Mr. Bush's plan went nowhere. This latest bill will no doubt face the same cross-fire.

Lawmakers can't be so quickly dismissive without ignoring the obvious. The system is broken.

This bill is an attempt, at least, to fix it.

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GREELEY TRIBUNE (CO): Bipartisan plan offers fairness: Worker program would force aliens to obey the law 06/02

Tribune Opinion
June 2, 2005

A bipartisan bill introduced May 12 offers millions of illegal immigrants who hold jobs in this country the opportunity to realize the American Dream -- citizenship.

But it's not a free lunch. Acquiring citizenship would require some effort from immigrants and law officials because included in the bill are extensive police background and medical checks, a substantial monetary fee and regular employment.

Illegal workers in the United States would pay $1,000 each to apply for H-5B visas that would require them to work for six years before seeking permanent residency. Foreign nationals would pay $500 each and would have to prove that an employer had a job waiting for them.

After working for three years, foreign national visa-holders could ask for three-year extensions and, in the meantime, apply for green cards. If the illegal immigrants continued working, paid an additional $1,000, studied English and broke no laws for six years, they could qualify for permanent residency. Ultimately, that could lead to full citizenship.

State Rep. Jim Riesberg, D-Greeley supports the bill proposed by Sens. John McCain, R-Ariz., and Edward Kennedy, D-Mass.

Riesberg refutes the argument that the bill offers amnesty. "It's not amnesty because by paying that, they are recognizing their wrongdoing," Riesberg said.

He also argues that the bill offers hope where previously none existed. We agree. Those who break the law would not qualify for the program, and we don't believe they should.

But the bill is not without opposition.

Sen. Wayne Allard, R-Colo., Weld County Sheriff John Cooke, Weld District Attorney Ken Buck and Rep. Marilyn Musgrave, R-Colo., are among those opposed to the plan.

Allard said illegal immigrants are criminals and bring prostitution and drug trafficking with them. About illegal immigrants, he said, "They're all the same bad characters."

He argues that illegal immigrants make the country unsafe, and the bill encourages them to come and to stay.

We also believe that this country faces some major hurdles with regard to immigration. But for those workers who have lived and worked in this country, obeyed its laws, paid taxes and studied the language, we believe the bill offers a glimmer of hope.

The path to citizenship, even if the bill passes, is long and difficult. Without it, workers have no recourse if they're not paid or if they're mistreated. Without it, they can't work legitimate jobs that offer health insurance. Without it, they're relegated to living in the shadows.

The bill offers an incentive to obey the law, undergo background checks and learn English.

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We think that's a positive step toward building a stronger citizenry.

There's no simple solution. Even tightening the borders doesn't address the issue of the millions who already live and work here.

And rounding up everyone who might not have come here legally to deport them could result in profiling unlike anything this country's seen in its history.

Thus, we support the bill which would help pave the road toward U.S. citizenship for those who contribute to society.

SPONSORS

On May 12, Sens. John McCain, R-Ariz., and Ted Kennedy, D-Mass., and Reps. Jim Kolbe, R-Ariz., Jeff Flake, R-Ariz., and Luis Gutierrez, D-Ill., joined by Sens. Sam Brownback, R-Kan., and Joe Lieberman, D-Conn., introduced The Secure America and Orderly Immigration Act of 2005.

Source: Sen. John McCain's Web site, mccain.senate.gov/

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HEARTLAND ALLIANCE for Human Needs & Human Rights

Midwest Immigrant & Human Rights Center

FOR IMMEDIATE RELEASE

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COMPREHENSIVE IMMIGRATION REFORM BILL CALLS FOR IMPROVEMENTS TO A BROKEN SYSTEM:
McCain-Kennedy / Gutierrez Bill Offers Positive Reforms

CHICAGO – May 12, 2005 – Legislation introduced today in the U.S. Senate and House of Representatives signals a new chapter in the history of the U.S. immigration system. Senators John McCain (R-AZ) and Edward Kennedy (D-MA) and Congressman Gutierrez (D-IL) are sponsoring a bill that will reform America's broken immigration system, restructuring family- and employment-based immigration and improving border security in a comprehensive package.

"Heartland Alliance's Midwest Immigrant & Human Rights Center (MIHRC) applauds the bill sponsors' efforts to bring our immigration system into the 21st century through comprehensive and effective reform," says Mary Meg McCarthy, director of MIHRC.

As made clear by President Bush's landmark 2004 State of the Union address, Republicans and Democrats alike have made it a priority to overhaul the current U.S. immigration system into a more safe, effective, and orderly system. As the state with the sixth largest immigrant population in the country, Illinois is profoundly affected by federal immigration laws. Across the state, families, communities, and businesses feel the burden of an immigration system that is widely recognized to be chaotic and working at odds with the best interest of our society and economy.

"The McCain-Kennedy and Gutierrez legislation is a step in the right direction to maintain national security while allowing immigrants who have made invaluable contributions to our community remain in the U.S.," says McCarthy. "It will eliminate the flaws in our current system, which deprives employers of workers and separates families. Given that we all agree that national security is of paramount importance, why do we now have an immigration system that creates a market for false documents, a market for smuggling, and a market for illegal immigration? Meanwhile, this very same system is hurting our economy and attacking families that are working toward the same American dream that brought most of us here today."

The McCain-Kennedy and Gutierrez legislation is the first bill of its kind in the 109th Congress. The bill seeks to ameliorate flaws in the current immigration system by reducing backlogs in the family visa system, connecting willing workers with willing employers, and creating a path to earned legalization for tax-paying, law-abiding immigrants.

# # #

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HIAS

May 11, 2005

FOR IMMEDIATE RELEASE
Contact: Morris Ardoin, 212-613-1350

Bipartisan Immigration Reform Legislation
Is Welcome News to Immigration Advocates
Expected Tomorrow

NEW YORK CITY – Bipartisan legislation being introduced tomorrow to significantly reform America's immigration policies is very welcome news to officials at HIAS, the Hebrew Immigrant Aid Society, which has been advocating for comprehensive immigration reform for years.

"This is very encouraging," says Leonard Glickman, president and CEO of HIAS. "It's time our elected officials came together to sort out the myriad immigration issues facing this country with a solid, secure and humane plan that will benefit Americans and people who want to become Americans."

It is believed that among the key issues that the legislation will address are the need for a comprehensive border security strategy, a new temporary program to match willing workers with employers, a process to put undocumented workers on a path towards citizenship and full integration into American society, a plan to ensure that close family members can be reunited in a reasonable amount of time, and improved systems to verify employment authorization and enforce immigration and labor laws.

"We need to particularly acknowledge the hard work of the sponsors of this legislation – Senators John McCain (R-Ariz.) and Edward Kennedy (D-Mass.), and Representatives Jim Kolbe (R-Ariz.), Jeff Flake (R-Ariz.) and Luis Gutierrez (D-Ill.) – for recognizing that the complex array of problems relating to undocumented migration can only be solved through realistic, comprehensive and bipartisan action," says Gideon Aronoff, vice president for government relations and public policy at HIAS. "This "landmark legislation builds on immigration principles presented last year by President Bush and confirmed in his State of the Union Address."

- more -

Immigration Reform, page 2

In 2003 the Board of Directors of HIAS endorsed a Policy Resolution that called on the administration, Congress, the American Jewish community and all Americans concerned about the country's future to recommit to the complex process of developing a comprehensive proposal to reform U.S. immigration laws that will make America's immigration system both more secure and more humane. Since that time HIAS, joined by many other Jewish organizations, have advocated for a bi-partisan approach to Comprehensive Immigration Reform plan along the lines of this new legislative proposal.

"In light of the central Jewish tradition of welcoming and caring for the stranger who lives among us, we cannot turn a blind eye to the plight of millions of migrants who are suffering discrimination in undocumented status, living for years separated from immediate family members or risking death to enter the United States to fill jobs and support their families," says Glickman. "Also, particularly in the post 9/11 world, we cannot accept an immigration system that is out of control -- one where immigration enforcement resources are wasted fighting undocumented janitors and nannies instead of focusing on dangerous terrorists, smugglers and criminals."

"While the process to consider this new immigration proposal is just beginning, its introduction is grounds for optimism that America will now see a constructive debate on our country's immigration future," says Aronoff. "The challenge is to put aside fear and partisanship and focus on realistic solutions that best enhance America's core security and humanitarian interests."

The legislation's timing is particularly welcome in advance of a Jewish summit on immigration HIAS is convening in Washington May 17. This summit is being held immediately following a HIAS board mission to the Capitol where HIAS' top lay and professional staff will meet with key officials in the administration on immigration and refugee issues.

- 30 -

46017.101

HOLA HOY (LA, Chicago, NYC): Migración legal 05/27
May 27 2005

A partir de hoy y hasta el 29 de mayo se llevará a cabo una reunión en Las Vegas, Nevada. "Unidos en la lucha" es el lema para detener la inmigración indocumentada. Es la cumbre de los antiinmigrantes. El diario Hoy tampoco quiere más inmigración ilegal. Pero nuestro enfoque es muy distinto. Nosotros hemos solicitado crear mecanismos que reformen las leyes para permitir la regularización de millones de indocumentados y creación de mecanismos que regulen la futura migración.

La organización "Americanos por una Inmigración Legal" que convoca la cumbre tiene en el fondo de sus argumentos maniqueístas un poco de razón: no más inmigración indocumentada. Pero sus criterios son puramente policiacos que encubren el rechazo a la transformación de los estándares que consideran "tradicionales y aceptables" en Estados Unidos -en términos raciales y culturales- por la penetración latina.

Estos son nuestros argumentos: no más inmigración indocumentada. ¿Por qué? Porque deben de existir mecanismos que permitan regularizar el estatus migratorio a los inmigrantes que aquí radican que comprueben antecedentes de bien y trabajo. Estos son los inmigrantes que mantienen las tasas productivas de la nación y que son la mano de obra de industrias completas. Esa es nuestra gente de la que siempre estaremos a su lado.

Por el otro lado, es necesario crear mecanismos que permitan un ingreso ordenado, seguro y controlado de los necesarios inmigrantes que alimentarán la fuerza laboral en los próximos años. La iniciativa bipartidista presentada por los senadores John McCain y Edward Kennedy contempla ambos puntos que hemos impulsado. Por ello la apoyamos.

Los latinos sabemos muy bien que la inmigración indocumentada provoca resultados negativos. Este año van 63 muertos en la frontera. Por eso es necesario crear un marco legal e institucional para resolver el problema en beneficio de las vidas inmigrantes que aquí buscan un mejor futuro y de nuestra nación que los necesita para mantener su fortaleza.

En la cumbre de Las Vegas veremos a personas obsesionadas en imponer su punto de vista. Es tiempo de resolver el problema con los mecanismos correctos y no con la cerrazón y la fuerza que los antiinmigrantes sugieren.

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HOUSTON CHRONICLE (TX): Plan by Minutemen to videotape illegal immigrants seeking work in Houston misses the point 07/10

THE WRONG TARGET

July 10, 2005, 9:22PM

Houston Chronicle

If the Minutemen, the group that wants to halt illegal immigration at the border, intends to videotape undocumented workers as they negotiate on the streets of Houston with prospective employers, they had better come armed with crates of cassettes. As anyone who drives North Shepherd or dozens of other streetside job fairs knows, the practice of hiring illegal immigrants as day laborers is widespread, conducted in broad daylight and tolerated by local law enforcement agencies and federal immigration agents.

Exactly what the amateur filmmakers hope to accomplish, beyond getting news coverage, is difficult to fathom. In their well-publicized actions along the U.S.-Mexican border, the Minutemen had the support of local landowners angry over disruptive groups of immigrants invading their property. Their reception here likely will be very different. The cheap labor provided by undocumented workers in Houston and other cities is a fact of life, one embraced by most business interests and an issue few politicians care to tackle.

With an estimated population of 400,000 noncitizens illegally residing in Houston and 11 million nationwide, a coordinated effort by authorities to deny them the ability to earn money to feed themselves and their families would provoke a social and health care crisis not seen since the Depression. Uncontrolled immigration cannot be solved on the local or state level.

The place where the Minutemen should focus their efforts is Washington, D.C., where Congress has yet to approve immigration reform legislation. A bill co-sponsored by Sens. John McCain, R-Ariz., and Ted Kennedy, D-Mass., includes a guest worker program similar to one proposed by President Bush last year. It would allow noncitizens who wish to work in America to apply for U.S. visas after undergoing security checks and medical exams. A database would then match the applicants with prospective employers.

For illegals already here, permanent residency could be earned by demonstrating gainful employment, undergoing security screening, paying a fee and meeting language and civics requirements. "This bill does not provide a free pass to anyone," Kennedy argues.

These are farsighted measures of a kind that are needed to solve the dilemma of illegal immigration in America. The Minutemen and the country would be better served if they focused their videocams on lawmakers rather than hapless job seekers and demanded swift action on meaningful immigration reform.

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HOUSTON CHRONICLE (TX): Immigration reform needs to address not only ideals, but also reality. 05/29

A new bill in Congress creates a launching ground.

POINT OF EMBARCATION

May 29, 2005, 12:48AM

Houston Chronicle

LIKE other contradictions in American life, the role of undocumented immigrants in this country prompts ferocious policy disagreement. On one hand, illegal immigrants are motivated workers whose labor keeps many U.S. industries alive. On the other, illegal immigrants depress wages, enable corrupt employers and sap public services meant for law-abiding U.S. citizens. The policy questions get tougher still when it comes to illegal immigrants who have lived here for years, raised American children, and invested deeply in American businesses and homes. How should they be treated under the law — and is there a realistic way of halting the flood of newcomers hoping to join their ranks?

A new bill sponsored by Sen. John McCain, R-Arizona, and Sen. Ted Kennedy, D-Mass, confronts these challenges. Attuned to both conservative and liberal concerns, the bill calls for better enforcement at the borders and fines for noncompliant employers. It also allows immigrants here illegally to pay a $2,000 penalty and apply for work visas lasting up to six years. After that period, if the immigrant passes an English language requirement and rigorous legal vetting, he can apply for a green card.

If the McCain-Kennedy bill has one guiding idea, it is that American security is threatened not only by terrorists abroad, but also by the shadow economy and clandestine population at home. Accordingly, once inside our borders, undocumented immigrants should be drawn into the light of legalization.

The bill's guest worker plan sounds a lot like amnesty — a strategy that has failed in the past — but its moderation at least recognizes the situation in which the United States finds itself. By contrast, another proposal, drafted by Sen. John Cornyn of Texas, would send immigrants home after three years. This scenario is too optimistic. The harder it is to return to the United States, the more undocumented immigrants will simply stay put and try to send for their families.

The McCain-Kennedy bill shows special promise because it is bipartisan and backed by interest groups and advocates for business, labor and immigrants. Even better, it was designed to conform with President George W. Bush's stated goals on immigration policy. Bush should give the bill his imprimatur to help it through a difficult passage.

Comprehensive as it is, the bill needs to be reinforced with other policies that get at the roots of illegal immigration. Its enforcement aspect in particular lacks bite, leaning too heavily on technology, commissions and studies.

Also, any immigration bill must be coupled with an aggressive U.S. policy pressing Mexico to make jobs for its own people. Without political and economic change south of the border, even the most sensible bill — and McCain-Kennedy is one of the best so far — will not alleviate America's immigration crisis.

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Press Release

For Immediate Release:
May 12, 2005

Contact: Leo Morales
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ICAN WELCOMES EFFORTS BY CONGRESS TO ADDRESS THE NEED FOR COMPREHENSIVE IMMIGRATION REFORM

"It's time for Congress to address the need for comprehensive immigration reform: reform that provides a path to citizenship for all immigrants, allows families to be together, protects workers, and defends all people's civil liberties. We hope that the Kennedy-McCain bill is a sign that Congress is ready to do what it takes to create an immigration system that reflects our values of fairness and equality." – Connie Chandnoit, ICAN leader, Boise

Boise, ID.—The Idaho Community Action Network (ICAN) applauded Congressional leaders, including Senators Edward Kennedy (D-MA) and John McCain (R-AZ) along with House Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL), for their bi-partisan efforts to address the need for comprehensive immigration reform. Together, these leaders and other members of Congress introduced a bill today that would tackle some of the pressing problems facing immigrants today.

ICAN leaders have not yet had the opportunity to review the details of the bill, which reportedly would provide a path to citizenship for undocumented immigrants present in the United States, decrease the existing backlog of millions of people applying for family reunification visas, and create a temporary worker visa program.

"Immigration is an American experience, and acceptance is an American value," said Lorena Montes, ICAN member. "Our immigration system is broken, and it does not give immigrants a fair chance. It's about time Congress looked at some solutions that address the real problems. I'm looking forward to seeing what kinds of solutions are in the bill."

While ICAN members are waiting to review the bill before endorsing the proposal, one thing is certain – this bipartisan effort at comprehensive immigration reform stands in stark contrast to the anti-immigrant REAL ID Act that Congress recently passed as part of a supplemental appropriations bill.

"I was so disappointed that Congress passed the REAL ID Act," said Antonina Robles, ICAN member. "That bill was an anti-immigrant measure that had nothing to do with fixing the real problems in our immigration system. The REAL ID Act did not represent our values, and I am glad to see that some members of Congress are trying to tackle the real problems we have to solve. We will be in touch with our members of Congress as soon as we've got a handle on the bill, to talk to them about doing a better job this time."

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For more information, please contact
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IDAHO MOUNTAIN EXPRESS (Sun Valley Area): Give immigration reform a chance 06/03

June 3, 2005

As the late film comic Jimmy (The Schnoz) Durante would say in a moment of exasperation while slapping his thighs, "Everybody wants to get into the act."

Indeed, voices everywhere are popping up with "solutions" to the hot new national controversy, immigration—specifically the steady human stream of illegal aliens across the U.S.-Mexico border in search of work. The issue of terrorists slipping across is a different challenge.

President Bush has a solution, as do members of Congress, radio and TV commentators, business groups whose members rely on immigrant labor, Hispanic coalitions, and, of course, volunteer Minutemen patrolling the border.

Some ideas are far-fetched, such as mobilizing the National Guard to form a human wall along the border to prevent entry. The Army, stretched thin in Iraq, will be surprised to know of spare Guardsmen for border patrol duty.

The most plausible, the most easily implemented plan seems to be common to proposals by the president, U.S. Sen. Larry Craig of Idaho and Sen. John McCain of Arizona: a form of amnesty to allow illegals to remain as accredited workers and eventually apply for permanent residency as well as allow would-be immigrants a chance to register for jobs.

Any notion that 10 million to 12 million illegal aliens could be rounded up and deported is nonsense. The major blind spot of xenophobes with a generalized resentment of "illegales" is they're convinced they've gobbled up jobs that American citizens would work. As Sen. Craig points out, upwards of 78 percent of all agricultural work these days is done by immigrant labor—a force that could hardly be replaced with American citizens.

In Idaho's Canyon County, 20 percent of the population of 151,000 is Hispanic, many presumably illegal. In Blaine County, it's about 10 percent Hispanic, although no figures are available on illegal vs. legal immigrants.

None of the proposed legislation can possibly stop illegal entries. The reality is that Mexicans find better-paying jobs in the United States, and until Mexico provides economic incentives for residents to remain there, some illegal immigration will continue.

Meanwhile, some control over immigration can be achieved through laws that would penalize U.S. employers who haven't become part of a hiring plan that authorizes immigrants to work here temporarily.

Proposals also would effectively remove any power of employers to blackmail workers into accepting peonage wages and remaining at their jobs out of fear they'd be reported to U.S. authorities.

With a measure of regulation in place to track immigrants at work here, federal and local agencies will be in a far better position to also begin tackling the nagging problem of immigrants overloading health-care facilities.

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Illinois Coalition for Immigrant and Refugee Rights
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For Immediate Release:
May 12, 2005

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ICIRR Praises Bipartisan Immigration Reform:
McCain-Kennedy-Gutierrez Bill Offers Real Solutions for Broken System

Chicago – The Illinois Coalition for Immigrant and Refugee Rights (ICIRR) proudly endorses the comprehensive immigration reform bill introduced in Congress today. The bill reflects the bipartisan consensus that our immigration system is broken and needs sensible, moderate, comprehensive solutions. The sponsors of the bill, Sens. John McCain (R-AZ) and Edward Kennedy (D-MA) and Reps. Luis Gutierrez (D-IL) and Jeff Flake and Jim Kolbe (both R-AZ), deserve high praise for their efforts to develop and bring this bill forward.

Our immigration system should reflect our nation's values of family, hard work, and fairness. The McCain-Kennedy-Gutierrez bill would restore these values by putting into place the basic elements that any real fix to our immigration system demands:

- an opportunity for immigrants to earn legal status in the US and ultimately citizenship;
- measures to cut through backlogs that separate families;
- a safe, orderly process for those seeking to come to the US for work; and
- realistic enforcement strategies that will reestablish the rule of law.

These elements are supported by a wide spectrum of our society, including faith communities, business, labor, and leaders of both political parties. Indeed, in a recent poll, 77% of respondents supported reform of our immigration system along these lines.

The McCain-Kennedy-Gutierrez bill sharply contrasts with the REAL ID legislation that President Bush signed yesterday. Our nation needs real immigration reform, not REAL ID or other counterproductive and harmful proposals.

ICIRR urges President Bush and Congress to support the McCain-Kennedy-Gutierrez bill. We will be working hard to build further support for this bill, and by doing so, to honor our history as a nation of immigrants and a nation of laws.

-END-

IMMIGRANT RIGHTS NETWORK OF IOWA & NEBRASKA

FOR IMMEDIATE RELEASE
May 12, 2005

Carlos Rios / Kirk Martin
(515) 237-5020 / (515) 237-5068

Real Attempt to Fix Broken Immigration System Proposed

Des Moines (IA)--Recognizing the need for a comprehensive approach to reforming the United States' immigration system, Senators John McCain (R-AZ), Ted Kennedy (D-MA), and House Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), Luis Gutierrez (D-IL) proposed bi-partisan, bi-cameral legislation today that seeks to address the issues of national security, and the need to debate honestly and openly with the wide range of causes and affects of the growing number of undocumented workers living in the United States.

The proposal, entitled, **Secure America and Orderly Immigration Act**, comes at a time when immigration is an increasingly contentious issue. Recent controversy over the attachment of the REAL ID Act recently to the emergency supplemental appropriations bill for military and aid operations with only limited debate has shown the need for public discussion on a wide range of immigration-related issues.

The McCain-Kennedy proposal includes provisions that would increase the number of work visas given out by the government to reflect the actual need for immigrant labor as well as reduce the backlog of pending immigration cases, two of the biggest factors currently contributing to illegal immigration. Kirk Martin of Catholic Charities in Des Moines states, "It has been too easy to blame immigrants for our country's failure to face the economic and social realities of the increasingly global economy that we benefit from. This proposal is the first step in recognizing both our economy's need for immigrant workers and our society's responsibility to create an immigration system that protects all of us from the dangers of having millions of our neighbors hiding in the shadows."

Immigrant rights advocates say that recent legislative attempts intended to punish and deter undocumented immigrants have served only to drive them further underground. The McCain-Kennedy proposal is different, says the Iowa Coordinator of the Immigrant Rights Network of Iowa and Nebraska, Carlos Rios, "All we know is that the current immigration system is not working and that we must recognize the contributions immigrants make to our economy, and to our society. This bill gives us hope for a stable, integrated, fair and orderly system."

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IMMIGRATIONEQUALITY

U.S. Senate Committee on the Judiciary

Chairman Arlen Specter
Ranking Member Patrick Leahy

July 26, 2005

Hearing on
"Comprehensive Immigration Reform"

Testimony on S. 1278,
Uniting American Families Act

46017.109

Immigration Equality would like to thank Chairman Specter and Senator Leahy for holding this hearing on "Comprehensive Immigration Reform," and for the opportunity to submit testimony. The legislation we bring to your attention, S. 1278, the Uniting American Families Act (UAFA), fits well into the overall important and timely discussion of comprehensive immigration reform. We would also like to particularly thank Senator Leahy for his leadership on the UAFA.

Immigration Equality is a nonprofit organization that addresses the widespread discriminatory impact of immigration laws on the lives of lesbians, gay, bisexual, transgender (LGBT) and HIV-positive people through education, outreach, advocacy and the maintenance of a nationwide resource and support network. Immigration Equality was founded in 1994 in response to a growing demand for gay and lesbian-specific immigration information, assistance and advocacy. Immigration Equality currently has 10,000 members worldwide, the vast majority of whom are U.S. citizens and their partners.

Family Unification

U.S. immigration policy is based on values that reflect our national character and the core principles upon which our nation was founded. Among these are the principles of family unification and the importance of the family structure. Accordingly, U.S. immigration policy places a premium on family unification and gives special attention to the immediate family members of U.S. citizens. Current policy allows these immediate family members, i.e. parents, spouses, and children, prompt access to immigration.

Unfortunately, the same-sex partners of U.S. citizens and legal permanent residents are not recognized as family members because same-sex relationships are not recognized under federal law. The thousands of binational same-sex couples in the U.S. live in constant fear of having their lives torn apart by this injustice in U.S. immigration law.

If the policy were changed, the U.S. would certainly not be alone in providing immigration benefits to same-sex couples. Sixteen countries—including many of our key allies and trading partners— already provide such benefits, including: Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden, and the United Kingdom.

Families Divided, Uprooted

By denying U.S. citizens and legal permanent residents (LPRs) the ability to sponsor their same-sex partners for immigration benefits, the government forces thousands of couples and their families to make extremely difficult decisions, including forcing them to move abroad or into long-distance relationships. The results of the current policy contradict the basic values embodied within U.S. immigration policy, without serving any cognizable purpose.

The effect of this inability creates a class of individuals who are shut out of the immigration system based solely on their sexual orientation. This harmful reality forces loving families into impossible situations including the choice between family and country.

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Living in Exile

When the same-sex partners of U.S. citizens and legal permanent residents are not permitted to enter the country, or are forced to leave the country because their valid immigration status expires, many families have no alternative but to uproot their lives. These families must leave their jobs, their schools and their communities behind. Often they turn to one of the sixteen countries with laws that permit citizens to sponsor their same-sex partners for immigration such as the United Kingdom and Israel. The absences these families leave are deeply felt within communities and particularly by aging parents who need assistance in their elderly years.

Not only do our communities lose important contributors, but businesses and corporations often lose valuable workers. That is why a growing number of businesses have endorsed the Uniting American Families Act. In 2003, Intel Corporation wrote a letter to Sen. Dianne Feinstein about the legislation, then referred to as the Permanent Partner Immigration Act, stating:

> "We would like to register our strong support for Permanent Partner Immigration Act of 2003 (PPIA)... [Current law] has forced several key Intel employees to make tough choices, including separating from their partners or leaving the United States to be with their loved ones."

As long as the current policy is in place, the U.S. will continue to lose valuable workers, and their contribution to our economy and tax base, as they move to countries that will welcome their family.

Long Distance Relationships

One of the most common, and most painful, results of current immigration laws on same-sex partners is that they are forced into long distance relationships where the foreign-born partner resides abroad while the U.S. citizen or LPR remains in the U.S. Many difficulties arise out of this arrangement for the couple, their families and for the communities in which they live. Couples that are devoted to each other and wish to build a life together are denied this most basic right. They are forced to live apart, unable to plan for their future together or provide for a family.

Rather than investing in their shared future, couples must spend large portions of their income on airfare, phone calls, and legal fees. The strain of these relationships goes beyond the financial realm and can lead to poor work performance, anxiety, and depression.

Tammy Sullivan and Sally Hunter met online and have been in a committed relationship for nearly three years. During this time Sally traveled to the U.S. frequently to visit Tammy and Tammy traveled to England to visit Sally and her two children. Tammy and Sally married each other in Toronto, Canada on July 22, 2004. After their brief honeymoon, the couple could not begin their new lives together because Sally could not secure a visa to the U.S. Instead of celebrating their wedding by moving in together, the couple had to bid each other farewell until they could successfully secure a valid visa. Due to Sally's difficulties securing

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visas to the U.S. and the desire for the children to have a stable home, the couple began to search for options for Tammy to move to England.

Tammy hopes to be able to join Sally in England soon, but her father is suffering from lung disease and recently underwent lung surgery. She worries about her father and leaving him in such a frail condition. In the meanwhile, Tammy is sad that she cannot be with Sally on a full-time basis and that she may ultimately have to choose between managing her father's health and joining Sally and her two children in England.

The Scope of the Problem

While the overall percentage of U.S. citizens and permanent residents with same-sex partners remains low when compared to total immigration levels, same-sex binational couples make up a large class of individuals shut out of the immigration system. The 2000 Census captured approximately 36,000 registered same-sex binational couples from across the country. This figure represents approximately 1% of overall immigration levels. These Census numbers likely undercount the total number of couples in the U.S. currently and do not include families and couples where one or both partners are living abroad.

S. 1278, Uniting American Families Act

The Uniting American Families Act would amend current immigration law by adding the term "permanent partner" in the U.S. Immigration and Nationality Act (INA) where the word "spouse" appears currently. Rather than redefine the word "spouse," the UAFA would create a new immediate relative immigrant category within the INA. The legislation was introduced in this Congress on June 21, 2005 by Senator Patrick Leahy (D-VT) and currently has 9 bipartisan cosponsors.

Under the UAFA, a person may qualify as the permanent partner of a U.S. citizen or legal permanent resident if, among other things, he/she is:

- At least 18 years of age;
- In an intimate relationship with the sponsoring adult U.S. citizen or legal permanent resident in which both parties intend a lifelong commitment;
- Financially interdependent with that person;
- Not married or in a permanent partnership with anyone other than that person; and
- Unable to contract, with that person, a marriage that is recognized under the INA.

Preventing Fraud

Same-sex couples who wish to seek immigration benefits through the UAFA would be subject to the same rigorous process currently in place to establish the bona fides of a marriage. This includes submitting the appropriate forms and application fees to the Citizenship and Immigration Service, undergoing an interview with a government official to answer questions relating to the application, and signing a contractual agreement between sponsor and beneficiary of financial obligation. In many cases, a follow up interview is conducted after two years to ensure the legitimacy of the relationship. The "sponsoring"

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spouse must sign an I-864, Affidavit of Support, making the U.S. Citizen or LPR financially responsible for the immigrating spouse for 10 years, even if the couple divorces. Those obligations and processes would be the same for same-sex couples. Likewise, UAFA applicants would be subject to the same penalties if found to have defrauded the immigration process, including fines of up to $250,000, up to five years in prison, and/or deportation of the foreign born partner.

Permanent Partners and Civil Marriage

U.S. immigration law is strictly under federal jurisdiction. This means that while a same-sex couple may contract a marriage in Massachusetts, or a civil union in New Jersey, they will not be able receive immigration benefits as a result. The 1996 federal Defense of Marriage Act (DOMA) states that the federal definition of marriage is between one man and one woman. As a result of DOMA, the family category "spouse" within the INA includes only opposite sex married individuals. The UAFA, if passed, would not contradict DOMA because it would not compel the federal government to recognize same-sex marriage; it would merely confer one legal benefit on couples who could prove their long-term committed relationships.

Conclusion

U.S. immigration policy promises to uphold our most fundamental values as Americans by promoting family unity and social cohesion. However, by not extending these basic principles to gay and lesbian U.S. citizens and permanent residents, our immigration policies fail in this attempt and are in clear need of reform.

Current policies force loving families into long distance relationships or force them to move abroad apart from their extended family, chosen communities and societal bonds. The effects of these policies are far-reaching and severely hurt business communities, the developmental abilities of children, and the cohesion of family units.

Interested members of the public and a diverse coalition of immigration organizations, civil rights groups, and corporations are eager to work with Congress to address this problem and we look to the Judiciary Committee to begin to address these harmful and discriminatory practices. The Uniting American Families Act is a limited and defined solution to address this specific problem and extend immigration equality to all American families.

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Franchise Group Supports Bipartisan Comprehensive Immigration Reform Bill

Washington, D.C. May 11 -- The International Franchise Association today commended the introduction of the Secure America and Orderly Immigration Act by U.S. Sens. John McCain (R-Ariz.) and Edward Kennedy (D-Mass.), and Reps. Jim Kolbe (R-Ariz.), Jeff Flake (R-Ariz.) and Luis Gutierrez (D-Ill.).

The association said the legislation would fundamentally revamp the nation's dysfunctional immigration system. Among other provisions, the bill would establish a program to allow employers that cannot find U.S. workers to hire from abroad. The bill also would allow undocumented immigrants already working in the U.S. to pay a fine and earn legal status.

IFA is the world's largest trade group representing the franchising sector, whose members span 75 different industries and have operations in more than 100 countries. Franchising plays a vital role in the nation's economy, according to a study conducted for the IFA Educational Foundation by PricewaterhouseCoopers. The "Economic Impact of Franchised Businesses" study found that that there are more than 760,000 franchised small businesses in the U.S., generating more than 18 million jobs.

"This legislation is a milestone in the immigration reform debate," said John Gay, IFA vice president of government relations and co-chair of the Essential Worker Immigration Coalition (EWIC.org). "It sets the stage for congressional consideration of legislation needed to ensure that franchisees and franchisors have the workers needed for continued growth."

EWIC, which includes groups such as the U.S. Chamber of Commerce, the National Restaurant Association, the American Health Care Association, the American Hotel & Lodging Association, and more than 30 other national companies and associations, has been advocating immigration reform for nearly six years.

The IFA and other EWIC members have worked closely with these and other members of Congress and their staffs on the immigration reform issue and will continue to do so. Despite significant concerns with the bill, the business community is supportive.

"This is a beginning, not an end," said Gay.

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MANHATTAN INSTITUTE FOR POLICY RESEARCH

TESTIMONY
U.S. SENATE COMMITTEE ON THE JUDICIARY
TAMAR JACOBY
Senior Fellow, Manhattan Institute
July 26, 2005

Thank you, Mr. Chairman, for this opportunity to address the committee. I'm here today as a conservative to make the conservative case for immigration reform.

Americans are frustrated and angry – and rightly so – at the illegality currently associated with immigration. People are frightened by the security risks created when hundreds of thousands of foreigners enter the country illegally every year. They are disturbed by the pervasive fraud; they are upset about the fiscal consequences for their local communities. And we in Washington must address these concerns. This needn't mean closing our borders. We can have the immigrants we need to keep our economy growing *and* the rule of law, too – but only if we make significant adjustments in our immigration policy. We must retake control of our borders and restore the rule of law in our communities. We must create an orderly, legal way for the workers we need to enter the country – so that we can remain a nation of immigrants and a nation of laws.

DIAGNOSIS

I'm not going to spend a lot of time today making the economic case for immigration. Others can do that far better than I and already have, here today and at previous Senate hearings. I'll sum up the argument with one set of statistics. In 1960, half of all American men dropped out of high school and went into the unskilled labor force. Today, less than 10 percent of American men drop out of high school – and we now need foreign workers to do the low-skilled, low-paying jobs these men used to do. The native-born American work force is aging; it's shrinking. Today's young people aspire to work inside, with their minds not their muscles. And it's good news for us that there are immigrants eager to come to our country to do the unskilled work that we need done.

What's more, this relatively small number of immigrant workers helps keep a much larger number of American workers employed. Many American businesses could not grow without immigrant workers. Others, including in agriculture and food processing, would find it difficult to remain in the United States. And by helping these businesses prosper, immigrants sustain or create jobs for millions of Americans: white-collar workers at the farm and in the food processing plant, for example, but also all manner of other workers in the town where that farm or plant is located: retail workers, service workers, government workers and more. Immigrants help grow the pie for everyone, and it's no accident that the economic boom of the 1980s and 90s was accompanied by a historic influx of foreign workers.

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So the problem with our immigration system isn't the immigrants. The problem is that our immigration quotas provide so few opportunities for most of them to enter the country legally. According to the Pew Hispanic Center, some 485,000 unskilled, unauthorized migrants come to the U.S. every year to work at jobs Americans do not want to do. But there are only 5,000 visas available for unskilled foreigners seeking year-round work. A Mexican without family in the U.S. who wants to do something other than farm work has virtually no legal way to enter the country. And even a man with family here must wait from 6 to 22 years for a visa, depending on what kind of relatives he has and what their legal status is.

This is the heart of the current crisis. We need the labor; foreign workers want the jobs. But there are no legal channels – so inevitably people come illegally. And it is this mismatch – the mismatch between the size of the flow and our quotas – that creates most of the problems we associate with immigration. It's the mismatch that overwhelms our men on the border. It's the mismatch that creates the need exploited by international smuggling cartels. It's the mismatch that's eroding the rule of law in our communities. And it's the mismatch that endangers our security when, instead of guarding the nation against terrorists, agents have to waste their days chasing after your next busboy and my gardener.

THE THREE PILLARS OF REFORM

As policymakers as diverse as President Bush and Senator Kennedy understand, any workable remedy for our immigration system must include three elements – the three pillars of reform.

Pillar Number One: legal channels for the workers we need to keep our economy growing.

Pillar Number Two: adequate enforcement to make sure that foreign workers use the new legal channels and no others.

Pillar Number Three: a solution for the estimated 11 million illegal immigrants already here and working in the United States.

Most immigration reformers agree on the need for all three elements. But there is wide disagreement about how exactly to construct each pillar, and what I'd like to do today is outline some minimal standards for each component.

LEGAL CHANNELS

We will not retake control of our border or restore the rule of law in our communities unless we create new legal channels for the workers we need to keep our economy growing to enter the country in an orderly, lawful manner. Every serious reform package on the table recognizes this need, and all meet it with temporary worker programs.

The most important test of these programs is that they be realistic – first and foremost, realistic in size. After all, if the channels are too small – if they don't accommodate the workers we need to keep our economy growing – they will not eliminate the lawlessness we face today. We will still have a mismatch between the size of the flow and our quotas. And

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we will still be plagued by a spillover, albeit a somewhat smaller spillover, of workers who have no choice but to come illegally – with all of the problems this creates. So that's the first criteria: the new legal channels – whether a guest worker program or some other kind – must be big enough to accommodate our labor needs. And the program must be flexible enough to change in size – both growing and shrinking – in tandem with those labor needs.

But that's not the end of the realism that's required. Because any new visa program must also be based on a realistic understanding of the people coming to the U.S. to work. Some of them, especially the younger ones, come for a short stint and then go home. Many work here for a year or two, then go home for some months – and then come back again for another period of work. But after a while, the most able and successful start to put down roots. This is inevitable, and it isn't a bad thing: by definition these are the foreigners mostly likely to do well in the United States – they've put down roots instead of going home precisely because they are succeeding here and are starting to fit in as Americans. The fact that they want to stay also makes them more valuable workers. After all, few American employers want to replace their workforce every year or two, and the workers they prize most are the ones who stay on and improve their skills.

So the second criteria for any new legal channels is that the program must allow for choice. Yes, let's create incentives for circularity. Let's encourage many of the immigrants who come here to work to go home when their stint is done. But we must also allow those who wish to stay to stay and settle. Otherwise – if we don't devise a way for them to stay legally – we will only drive them underground, creating a new pool of illegal immigrants. And indeed, even as we encourage some to go home, we should also devise incentives for others to become citizens – incentives to put down deeper roots and become Americans. Not only is this the most practical course; it is also the American way of immigration. Unlike many other countries, we have succeeded as a nation of immigrants precisely because we allow newcomers to join as full-fledged members of our society.

ENFORCEMENT

The second sine qua non, every bit as important as legal channels, is a raft of robust enforcement measures to make sure that immigrant workers use these channels and no others. These two elements go together. They are two pillars of a single house, and one without the other will solve nothing. As the past decades have shown, simply cracking down harder is not the answer. Since 1986, we have tripled the number of Border Patrol agents and multiplied their budget by a factor of ten. Yet we have made no appreciable dent in the number of illegal immigrants entering the country. But just as today's unrealistically low quotas all but guarantee futile enforcement – it's extremely difficult to enforce unrealistic rules – so in a new system, once we have enacted workable laws, we can and must make them stick with smart new enforcement measures. This is the promise at the heart of immigration reform – that the combination of these two elements will deliver control. We must replace the old "nudge-nudge-wink-wink" system – overly strict laws that we can't and in many cases don't even try to uphold – with a new bargain: realistic laws, enforced to the letter.

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The creation of legal channels should significantly ease the enforcement challenge. After all, most immigrants would prefer come legally (it's both safer and cheaper), and most American employers would prefer to operate on the right side of the law (with a reliable, legal workforce and free from the threat of disruptive enforcement). As things stand today, employers have little choice: it is all but impossible for many to find enough authorized workers to sustain their businesses. And once we have created legal channels, history suggests, we will see a dramatic decrease in illegal activity – as we did in the 1950s under the Bracero program. But creating legal channels will not, it itself, be enough.

The key to successful enforcement is a layered approach: not just more men and more technology on the border, but also intensified cooperation with sending countries, enhanced anti-smuggling efforts, significantly stepped-up interior enforcement and more credible punishments for those who have broken the law – both employers and employees. State and local police have a role to play, particularly when an immigrant has committed a crime – a violation over and above entering the country illegally. But that role must be carefully circumscribed, lest we overburden and distract local police. Finally, most important – the crown jewel of any enforcement package – we must remove the incentive for foreign workers to enter the country illegally by making it impossible for them to work once they get here. How to accomplish this: by giving employers the tools they need to determine who is authorized to work and who isn't – an electronic employment verification system modeled on credit-card verification – combined with tough, new sanctions for businesses that violate the law.

This is no small undertaking. It will require significant resources to improve and coordinate databases at the Social Security Administration and the Department of Homeland Security. All workers will need to be issued one of several different forms of I.D., whether a new drivers' license, a new Social Security card, a tamper-proof visa or some other document. Effective employment verification need not – and should not – take us down the road of a national I.D. card. And the new, reliable, streamlined procedures should ultimately prove welcome to employers and employees alike. But effective employment verification will mean significant adjustments all around – and this will not happen without stiff political resolve and considerable expense.

The bottom line: we can get control – and we must do whatever it takes to be effective. As in the case of the new legal channels, it will not pay to fight reality – the reality of our labor needs or of the people coming into the country to meet them. Enforcement alone will not work. Enforcement of bad policy will only drive people underground. And as with any major change in habits, even the most effective enforcement will have be accompanied by incentives for both employers and employees to behave differently. It will take both muscle and good design, but the biggest mistake we could make would be to promise and not deliver. After years of ineffective enforcement, the public is deeply skeptical that we can get it right – and we must spare no expense or effort to restore their confidence in an airtight immigration system that works.

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A TRANSITION FOR ILLEGAL IMMIGRANTS

The quandary – particularly for conservatives committed to effective reform – is what to do about the estimated 11 million illegal immigrants already living in the country. We cannot create a sound new system on top of an illegal foundation – cannot deliver the control and legality we have promised unless we eliminate this vast underground economy. But nor can we realistically hope to drive millions of workers and their families to leave the country. For our own sake – in order to reassert the rule of law – we must find a way for them to make good on the past and come in out of the shadows.

National security too demands that we come to terms with the 11 million. As is, they live entirely beyond the reach of authorities. Undocumented or, worse, falsely documented, they have undergone no background checks. We know nothing about their pasts or, in some cases, criminal records. And the underground world they inhabit – a world controlled by criminal syndicates expert is helping foreigners travel around the country undetected by the law – could not be a better staging ground for international terrorists.

It's easy to say let's just get rid of these unauthorized foreigners: let's send them home or make their lives so difficult that they leave voluntarily. But the truth is our economy depends on them – and employers are unlikely, even under the toughest enforcement pressures, to replace them quickly or easily with new, inexperienced temporary workers. The expense of removing them would be prohibitive, and it is all but impossible to imagine the American public acquiescing in a vast national program to deport 11 million people. After years – in some cases, decades – in this country, many of them have put down roots, buying homes and businesses and giving birth to children who are U.S. citizens. They no longer see the countries they left as "home." Nothing we do is likely to make them return, and punitive demands that they go back will only drive them further underground.

The bottom line: most of these people are here to stay, and it is in our interest as much as theirs for us to find a way for them to do so legally – and indeed to assimilate into American society. There is simply no realistic alternative. The question – the only question before us – is how to structure the transition. There are two criteria. Number One: the proposal must be appealing enough so that most if not all of the illegal immigrants now living in the country come forward to take advantage of it – otherwise, it will not work to solve the problem. But, Number Two, it must also address Americans' concerns that we not reward people who have broken the law and do not encourage future illegal behavior. In other words, the proposal must also be tough enough to withstand the charge that it is an "amnesty" and must pass muster among conservatives in Congress. Meeting these two requirements – a proposal that can both work and pass – will be anything but easy. But we will not succeed in fixing our immigration system unless we come up with a provision that does so.

MOVING FORWARD WITH THE PROPOSALS ON THE TABLE

Those of us committed to repairing the system have been encouraged in the past few months by the introduction of two major reform proposals, Senator John McCain and Edward Kennedy's Secure America and Orderly Immigration Act and Senator John Cornyn and Jon

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Kyl's Comprehensive Enforcement and Immigration Reform Act. Between them, the two plans offer a wealth of innovative ideas. All of the cosponsors have talked promisingly about their commitment to a balanced approach – a package that provides the workers we need to keep our economy growing even as it restores the integrity of our laws and enhances our security. And to me, it has been particularly encouraging to see new ideas emerging from across the political spectrum: among those long known for their concern about immigrants and those who have made a priority of their commitment to the rule of law.

We will not succeed in the overhauling the system without champions from both camps – and both parties. Not only will we need both Republicans and Democrats to design a package that addresses all aspects of this complex problem: humanitarian imperatives, employment needs, fairness to American workers, the ever intensifying security challenge and more. But in the current climate, it will be all but impossible to pass legislation without strong bipartisan cooperation in both chambers.

The challenge in the months ahead will be to combine the best of both proposals in a single package. It will not be easy to do so. As I hope I have conveyed here today, immigration policy is unusually – perhaps uniquely – difficult to get right. And neither a series of political tradeoffs nor simply splitting the difference between the two bills is going to produce a policy that will work to solve the problem.

I look forward, in the questioning that follows, to the opportunity to look more closely at the merits of both proposals. But I hope the criteria I have laid out today can help point the way toward an effective answer.

An effective temporary worker program will have to be large enough to provide the workers we need to keep our economy growing and flexible enough to accommodate a variety of immigrants, including those who ultimately chose to settle in the United States. Of the two proposals on the table, only the McCain-Kennedy bill meets the second requirement, and it is the only one that seems likely to work realistically to meet our future labor needs.

When it comes to enforcement, the Cornyn-Kyl legislation is the stronger of the two: more comprehensive, more muscular and more reassuring to voters who feel they have been promised enforcement before only to see it fail for lack of resources. Some elements of the bill's enforcement package may need to be tempered or refined: the sections on state and local police, in particular, seem more sweeping than is necessary or likely to be effective. But policymakers could do worse than to start by combining the McCain-Kennedy temporary worker program with the enforcement title of the Cornyn-Kyl bill.

Both pieces of legislation contain additional sections that would enhance the combination package: McCain-Kennedy's ideas for reducing family backlogs, its provisions for immigrant integration, some of Cornyn-Kyl's proposals for agreements with sending countries and its suggestion that we provide for health insurance for immigrant workers.

Finally and most difficult, there is the question of the 11 million. Both pairs of reformers have plainly anguished over the issue, and both have spoken encouragingly about the need for a

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workable answer: one that would entice illegal immigrants to come forward and participate. But of the bills before us, only the McCain-Kennedy approach comes close to being practical. What we don't know: can it pass muster with skeptical voters?

The compromise solution in the McCain-Kennedy legislation posits a set of conditions that illegal immigrants must meet if they are to earn legal status. They must register with the government, pay all back taxes and a $2,000 fine, then fulfill a six-year work requirement before they can apply for green cards. At that point, they must prove they have been studying English and civics, and no one now present illegally in the U.S. will be granted a permanent visa before those now waiting in their home countries. It's not a perfect solution: even fines and conditions may strike some Americans as too generous, and perhaps there is a better answer waiting in the wings. Still, sometimes the perfect is the enemy of the good, and on the matter of the 11 million, McCain-Kennedy is the best proposal on the table so far.

In closing, Mr. Chairman, let me step back from these particulars. Critical as they are – and difficult as the issue is – if I make any impression today let it be to urge you to press ahead. We must fix our broken immigration system not for reasons of compassion or electoral politics or because our neighbors want us to, important as some of that is. We must fix the system because it is in our interest to do so – our economic interest and our security interest and because our commitment to the rule of law demands it. We must create an orderly, legal way for the workers we need to enter the country – so that we can remain a nation of immigrants and a nation of laws.

I welcome any questions you have.

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Jesuit Conference and Jesuit Refugee Service support Secure America and Orderly Immigration Act of 2005
Legalization a Crucial Component of Comprehensive Immigration Reform

The Jesuit Conference Office of Social and International Ministries and the Jesuit Refugee Service USA join our voices with the United States Conference of Catholic Bishops in support of ***the Secure America and Orderly Immigration Act of 2005 (HR 2033, S.1033).*** The bill is one of several proposed in the 109th Congress, which will hold a hearing on comprehensive immigration reform July 26. JSIM and JRS applaud the path to legalization established in the so-called McCain-Kennedy bill and its family unification provisions. Ensuring a broad humanitarian waiver in the bill and labor protections for immigrants are also crucial aspects of any comprehensive legislation reform, as they demonstrate respect for human dignity. A summary of the bills follows, including an analysis of the Secure America and Orderly Immigration Act.

Secure America and Orderly Immigration Act of 2005

S.1033, sponsored by Senators McCain (R-AZ) and Kennedy (D-MA) and others

HR. 2330, sponsored by Senators Flake (R-AZ), Kolbe (R-AZ), and Gutierrez (D-IL) and others

Summary:

The bipartisan bill proposed on May 12, 2005, proposes a

- Temporary worker program: 400,000 3-year temporary work permits (H-5A visa) available for migrants who have a work contract;
- Broad-based earned legalization: allowing current undocumented workers to apply for an H-5B visa, requiring that immigrants pass legal vetting, pay $2,000 and back taxes, and are learning English;
- Family-based immigration reform: reduces bureaucratic hurdles and wait time for family reunification.

Analysis:

Overall, the comprehensive immigration reform bill largely follows the principles established by US and Mexican Bishops in their joint pastoral letter *Strangers No Longer: Together on the Journey of Hope* (2003). The family reunification and legalization clauses provide for dignified immigration. Additionally necessary to ensure dignified immigration are

- a confidentiality clause that would prevent the information provided from being used to deport undocumented workers;
- a broad humanitarian waiver;
- more specific labor protections for workers;
- a repeal of harsh due process clauses for immigrants; and
- access to asylum adjudication.

As presented to Congress on May 12, 2005, the Secure America and Orderly Immigration Act 2005 takes an important step towards legislating rights for migrants

Comprehensive Enforcement and Immigration Reform Act

Sponsored by Senators John Cornyn (R-TX) and John Kyl (R-AZ)

Summary:

The bill, proposed on July 19, 2005, focuses on enforcement measures and US border security. The bill would remove due process for individuals who had already been deported once, increase border patrol agents, surveillance technology, and the number of beds in detention centers. The temporary guest worker program would allow for a two year guest worker visa. After returning, the worker may reapply, but only after having spent a full year in the home country. Bilateral agreements are required with any participating nations to reduce criminal trafficking. Finally, the legislation would establish investment funds to encourage workers to return home.

REAL GUEST Act of 2005

Rewarding Employers that Abide by the Law and Guaranteeing Uniform Enforcement to Stop Terrorism

Sponsored by Congressman Tancredo (R-CO)

Summary:

The bill, proposed July 18 by the leader of the House Immigration Reform Caucus, would

- make illegal entry into the US a felony, including a minimum one year prison sentence for migrants and fines for employers of illegal immigrants;
- attempt to link potential workers with potential employers but prohibit reception of social assistance or family accompaniment;
- require removal of 80% of visa overstays within a year;
- add 10,000 border patrol agents;
- prohibit any state laws affording in-state University tuition rates to aliens.

The Jesuit Conference and JRS will continue to monitor the issue.

TERENCE M. O'SULLIVAN
General President

ARMAND E. SABITONI
General Secretary-Treasurer

FOR IMMEDIATE RELEASE

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

FOR IMMEDIATE RELEASE
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Laborers' Union Backs Key Provisions of McCain-Kennedy Comprehensive Immigration Reform Bill

Despite Guest Worker Concerns, Union Calls Ability to Earn Legalization Great Leap for Millions of Hard-working Immigrant Workers

Washington, D.C. (May 12, 2005) – The Laborers' International Union Thursday joined with a broad coalition in supporting key provisions of the McCain-Kennedy Comprehensive Immigration Reform bill.

"For millions of hard-working, tax-paying immigrants and their families – whose only crime is having crossed our border – parts of this bill are a great step forward," said Terence M. O'Sullivan, General President of the Laborers' Union. **"This bill would allow immigrant workers who do some of the hardest work in America to come out of the shadows of fear created by their lack of documents.** While this bill won't resolve all the injustices and inequities immigrant workers face, we believe key provisions will strengthen working families across the continent."

The McCain – Kennedy bill would allow undocumented unskilled immigrant workers to apply for a new category of visas, called H5B. The visa does not chain immigrants to a particular employer and could lead to permanent status in the U.S. Legal status for these workers would be earned, require steady employment, payment of taxes and payment of application fees.

The bill would help immigrant workers who are already here come out of the shadows of American society by ending threats of deportation, which are often used by employers to prevent immigrant workers from joining together to improve their working conditions. Such immigrants could apply for permanent resident status after six years of employment in the U.S.

In addition, the bill would strengthen national security by requiring holders of the new visas to undergo criminal and security background checks.

And the bill would take steps toward remedying the tragedy of families divided by borders by increasing the number of immigrants allowed for the purpose of family reunification.

The Laborers' Union expressed concern about provisions of the bill which would in effect create a new guest worker program by the creation of H5A visas. The visas would be granted to future immigrants, but don't provide necessary safeguards to protect U.S. workers or future immigrant workers, the union believes.

(more)

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And while workers with H5A visas would theoretically be protected against employers who violate wage or other workplace laws, they would have not standing to seek remedies in court.

"In light of abuses that have historically occurred with guest worker programs, we believe the provisions in this bill for H5A visas should be improved to ensure that workers have legal recourse against unscrupulous employers and so that U.S. workers are protected from employers whose sole purpose in hiring H5A visa holders is to undercut existing workplace standards," O'Sullivan said.

Overall, O'Sullivan said the McCain-Kennedy bill offers "our best hope for true and fair immigration reform."

The influx of millions of immigrant workers in the past several decades has reshaped the construction industry workforce. Many immigrant construction workers have faced serious safety, pay and benefit issues because their legal status has prohibited them from speaking out about concerns.

The Laborers' Union, founded in 1903 largely by immigrant workers, includes more than 800,000 members who work in construction and hazardous materials remediation, as well as in health care, the U.S. Postal Service and other public service sectors of the economy.

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LA NOTICIA (Charlotte, NC): McCain-Kennedy immigration reform is sorely needed 07/06
Edición No. 377 - 6 al 12 de julio del 2005

This past May, Senators John McCain (R-AZ) and Edward Kennedy (D-Mass) proposed a new immigration reform bill entitled the Secure America and Orderly Immigration Act. The McCain-Kennedy legislation was prompted by our "broken" immigration system. Despite the fact that our government has spent billions of dollars in the last decade to enforce immigration laws, the reality is that immigrants still enter this country illegally, at the rate of almost 500,000 a year.

The number of undocumented immigrants in this nation is estimated at nearly 11 million. The ones here are not leaving, and masses are arriving every day. We simply cannot round up and remove millions of people. To complicate matters, most of those 11 million are working. Several sectors of our economy now depend on those unauthorized workers. A loss of those workers would have devastating consequences on our economy.

National security is a huge concern, too. Right now these 11 million workers live entirely beyond the reach of authorities. Undocumented or, worse, falsely documented, they have never had background checks. We know nothing about their pasts or, in some cases, criminal records. The underground world they inhabit is controlled by criminal syndicates. International terrorists can hide easily in this lax system.

So there is no question our immigration laws need massive reform. But, of course, no one agrees exactly how to do it. Immigration naysayers hold strongly to the belief that any reform that helps or legalizes undocumented immigrants is "rewarding" those who have broken the law by entering the country illegally. But the reality is that these immigrants are here, they are working and contributing to our economy. They aren't leaving, and more are arriving every day. A more commonsense solution would be to find a way to legalize those who are here for legitimate reasons—to work and raise a family—and put a system in place that, by documenting all immigrants, can identify and protect us from those who wish this country harm.

The McCain-Kennedy Act, while not perfect, is a courageous step towards that solution. The bill covers all aspects related to immigration: border security, criminal alien measures, partnerships with other countries to promote a "circular" migration pattern where immigrants eventually return to their home country, enforcement issues, and most importantly, an "essential worker visa program."

The worker program is not amnesty. It establishes a tough set of conditions that illegal immigrants must meet if they are to come to this country. Applicants must register with the government. They must show that they have a job in the U.S., pay a fee of $500 in addition to application fees, and clear all security, medical, and other checks. Applicants already living here must pay all back taxes and a $2,000 fine, then undergo a series of background checks to show work history, a clean criminal record, and that they are not a security problem.

The visa is valid for three years, and can be renewed one time for a total of 6 years. At the end of the visa period workers either have to return home or be in the pipeline for a green card. At that point, they must prove they have been studying English and have mastered the rudiments of U.S. history and government. And then, when they do apply, they must go to the "back of the line."

The worker visa program has many advantages to immigrants. It means they are no longer law-breakers, but can live and work freely in this country. It protects them from abuse by foreign labor contractors or employers. It gives them remedies for violations of their rights. The visa is portable, allowing workers to move from job to job. It will give them authorization to travel, making them able to travel to their home country and return to the U.S. Their spouses and children are also eligible for these benefits.

But the worker visa program also has flaws. It allows a six-year maximum stay. Then the visa workers are

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expected to return to their home country. Even if an immigrant worker's visa hasn't expired, if he loses his U.S. job and can't find another one after 60 days, he must return to his home country. Even in a few years, most people can build a life here that will make them resistant to returning to their country. Given the sizeable number of undocumented immigrants who have spent a decade or more in this country and have put down roots, bought homes and businesses, and raised children who are U.S. citizens, it's unlikely any one of them are going to return to a county they no longer see as "home." Just as we've been unable to send them back as undocumented immigrants, it will be just as impossible to make them return as legal immigrants. This will force them once again to resort to life in the shadows, forging illegal identities and committing other law-breaking activities.

It is not a perfect solution. But it's the best solution that's been proposed so far.

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LA OPINIÓN (Los Angeles, CA): Un buen plan sobre inmigración 05/13

05/13/05

El proyecto de ley presentado por los senadores Ted Kennedy y John McCain es una nueva esperanza en medio del agrio debate sobre inmigración de los últimos tiempos. La Ley de Seguridad e Inmigración Ordenada de 2005 es un proyecto bipartidista que toma en cuenta los distintos aspectos que debe integrar una extensa y adecuada reforma migratoria: la seguridad, la economía y el factor humano. La propuesta merece una atenta consideración y debe ser la base para los cambios necesarios en las leyes actuales.

La medida contiene cláusulas que refuerzan la seguridad de la frontera a través de varias iniciativas internas, al mismo tiempo que reconoce la condición binacional de la frontera alentando acuerdos migratorios y de seguridad con México. También refuerza el control de la documentación para evitar hacer más difícil su falsificación al igual que las auditorías sobre el sector privado que contrata a los indocumentados.

Además, el proyecto responde a las inquietudes económicas y humanas con dos tipos de visa para los trabajadores temporales y los indocumentados que residen en el país. Es justo que establezca una senda para la residencia permanente después de un tiempo determinado y cumpliendo una serie de requisitos como el pago de impuestos, costosas multas y averiguación de antecedentes, entre otros. La cláusula sobre reunificación familiar es otro aspecto humano que por fortuna está tomado en cuenta.

Es significativo que entre sus auspiciadores principales estén el senador McCain y los congresistas Jeff Flake y Jim Kolbe, todos ellos republicanos de Arizona, un estado que se halla en el centro del debate migratorio. Este respaldo revela que el proyecto de ley contiene un adecuado balance de intereses y, fundamentalmente, es una respuesta válida al dilema de la inmigración indocumentada. Esperamos que tanto la conducción legislativa republicana como la Casa Blanca reconozcan la importancia de esta medida y respalden la propuesta de sus representantes que realmente conocen estos problemas, en vez de sucumbir ante los demagogos.

Las continuas muestras de antagonismo hacia los indocumentados, desde el Proyecto Minuteman hasta el REAL ID, reflejan la urgencia de una amplia reforma migratoria que brinde soluciones más allá de simples castigos. La legislación Kennedy-McCain abarca todos los aspectos relevantes para actualizar las leyes de inmigración. En ella hay cláusulas para todos los gustos y disgustos, garantizando así una ecuanimidad en su enfoque. Éste es un proyecto de ley complejo como lo es el tema de la inmigración y realista como el mismo asunto lo amerita. Por eso merece un respaldo unánime y una pronta aprobación.

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LA OPINIÓN (Los Angeles, CA): Time to talk about immigration 06/06

LUNES 6 de Junio de 2005

The debate over immigration has taken on force at the national level, for better or worse. The discussion about the presence of undocumented immigrants in this country never disappeared from the map, but this summer it promises to be a hot topic, from the legislative discussions in Congress to the border, where groups of civilian vigilantes pretend to replace the Border Patrol.

In the midst of all these raw emotions we must not lose sight of the fact that today we have a real opportunity for a just reform of immigration laws. We will have to see whether legislators have the courage and the intelligence to separate the noise from the nuggets and do what's best for the country.

No one doubts that there is an urgent need for immigration reform. The two proposals in the Senate, together with the interest the White House has for the subject, provide the best possibility in many years for serious reform. The most promising proposal, Kennedy-McCain, meets the minimum essential requirements of national security, the need for labor and the human factor, by giving immigrants the hope of legalizing their status after hard work and exemplary conduct. The proposal of Senators John Cornyn and Jon Kyl, on the other hand, introduced last week, limits itself to reinforcing the borders, tracking the hiring of undocumented workers and establishing a limited temporary workers program.

We have in the Senate today a ray of hope that between the two proposals legislators will be able to produce a law that is beneficial to everyone. That possibility is more complicated in the House of Representatives where the demagoguery on this subject threatens to trample all common sense. Nevertheless, White House support for just and fair immigration reform is key since now is the time to talk seriously about immigration.

La Opinión, Los Angeles via El Diario/La Prensa, New York, NY

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Statement of Senator Patrick Leahy,
Ranking Member, Judiciary Committee
Hearing on Comprehensive Immigration Reform
July 26, 2005

I commend the Chairman for calling this hearing and thank the Senators and witnesses who are here today. Securing our borders is a challenge that we must face, no matter how complex and difficult. While tackling these issues we also need to recognize the important role immigrant labor plays in our economy and adopt practical guest worker programs that are supportive of that contribution.

Yesterday morning the Administration notified the Committee that it would not send Michael Chertoff, Secretary of Homeland Security, and Elaine L. Chao, Secretary of Labor, to testify at today's hearing. This is the second time in a single week that the Administration decided, on very late notice, to cancel the long-planned appearances of high-ranking officials on matters of significant importance to this Committee. I certainly hope that this does not signify a trend.

I am particularly disappointed in the Administration's cancellation of Secretary Chertoff's appearance. Members of the Committee would have benefited from engaging in a discussion with him on the various approaches to comprehensive reform. Secretary Chertoff said on July 13 that the Department of Homeland Security must "strengthen border security and interior enforcement, as well as improve our immigration system." He continued, "We cannot have one approach without the other." I agree with him, and with the sponsors of the legislation that we will discuss today, that these issues should be addressed together, and soon.

I was sorry to learn that the House Majority Leader recently stated that enforcement must be taken up first, with guest worker proposals to follow later. The Senate Majority Leader did not split these issues apart, but he said that immigration is not likely to be taken up on the Senate floor this year. We all know that 2006 is an election year, making it difficult to advance proposals to solve our immigration problems free from campaign rhetoric and posturing. I hope that we can take up these serious issues this year, and avoid the pressure of an election cycle.

In May, Senators McCain and Kennedy introduced their bill, S.1033, the Secure America and Orderly Immigration Act. I have said many times that I believe the McCain-Kennedy bill is the appropriate starting point for the Judiciary Committee to consider immigration reform. This bill recognizes that much of the nation's economy depends on

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immigrant labor, and that some of those immigrants do not have legal status. The bill provides an opportunity for those workers to earn legal status. It contains border security and enforcement provisions.

Last week, Senators Cornyn and Kyl introduced S.1438. Their approach supports the concept of a guest worker program but makes it exceedingly difficult for these non-citizens to obtain legal status. Illegal immigrants would have to leave the U.S. and then meet certain criteria before they could re-enter with legal, temporary status. The Cornyn-Kyl approach contains some troubling provisions that we must review carefully. It would authorize state and local police to enforce federal immigration laws, a policy that could undermine community policing efforts in immigrant communities. It would also expand expedited removal programs, which are already hurting bona fide asylum seekers.

Border security is a pressing issue in Vermont. I remain concerned that the Administration seems to have ignored Congress' clear and consistent call for substantial increases in staffing for the Border Patrol. The Border Patrol's presence on our Northern Border was minimal before the September 11th attacks, with about 300 agents assigned to the 4,000-mile border. Last December, Congress passed and the President signed the Intelligence Reform and Terrorism Prevention Act of 2004, which mandated an increase of at least 2,000 Border Patrol agents for FY 2006, with at least 20 percent of the increased agents to be assigned to the Northern Border. The President's budget, however, would have provided only enough funding to add 210 Border Patrol agents, or about 10 percent of what Congress mandated. Moreover, it appears that, of those agents provided for in the President's budget, not a single one would be assigned to the Northern Border.

While I am disappointed that the Homeland Security Appropriations Act that the Senate passed on July 14, 2005, fails to reach authorized levels, it does allocate for border security $600 million more the President's request, totaling $9.8 billion. It directs DHS to use the funding to hire 1,000 more border agents to reach the goal of 10,000 more agents over the next 10 years. We must fight to maintain these levels as the bill goes to conference.

The approaches to immigration reform that we will discuss today are complex. I commend Senators for studying the issues carefully and putting forward their proposals for our consideration. I look forward to today's hearing and thank all the witnesses for their contributions.

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Press Release

LULAC Urges Congress to Support Bipartisan Immigration Plan Revamping Current System and Offering Pragmatic Solutions

The Secure America and Orderly Immigration Act addresses immigration reform as law enforcement, human rights, economic and national security issue

July 22, 2005 Contact: Brenda Alvarez (202) 833-6130

Washington, DC—The League of United Latin American Citizens (LULAC) is urging Congress to support a bipartisan immigration reform bill that will revamp the current system and offer a multi-tiered conduit to citizenship for undocumented immigrants. The Secure America and Orderly Immigration Act, sponsored by Sen. Edward M. Kennedy (D-MA) and Sen. John McCain (R-AZ), is a realistic approach that addresses immigration reform as a law enforcement, human rights, economic and national security issue.

The proposed law would allow undocumented immigrants to apply for temporary work permits that could last for six years. They would have to clear criminal background checks, pass an English language test and pay a $2,000 fee to qualify. In addition, at the end of the six years, they and their families could apply for permanent residency, and five years later for citizenship.

"This bill is a pragmatic and responsible approach to immigration reform. As the oldest civil rights organization in the country, we have examined numerous immigration reform policies, and the Kennedy-McCain bill is by far one of the best we have seen," said LULAC National President Hector M. Flores.

Flores added, "We can no longer continue to brush aside the millions of undocumented immigrants who live, work, raise families and establish roots in this country. Instead of alienating them and forcing them to break laws, it's time we embrace responsibility by recognizing their hard-earned value and incorporating them into our great country."

"The Kennedy-McCain bill is the type of legislation that demonstrates our leaders realize that the millions of immigrants living in this country are here for the long term," said LULAC Director of Policy and Legislation Gabriela Lemus. "Now we have the parameters within which we can have progressive talks about immigration reform."

LULAC's push to see this bill pass before Congress follows the introduction of another bill sponsored by two Republican senators – Sen. John Cornyn of Texas and Jon Kyl of Arizona. The Cornyn–Kyl immigration bill calls for a hefty fine and an exodus of illegal immigrants before becoming eligible for short-term guest worker visas.

The League of United Latin American Citizens (LULAC) is the oldest and largest Latino civil rights organization in the United States. LULAC advances the economic condition, educational attainment, political influence, health, and civil rights of Hispanic Americans through community-based programs operating across the country at more than 700 LULAC councils nationwide.

LEBANON DAILY NEWS (PA): Targeting immigration 06/15

Wednesday, June 15, 2005 - With an estimated 11 million or more illegal immigrants in the United States, it's clear that existing border policies have become a joke. They too often ignore the labor needs of the economy and, well, where do we begin about the lack of enforcement? The laws against illegal immigration and hiring undocumented workers are poorly enforced, when they are enforced at all.

Past efforts to update U.S. immigration laws have taken years. The task is among the most ticklish and difficult facing Congress, with social and economic ramifications along with diplomatic and domestic security impacts.

Some weeks ago, a serious effort to tackle the immigration headache was launched by Sens. John McCain, a border-state Republican, and Ted Kennedy, a Northeast liberal. This odd-duck authorship represents the need to forge a broad consensus. Indeed, McCain-Kennedy is a rational approach that holds much promise if calm heads can prevail over demagoguery.

The McCain-Kennedy bill is in synch with many of President Bush's immigration-reform ideas, which increases the likelihood of success. (Also, the word out of Washington is the president now supports concepts he once opposed, such as not requiring illegal immigrants to return home to gain legal status.)

"It's certainly the most ambitious formulation that we've seen," said Doris Meissner of the Migration Policy Institute in Washington, "and it really does take on the broad sweep of the issues."

Meissner, director of the Immigration and Naturalization Service under President Clinton, said McCain-Kennedy will "help focus the discussion. It creates something specific against which to really have a debate" and "probably will go through several iterations" before reaching the Senate floor. She also observed the White House was "amazingly mum about McCain-Kennedy when it was introduced."

In contrast, Rep. Tom Tancredo, R-Colorado, gave the bill both barrels. He ripped border-security provisions as "little more than commissioning of a few more government reports and working groups" and said "the rest of the bill is dedicated to things like providing taxpayer-funded health care and instant amnesty for millions of illegal aliens who have broken our laws."

True, the bill proposes legitimizing the status of illegal workers currently in the U.S. They would have to pay $2,000 in fines, as well as back taxes, and pass criminal background checks and medical exams. These immigrants could then apply for three-year guest-worker visas, renewable once. After six years, the workers would be eligible to apply for permanent resident status for themselves and their families, and, after five more years, U.S. citizenship.

The bill would allow U.S. employers to hire up to 400,000 foreign workers the first year on a showing that no residents would take the jobs. These workers also eventually could become permanent residents.

Despite its bipartisan support, McCain-Kennedy faces an uphill fight on both sides of the aisle: from Republicans opposed to any form of amnesty and from Democrats who fear cheap foreign labor will depress domestic wages.

McCain-Kennedy is a reasonable springboard to debate the many tough issues that are raised by U.S. immigration policy.

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LONG BEACH PRESS TELEGRAM (CA): Sensible immigration 05/14

Bipartisan bill would help control illegals.

Saturday, May 14, 2005 - Congress finally has before it a plan to reform immigration policy in a way that actually makes sense. Bipartisan legislation introduced in the Senate last week would fundamentally improve the way the United States handles its migrant worker population.

The legislation, drafted by Republican Sen. John McCain and Democratic Sen. Edward Kennedy and supported by a bipartisan group of lawmakers, has drawn widespread praise among diverse groups, from business and conservative organizations to union leaders and immigration advocates.

The only groups actively opposing the bill, called the Secure America and Orderly Immigration Act of 2005, are those who oppose illegal immigration in any form. No real-world solution would please them.

The McCain and Kennedy proposal does reflect the real world, acknowledging the positive economic benefits of illegal workers while addressing domestic security concerns and other negative effects.

The bill wouldn't provide amnesty for illegal workers. It would establish a structured, temporary guest worker program that would allow migrant workers to obtain three-year visas at U.S. consulate offices, after paying a $500 fee and passing a criminal background check. The visas could be renewed every three years, and workers could apply for permanent residency, not full citizenship, after four years.

Workers now in the United States illegally would have to register with the government, pass the background check and pay a $2,000 fine to obtain the visa. For permanent resident status, they would have to work for six more years and prove they were learning English.

Businesses that continued to hire illegal labor off the guest-worker books would be subject to harsh penalties.

Several benefits would be felt immediately. Domestic security would be improved, as the United States would have a system to check and track what is now a huge pool of working illegal immigrants more than 11 million nationwide by some estimates. Security at the borders would be tighter, and more orderly, with fewer deaths and accidents from unsafe border crossings (more than 2,000 migrants have died since 1998 attempting to cross the border in dangerous areas). The guest worker program would also put an end to the ugly criminal enterprise of human smuggling.

And, importantly, a guest worker program would allow for the collection of taxes to support public services such as schools and hospitals.

Militarizing the border hasn't worked. So long as businesses are freely hiring illegal workers and some industries are staffed entirely by undocumented immigrants they will continue to find ways across. And it's uncertain how much control states themselves can exercise over borders, since immigration is a federal matter [See Daniel Weintraub's column on the SundayForum page].

The status quo is failing miserably. A structured, orderly guest worker program makes economic sense while addressing national security and human-rights concerns.

The McCain/Kennedy plan offers a realistic, meaningful solution to a broken system. Congress and President Bush ought to put it into action.

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LONGMONT DAILY TIMES-CALL (CO): Immigration deserves attention 05/29

Publish Date: 5/29/2005

The great battle over immigration reform has been launched, although the platform for the discussion is probably not what Colorado Rep. Tom Tancredo would have wanted.

A coalition of members of Congress led in the Senate by John McCain of Arizona and Ted Kennedy of Massachusetts has proposed a far-reaching immigration-reform bill that will likely form the framework for the discussion in the near future. Proponents expect that it will take until 2007 to get something accomplished.

The McCain/Kennedy approach is not close to what Tancredo would propose, but there is agreement on this: The nation's current immigration policy is not working, and it needs reform. Our borders have not been secured, and traditional methods of receiving permission to enter the country for temporary or permanent relocation have not worked. Millions of illegal immigrants currently live in the United States, resulting in potential security problems and very real economic problems.

Tancredo and others want greater border security, want to round up illegal aliens and send them home, and want to avoid amnesty at all costs.

McCain/Kennedy, who tend to refer to illegal immigrants as "undocumented" people, tackle the issue on multiple fronts. They would:

- Deal with existing illegals by giving them the means to identify themselves without being booted out. They would pay large fines in order to be permitted to stay in the country. They also would be fingerprinted and submit to background checks.
- Create a temporary visa program for guest workers who would fill unskilled positions for a limited amount of time. They could work toward permanent residency under the laws that apply to all immigrants. This category of visa would be capped at 400,000 per year.
- Beef up enforcement of border-crossing laws and increase fines to companies that knowingly hire illegals.
- Encourage Mexico to help prevent illegal immigration.
- Promote opportunity in Mexico and other places so there would be less movement of people for economic reasons.
- Require employers to try to hire citizens first, but when they can't find citizens willing to work for the wage offered, they could hire foreign nationals.
- Create a tamper-proof visa document with biometric information.

Some business groups have gotten behind the measure, including the U.S. Chamber of Commerce. It is thought that President Bush, who has suggested a guest worker program, might favor the bill, although he has not weighed in on the details.

While there is no agreement on this issue, despite the bipartisan nature of the McCain/Kennedy bill, at least it is now receiving the attention it deserves. Tancredo has tried since his first day in office to have immigration discussed, and now that will likely happen.

The measure that finally will pass will likely undergo numerous changes from the introduced bill version, but the multi-faceted approach of this measure gives it a greater chance than the hard line drawn by some in the past.

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LOS ANGELES TIMES (CA): Borderline leadership 07/24

July 24, 2005

PRESIDENT BUSH HAS been talking for five years, somewhat halfheartedly, about the need to overhaul the nation's immigration laws. The clock is running out. The president needs to make the issue a priority now or the opportunity will have been lost and the former border governor will have failed to resolve the nation's unhealthy immigration policy. The current system combines a failure to control the borders with an insistence on treating needed immigrant workers as criminals.

The good news is that some people in Washington do see this as an urgent matter — the president's own Homeland Security secretary, Michael Chertoff, asserted earlier this month that Bush's guest-worker proposal was not merely about economics but national security. He realizes that an illegal underground population of 10 million people is intolerable on both grounds.

The case of four Phoenix-area honors students detained by immigration agents at Niagara Falls offered a different perspective on the same dysfunctional status quo. These students traveled to Buffalo in 2002 to compete in a high school science competition. Because of their Latino appearance, immigration agents approached them and demanded to know their status. It was determined that the students had come to the United States illegally — when they were between 2 and 7 years old. Last Thursday, a judge took the sensible step of blocking their deportation.

The students' stories are compelling, yet so are those of hundreds of migrants who die each year crossing the desert in search of work. Hardly anyone in Washington would disagree that the nation needs far more foreign workers than current quotas allow. Two competing Senate bills introduced recently — one by John McCain (R-Ariz.) and Edward M. Kennedy (D-Mass.); the other by John Cornyn (R-Texas) and Jon Kyl (R-Ariz.) — would expand temporary-worker programs and are scheduled to be considered Tuesday at a Judiciary Committee hearing.

As senators consider these proposals, their priority should be to tailor the law to economic reality and to ensure that the law be realistic and enforceable. This means focusing on the numbers of foreign workers needed, addressing the current population of undocumented workers and making it harder to be hired illegally after legal opportunities have been expanded. Simply militarizing the border is not a solution — as a study from the conservative Cato Institute makes clear. It argued that tougher border policing in recent years had encouraged illegal immigrants to stay in this country longer than they otherwise would have. But the political imperative of avoiding even the appearance of a blanket amnesty can also lead to some unworkable ideas. The Cornyn-Kyl bill, for instance, would require the more than 10 million undocumented workers in this country to turn themselves in for deportation to their countries of origin before being allowed to apply for a new guest-worker program. That proposal might have sounded just dandy in some conference room on Capitol Hill, but it isn't going to happen.

We welcome these hearings, but we are under no illusions that the attention will be sustained: The committee will soon shift gears to focus on the confirmation process for Bush's Supreme Court nominee, and Senate Majority Leader Bill Frist (R-Tenn.) has said he doesn't consider immigration reform to be on the front burner. Hence the need for some White House leadership on the issue.

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News Release

For more information on this news release contact lirspress@lirs.org.

Lutheran Immigration and Refugee Service Welcomes Introduction of McCain-Kennedy Bipartisan Immigration Reform

BALTIMORE, May 17, 2005—Lutheran Immigration and Refugee Service (LIRS) welcomes the introduction on May 12 of proposed immigration reform legislation called the Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330). The bills were introduced in the Senate by Sens. John McCain (R-AZ) and Edward Kennedy (D-MA), and in the House by Reps. Jim Kolbe (R-AZ08), Jeff Flake (R-AZ06) and Luis Gutierrez (D-IL04).

"Each nation has the sovereign responsibility to control its borders and also to create policies consistent with its constitutional and humanitarian values," noted LIRS President Ralston H. Deffenbaugh. "As a faith-based agency, LIRS welcomes the stranger as Christ called us to do. While this reform proposal includes compromises, we see it as a hopeful step toward establishing policies that enhance human dignity and family values for migrants."

The bipartisan legislation includes provisions to establish

- tighter border security,
- a worker visa program that will allow orderly legal migration of essential workers in the future,
- an earned adjustment program for certain current undocumented workers,
- family unity for certain current workers,
- a path toward permanent status for patient, hardworking immigrants,
- protection for certain widows and orphans,
- civic integration of newcomers into U.S. society, and
- reimbursement to states for expenses related to undocumented non-citizens.

The legislation goes a long way toward fixing our broken immigration system. As has always been the case, people migrate to the United States for family, work and freedom—to unite with loved ones, to take up employment or to seek refuge from persecution. We have heard time and again from pastors and local immigration service partners of hardworking immigrants—especially in the agriculture, construction and hospitality industries—who are providing needed skills and services to our communities. They are honest, hardworking people who take care of our parents in nursing homes, clean our offices at night, harvest the food for our tables and care for our children. Despite their vital contributions, they have often found themselves forced to work without fair wages, safe conditions or job security, and must often live in inhumane conditions. This legislation will help them secure critical legal status and a path to permanency in the United States. It also provides a system that will decrease the incentive for undocumented migration, providing future willing workers a legal, orderly way to connect with employers who cannot find U.S. citizens to fill their jobs.

We also know of the challenges for those currently in the United States with valid documents. For example, the visa system that is intended to unite families of immigrants and refugees is so backed up that processing some categories of visas can take up to 20 years. This legislation would help unite many of these families.

LIRS applauds the hard work and dedication of Sens. McCain and Kennedy and Reps. Kolbe, Flake and Gutierrez, who put party differences aside to propose legislation for the common good. LIRS also commends President Bush for his continued leadership in calling for immigration reform. And LIRS calls on others in Congress to co-sponsor the Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330).

LIRS has developed four principles for comprehensive immigration reform based on what migrant

communities, churches, and service providers have told us best meet the needs of newcomers and the communities in which they live and work. Meaningful reform should

1. unite families,
2. ensure human rights and workers' rights,
3. allow those working "below the radar" to live freely and openly in our society, and
4. give immigrants willing to contribute to our economy and society a path toward citizenship in the United States.

"We are pleased that the Secure America and Orderly Immigration Act, while including compromise, goes a long way to fulfilling these principles," said Deffenbaugh. "We look forward to continuing to work with Congress and the administration through this legislation and future proposals to assure a system that embodies these principles."

About Lutheran Immigration Service

Lutheran Immigration and Refugee Service (LIRS), the U.S. Lutheran expression of service to refugees and migrants in America, works with affiliates and partners to resettle refugees, protect unaccompanied refugee children, advocate for just treatment of asylum seekers, and seek alternatives to detention for those who are incarcerated during their immigration proceedings.

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MIRA
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PRESS STATEMENT

For Immediate Release

May 12, 2005

Contact: Ali Noorani
(617) 350-5480 x 201
(617) 835-1402 (cell)

On the Road to Immigration Reform

Boston, MA – Today, Senators Edward Kennedy (D-MA) and John McCain (R-AZ) along with House Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL) introduced comprehensive immigration reform legislation, the Secure America and Orderly Immigration Act, which responds to our nation's broken immigration system.

The legislation opens the door for bi-partisan discussion on real comprehensive immigration reform that creates a path to citizenship for millions of undocumented workers, ensures workers rights, reunifies families, restores civil liberties, protects refugees and asylees, and offers opportunities for safe future migration for millions of hardworking immigrants and their families.

Unlike the Real ID act which equates immigrants to terrorists and fails to address legitimate security and immigration solutions, this bi-partisan effort recognizes the contributions immigrants make to our economy and to our society.

"For too long, our country has suffered the failures of a system that is unfair, dangerous and unenforceable," said Ali Noorani, executive director of the Massachusetts Immigrant and Refugee Advocacy Coalition. "For the first time in decades, we have a realistic solution before us. This legislation balances the need to reunify families, protect all workers, document the undocumented and enhance our national security so our immigration system is safe, secure and orderly."

Noorani continued, "The time is now for immigration reform. The public is demanding changes that are fair to all workers, increases our national security and keeps to our values as a land of immigrants. We thank the Senators and Representatives for their commitment to the immigrant and refugee community – with a special note of appreciation to Massachusetts Senator Edward Kennedy for his tireless fight. We urge

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President Bush to follow through on his statements over the past year in support of immigration reform, and join Senate and House leadership in this important endeavor."

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MIRA works to advocate for the rights and opportunities of immigrants and refugees. In partnership with its members, MIRA advances this mission through education, training, leadership development, organizing, policy analysis and advocacy.

May 16, 2005
CONTACTS:
J.C. Flores (888) 858-0773 numeric pager; Tisha Tallman (678) 559-1071 x16

MALDEF 'Proud to Support'
New Comprehensive Immigration Policy Reform Proposal

After examining in detail the proposed Secure America and Orderly Immigration Act, by Sen. Edward Kennedy (D-MA), Sen. John McCain, (R-AZ) and by Reps. Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL), MALDEF President and General Counsel Ann Marie Tallman issued the following statement:

"Last Thursday, the visionary leadership of a bipartisan group of Congresspersons introduced the Secure America and Orderly Immigration Act, a bill that will ensure our national security, address the current and future economic demands of our economy, while at the same time acknowledging the contributions of the millions of undocumented workers who have made, are making and will continue to make the United States economically competitive well into the future.

"MALDEF is proud to support this historic bipartisan legislation.

"This legislation will enable millions of hardworking, contributing, often taxpaying undocumented immigrants and their families to come out of the shadows, thereby ensuring the humanity and national security of all. In the mission and language of the bill itself, we, as a nation, acknowledge our shortcomings with a current broken immigration system that exploits the lives and condition of undocumented immigrants and their families while at the same time compromising the ideals and safety of United States residents. Through this legislation, we will move forward as a safe and secure nation firm in achieving its ideals as a great nation --- fairness and justice for all.

"The bill includes provisions that will make our border safer for United States residents and those seeking to make their home in this great nation by dealing with the security needs of our border, and providing a means to an end of human smuggling and trafficking at the U.S./Mexico border. The bill seeks to put an end to the 18,000 to 20,000 men, women and children who are human trafficked into the United States annually over the US/Mexico border, forced into commercial sexual exploitation and labor exploitation. It seeks to provide earned legalization to the undocumented immigrants and their families who have supported our economy and assisted us in meeting our labor demands through their hard work It will provide them with the dignity

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they deserve by allowing them to receive the same protections of all federal, state and local laws to end their exploitation and to end our exploitation of them. In addition, it will allow workers who have often been trapped in the United States by our broken immigration system to safely travel home or return home permanently if they so chose. And, the bill will allow the United States to move into the future as a globally competitive country, meeting the needs of our current and future labor demands in an ever-aging workforce.

"Through the vision and leadership of this bipartisan group of Congresspersons we have been given a charge to see America into the future. We at MALDEF will heed the call and do all we can to support this historic piece of legislation that does right by and for all Americans."

Founded in 1968, MALDEF is a national civil rights organization which protects and promotes the civil rights of Latinos through advocacy, community education and outreach, leadership development, higher education scholarships and, when necessary, through the legal system.

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MIAMI HERALD (FL): A nation of laws -- and immigrants 05/23

BILL OFFERS A REALISTIC FIX FOR AILING IMMIGRATION SYSTEM Monday, May 23, 2005

Congress finally has a bill that could mend the country's ailing immigration system. Introduced in the House and Senate last week, The Secure America and Orderly Immigration Act sets realistic immigration levels and adds tough enforcement. In short, the bipartisan bill offers law and order: an enforceable set of rules that would free up federal resources to concentrate on national-security threats. It should begin a thoughtful debate about sensible reforms.

Such reforms would vastly improve what we have today. When nearly 11 million people are in the United States illegally, there isn't enough money in the Treasury to find and deport them all. After all, no family wants to see its nanny taken away in chains.

What Americans want is a fair and comprehensive overhaul of unenforceable immigration laws. A recent national poll commissioned by the American Immigration Lawyers Association and National Immigration Forum reflects the sentiment. Three out of four likely voters said they would support changes that include: tougher penalties for workers and employers who break the law; temporary status for guest workers; a multiple-year process for obtaining legal status without preferential treatment; and prioritized family reunification.

The Secure America bill (S 1033/HR 2330) offers this and more. To establish an orderly, legal flow of workers from abroad, it would eliminate the underground economy of illegal labor. To do so, the bill sets a realistic ceiling for the future entry of temporary "guest workers" while offering temporary status to undocumented workers already employed here. Other provisions would make it tougher for undocumented workers or employers to violate the law -- and increase penalties for such violations. By radically reducing the number of illegal workers, the bill would free law enforcers to combat terrorist and criminal threats as well as the human smugglers and unscrupulous employers who prey on undocumented immigrants.

That the bill is a strongly bipartisan effort in an era of divisiveness is the icing that improves its prospects. Credit goes to Sens. John McCain, R-Ariz., and Edward M. Kennedy, D-Mass., for the heavy lifting. They spent months developing a bill that generally hews to President Bush's guest-worker principles. The bill is garnering diverse support from business, labor, conservative and immigrant-advocate groups. We salute Reps. Lincoln and Mario Díaz-Balart and Ileana Ros-Lehtinen for signing on as original cosponsors of the bill's House version and urge other Florida lawmakers, particularly Sen. Mel Martinez, to follow suit.

No doubt, challenges lie ahead. Anti-immigrant extremists already have begun to complain. They are the crowd that favors Band Aids, such as the just-approved Real ID bill, which may prevent undocumented immigrants from getting driver's licenses but won't improve national security or immigration-law enforcement.

That's why it is crucial for President Bush to weigh in. His guest-worker proposal made for good campaign sound bites last year -- but no legislation followed. And he encouraged Sen. McCain to develop this bill. President Bush should now acknowledge the bill's parallels with his guest-worker principles and encourage a constructive debate on immigration reform. The hope is for a comprehensive solution that works for this nation of laws and immigrants.

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MILWAUKEE JOURNAL SENTINEL (WI): Real immigration reform 05/15

From the Journal Sentinel

Last Updated: May 15, 2005

At long last, a start on real immigration reform.

Not the piecemeal approach that has marked previous efforts to deal with this country's dual personality on the issue.

You know: hate those *blankety-blank* illegal immigrants but can I still buy all that cheap produce and get what amounts to discounts (thanks to those *blankety-blanks*) on everything from hotel and restaurant service to home construction?

Sens. John McCain (R-Ariz.) and Edward Kennedy (D-Mass.) have crafted realistic legislation that acknowledges the economic need (by including a guest worker program) *and* the human suffering and unfairness inherent in a system that forces immigrants to exist in the shadows.

New guest workers, initially capped at 400,000 yearly, would get a three-year visa, renewable once. They could apply for permanent residency after four years.

Illegal immigrants already here would be allowed to get a temporary visa valid for six years, after which they could apply for permanent residency if they paid $2,000, back taxes and learned English.

In both cases, with new and existing workers, applicants would have to have clean criminal histories and pose no security risks.

Simply, this is win-win. It recognizes that the nation, with an ever-shrinking labor force, requires these workers if the economy is to thrive. But it also recognizes that it is simply un-American to tell immigrants that they are good enough to work for us but not good enough to be one of us.

But, of course, the anti-immigrant folks have already drawn their knives.

"There is a little more lipstick on this pig than there was before, but it's most certainly the same old pig," said Rep. Tom Tancredo, the Colorado Republican who has led the anti-immigrant movement in the House. And that's where most of the opposition is expected to come from, though more fair-minded members have introduced the same bill there.

When the rhetoric reaches fever pitch, senators and House members will have to remember that no matter how much folks cry "amnesty," this bill really doesn't take us there. It is *earned* residency.

Working here for six years, paying $2,000 and the fact that illegal immigrants who get the new work visas don't jump to the head of the line for permanent residency tell the tale. If this is amnesty, then pigs - with or without lipstick - fly.

The legislation also provides for better border security and, by allowing guest workers to travel to and from their mother countries, helps ensure that fewer of their family members join them here.

In short, unlike previous efforts, this legislation is serious and humane. Perhaps it can be improved upon in the legislative process, but it's a reasonable approach to a problem long in need of reasonableness.

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FOR IMMEDIATE RELEASE
May 12, 2005

NAPALC Applauds Bipartisan Comprehensive Immigration Reform Legislation: It's Time for Real Reform

Washington D.C. – Today Sen. John McCain (R-AZ) and Sen. Edward Kennedy (D-MA) introduced a bipartisan comprehensive immigration reform bill, the Secure America and Orderly Immigration Act, in the Senate. Rep. Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL) introduced the bill in the House of Representatives.

The National Asian Pacific American Legal Consortium (NAPALC) and its affiliates, the Asian Law Caucus (ALC), the Asian Pacific American Legal Center (APALC), and the Asian American Institute (AAI), thank these courageous lawmakers for coming together to produce this important legislation.

"Comprehensive immigration reform will not become a reality unless and until reform-minded Republicans and Democrats work together on a bipartisan solution," observed Traci Hong, NAPALC's Director of Immigration Program.

"We congratulate Senators McCain and Kennedy and Representatives Kolbe, Flake, and Gutierrez for rising above partisan politics to collaborate on this issue of utmost importance to the Asian Pacific American community," stated Stewart Kwoh, Executive Director of APALC.

Currently, Asian Pacific American (APA) U.S. citizens and lawful permanent residents must wait years, sometimes even decades, to reunite with their family members who are eligible to legally immigrate to the United States. Also, there are approximately one million undocumented immigrants from Asia who are forced to live in constant fear, even though the vast majority of these individuals are hard-working people who contribute greatly to our economy. Finally, misguided anti-immigrant measures such as the REAL ID Act detrimentally affect all segments of the APA community, from U.S. citizens to undocumented immigrants. "The APA community has suffered long enough from our broken immigration system," declared Philip Y. Ting, Executive Director of ALC.

–cont.–

The Secure America and Orderly Immigration Act contains measures to:

- Reduce the tremendous backlogs in the family immigration system and facilitate timely reunification of families;
- Provide a path to legal status and eventual permanent residence for undocumented immigrants already in the U.S. who are willing to work hard, pay taxes, undergo criminal and national security checks, and learn English and Civics;
- Create a new work visa program with innovative protections for U.S. and immigrant workers; and
- Assist more immigrants in learning English and preparing for citizenship.

"The time for real immigration reform is now. We urge President Bush to work with these bipartisan legislators as well as other reform-minded leaders in Congress from both parties to comprehensively reform our immigration laws," added Tuyet Le, the Executive Director of AAI.

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The National Asian Pacific American Legal Consortium (www.napalc.org) is a national civil rights organization dedicated to advancing and defending the civil rights of Asian Pacific Americans The Asian American Institute of Chicago (www.aaichicago.org) is a pan-Asian not-for-profit organization whose mission is to empower the Asian American community through advocacy by utilizing research, education, and coalition building The Asian Law Caucus (www.asianlawcaucus org) of San Francisco is the oldest Asian Pacific American legal group in the nation. The Asian Pacific American Legal Center (www.apalc.org) is the only organization in Southern California dedicated to providing the Asian Pacific American community with multilingual, culturally sensitive legal services and civic education

Statement of Janet Murguia
President and CEO
National Council of La Raza

To the Senate Committee on the Judiciary
Hearing on Comprehensive Immigration Reform
Tuesday, July 26, 2005

The National Council of La Raza (NCLR) – the largest national constituency-based Hispanic civil rights and advocacy organization in the United States – is a private, nonprofit, nonpartisan, tax-exempt organization established in 1968 to reduce poverty and discrimination and improve life opportunities for Hispanic Americans. Immigration policy has always been a priority for NCLR. Approximately 40% of the Latino population in the U.S. is foreign-born; many Hispanics are immigrants, are petitioning for family members to come to the U.S. as immigrants, or are often mistaken for immigrants. Recent studies show that the vast majority of immigrants in the U.S. are from Mexico and other countries in Latin America, and the undocumented immigrant population is overwhelmingly from these countries. NCLR is very pleased that the Judiciary Committee is holding a hearing on comprehensive immigration reform and hopes that a reasonable, respectful dialogue on immigration policy will move forward.

Problems with the Current Immigration System

While the current immigration system appears generous and reasonable on paper, it is not in tune with current economic or social realities. Immigrants with work or family needs feel pressure to enter the U.S. without visas for several reasons: employers continue to hire undocumented labor, there are few legal channels for needed workers who do not fit into the employment-based immigration preference system to come to the U.S., and the system separates close family members for long periods of time. In particular, NCLR's significant experience on this issue suggests:

- **The current legal immigration system is insufficient.** One common question is, "Why don't immigrants just come legally?" The answer is that most immigrants who come to the United States each year do come legally. However, the law's employment-based and family-based visas are limited to individuals with particular skills or family relationships. People who wish to come on an employment-based visa and who fit into one of the categories must have a job offer in the U.S. and an employer willing to sponsor him/her – a process that can be very expensive and take a long time. While there are many sectors of the economy which rely on the hard work of immigrants who do not qualify for the "highly-skilled" visa categories, the law provides only 5,000 permanent visas each year for "unskilled" workers. This means that employers in restaurants, hotels, and other service-sector jobs who want to petition for immigrant workers because the local labor pool does not meet their demand face visa backlogs reaching ten years. As a result, the system provides no legal avenue for those who wish to come to the United States to work in industries that need them. Family-based immigration is also restricted in that only close family members of persons who are U.S. citizens and legal permanent residents (LPRs) can immigrate to the U.S. The product of this imbalance is a significant population of undocumented immigrants who live and work in the United States and who have no way to obtain a legal visa.

- **Millions of undocumented immigrants are contributing to the U.S. economy.** While estimates vary, researchers calculate that there are approximately nine

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million undocumented immigrants living in the U.S.[1] "Unauthorized urban workers," a subset of the total undocumented population, number approximately six million, or 5% of all U.S. workers.[2] Nearly all undocumented men are in the labor force (96%) – exceeding by more than 15 points the labor-force participation rate of legal immigrants or U.S. citizens.[3] While updated figures based on new estimates of the number of undocumented immigrants are not available, in 2001 an estimated 620,000 undocumented workers worked in the construction industry, 1.2 million worked in manufacturing, 1.4 million worked in wholesale and retail trades, and another 1.3 million worked in the service industry.[4] These immigrant workers are already filling important gaps in the labor market; legalizing their status would bring them into the formal economy, increase tax revenues, and improve wages and working conditions for all workers. Alan Greenspan, Chairman of the Federal Reserve Bank, has recognized the need to reexamine U.S. immigration policies in order to maintain a strong economy, stating that "I've always argued that this country has benefited immensely from the fact that we draw people from all over the world. And the average immigrant comes from a less benign environment, and indeed that's the reason they've come here. And I think they appreciate the benefits of this country more than those of us who were born here. And it shows in their entrepreneurship, their enterprise, and their willingness to do the types of work that make this economy function."

- **Undocumented immigrants pay taxes.** Many Americans believe that undocumented immigrants do not pay taxes. However, there is strong evidence that they do pay far more in taxes than they receive in benefits. Immigrants who use false Social Security Numbers (SSNs) have taxes withheld from their paychecks, but never receive credit for those taxes paid. The greatest evidence is the existence of the Social Security Administration's (SSA) Earnings Suspense File (ESF), a fund with more than $420 billion of cumulative earnings paid by employees who never claim benefits.[5] Much of this money is the taxes paid by undocumented immigrants using false SSNs. Furthermore, many undocumented immigrants file tax returns using Individual Taxpayer Identification Numbers (ITINs). Over a million taxpayers reported wages of almost $7 billion and paid more than $305 million to the IRS in 2001 using ITINs. More importantly, three-quarters of all ITINs issued were reflected in tax returns, prompting Nina Olson,

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[1] Passell, Jeffrey S., Randolph Capps, and Michael E. Fix, *Undocumented Immigrants: Facts and Figures*. Washington, DC: The Urban Institute, January 12, 2004.
[2] *Ibid.*
[3] *Ibid.*
[4] Lowell, B. Lindsay and Roberto Suro, "How Many Undocumented: The Numbers behind the U.S.-Mexico Migration Talks." Washington, DC: The Pew Hispanic Center, March 21, 2002.
[5] *Testimony on The "ITIN" and Social Security Number Misuse*, presented by Patrick P. O'Carroll, Jr., Social Security Administration, Office of the Inspector General, to the House Committee on Ways and Means, Subcommittee on Oversight, Subcommittee on Social Security, U.S. House of Representatives, Washington, DC, March 24, 2004, www.ssa.gov/oig/communications/testimony_speeches/03102004testimony.htm.

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the Taxpayer Advocate, to refer to the ITIN population as a "very compliant sector of the U.S. taxpayer population."[6]

- **Family reunification backlogs have increased.** Even those immigrants who are eligible to apply for family-based visas have difficulty receiving their green cards. Millions of close family members remain in visa backlogs for years, waiting to be reunited with their families. These backlogs are threefold. First, each year the U.S. Citizenship and Immigration Service (USCIS, the agency within the Department of Homeland Security responsible for processing immigration benefits) receives more applications than there are visas available. Thus, there is a backlog of valid applications waiting for visas to become available. Second, even when family-based applications are approved and visas are available, the USCIS takes a long time processing applications, adding additional years to the long waiting times. Third, a 1976 immigration law created equal per-country caps for all countries in the world, meaning that Mexico (which was previously excluded from all numerical quotas) is assigned the same annual quota as every other country, regardless of size and demand, thereby severely limiting the number of visas available each year for Mexicans and creating a backlog for Mexican applicants, which is already larger due to the proximity to the U.S., the economy of Mexico, and the size of the Mexican origin immigrant population.

  The convergence of these three backlogs means that more and more family members are waiting an extremely long time to receive their visas. U.S. citizens who petition for unmarried children over 21 years old from Mexico must wait as long as nine years to be reunited. Legal permanent residents from Mexico who petition for their immediate family members (spouses and minor unmarried children) may wait as long as seven years. Because of the strict laws regarding issuance of temporary visas, many spouses and children do not qualify for tourist visas to the U.S. because immigration officials fear they will overstay the visa and remain in the U.S. Rather than endure long waiting periods, some family members choose to risk their lives and come to the U.S. without a visa to be reunited with loved ones, thereby adding to the undocumented population. The current allocation of visas in the family preference system is clearly inadequate to account for the millions of immigrants attempting to play by the rules and enter the U.S. legally.

- **Increased border enforcement has not slowed the tide of unauthorized migration.** Enforcement of immigration laws is ineffective, yet the Border Patrol continues to increase its budget. In 1986 the Border Patrol was a relatively small agency with an annual budget of $151 million. Since the mid-1990s, the number of agents has tripled and the Border Patrol's budget has more than quintupled

[6] *Testimony on Social Security Number and Individual Taxpayer Identification Number (ITIN) Mismatch and Misuse*, presented by Raul Yzaguirre, National Council of La Raza, to the House Committee on Ways and Means, Subcommittee on Oversight, Subcommittee on Social Security, U.S. House of Representatives, Washington, DC, March 24, 2004.

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from $740 million in 1993 to $3.8 billion in FY 2004.[7] The Border Patrol has also increased technological resources, such as sensors, fences, cameras, and aircraft. However, the number of undocumented immigrants trying to enter the U.S. has not decreased, remaining at roughly 500,000 per year, and migrants' length of stay in the U.S. has increased.[8] Researchers have demonstrated the inefficiency of increased Border Patrol funding by examining the number of apprehensions per linewatch-hour. In 1986 for every 1,000 hours spent patrolling the border there were 700 arrests made; in 1998 the number dropped to 340. By 1998 the number of arrests dropped to 240 per 1,000 linewatch-hours. Thus, despite a 176% increase in linewatch-hours from 1986 to 1998 and a 130% increase in the number of Border Patrol officers, the number of undocumented immigrants apprehended fell dramatically.[9] Looking at it another way, the amount of taxpayer money spent per undocumented entry has increased dramatically in the last two decades. U.S. taxpayers now spend billions of dollars annually to fund border enforcement that has not slowed the rate of unauthorized border crossings.

- **Immigrants are dying on the U.S.-Mexico border every day.** Immigrants continue to risk their lives because they want to work and reunite with their families. Operation Blockade and Operation Gatekeeper, initiated in 1993 and 1994, respectively, and other enhanced border enforcement measures have succeeded in closing off the traditional ports of entry and have diverted migrants into more dangerous crossing areas. Because the number of immigrants attempting to enter the U.S. has not decreased, the probability of death or injury as the result of drowning, heat exhaustion, suffocation, and exposure has increased. Data show that the number of border deaths has increased dramatically in recent years, now reaching an average of nearly one death per day. Since the beginning of the border enforcement buildup in 1993 there have been over 2,600 border crossing-related deaths, which amounts to ten times more lives than the Berlin Wall claimed during its 28-year existence.[10]

- **Smugglers are profiting from increased border enforcement.** Because of the government's policy of increased enforcement along the U.S.-Mexico border and the associated risks of crossing the border, many unauthorized immigrants cannot survive the trip alone and rely on professional smugglers. Since the increased border control of the 1990s, migrants are now paying tremendous sums to smugglers (*coyotes*) to assist them and their family members in crossing the border. According to Doug Mossier, spokesperson for the Border Patrol's El Paso Sector, *coyotes* charge between $100 and $500 to cross people from Ciudad Juárez, Mexico to El Paso, Texas. A move from the interior of Mexico into the

[7] Ewing, Walter A., "The Cost of Doing Nothing: The Need for Comprehensive Immigration Reform." Washington, DC: American Immigration Lawyers Foundation, January 2004.
[8] See Massey, Douglas, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors, Mexican Immigration in an Era of Economic Integration.* New York, NY: Russell Sage Foundation, 2002.
[9] *Ibid.*
[10] Cornelius, Wayne, "Evaluating Enhanced U.S. Border Enforcement," HispanicVista.com, http://www.hispanicvista.com/html4/051504gc.htm.

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U.S. costs $1,500 to $5,000. Often, migrants are indebted to these *coyotes* for years after they arrive in the U.S., sometimes working as indentured servants until the fees are paid.[11] The Border Patrol approximates that at least 20 networks of *coyotes* are active in the Ciudad Juárez region.[12] Moreover, there have been increased reports of violence associated with rivalries between smuggling networks, affecting both immigrants and border communities.

- **The length of stay in the U.S. has increased.** Prior to the buildup of border enforcement in the mid-1990s, a portion of undocumented immigration to the U.S. tended to be circular, meaning that immigrants came to the U.S. to work for a short period of time and earn money, and then returned to their home countries, often repeating the cycle several times. This phenomenon has changed in recent years as migrants who intend to return to their home countries find themselves "stuck" in the U.S. Research has found that increased border enforcement has not succeeded in deterring people from entering the U.S., but it has discouraged those undocumented immigrants already in the U.S. from returning to their home countries. Because of increased border enforcement and the increased risks and costs of crossing the border associated with increased enforcement, the length of time undocumented immigrants remain in the U.S. has increased. According to Massey, Durand, and Malone, "the end result of a border buildup is typically longer trip durations, lower probabilities of return migration, and a shift toward permanent settlement."[13] In the early 1980s, the average stay of an undocumented immigrant was approximately two to three years; by 1990 it was nine years, and the probability that any one undocumented immigrant would return home had decreased.[14] What had been a circular flow of temporary migrants has transformed into permanent settlement.

- **Undocumented immigrants often receive poor wages and endure dangerous working conditions.** Their lack of legal immigration status makes undocumented workers extremely vulnerable. Because they have few labor protections and are often afraid to assert their rights, join an organizing campaign, or complain about workplace conditions, undocumented workers endure low wages and poor working conditions. A recent study by the Associated Press (AP) found that death rates of Mexican workers are rising even as the U.S. workplace grows safer overall. In the mid-1990s, Mexicans were about 30% more likely to die on the job than native-born workers; now they are about 80% more likely.[15] The annual death rate for Mexicans in the workforce is now one in 16,000 workers, while the rate for the average U.S.-born worker is one in 28,000. While Mexicans represent one in 24 workers in the U.S., they constitute one in 14

[11] Shirk, David and Alexandra Webber, "Slavery Without Borders: Human Trafficking in the U.S.-Mexican Context," *Hemisphere Focus*, Volume XII, Issue 5. Washington, DC: Center for Strategic and International Studies, Americas Program, January 23, 2004.
[12] Saenz, Cesar Cruz, *El Diario* (Ciudad Juárez, Mexico), September 4, 2003.
[13] *Beyond Smoke and Mirrors, op. cit.*.
[14] *Ibid.*
[15] Pritchard, Justin, "Mexican-Born Workers More Likely to Die on Job," *Associated Press*, March 14, 2004.

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workplace deaths. Furthermore, Mexicans are nearly twice as likely as the rest of the immigrant population to die at work.[16] Construction and agriculture are the most dangerous occupations for Mexicans. The AP found that, while their odds of dying in the Southeast and parts of the West are far greater than the U.S. average, the fatalities occurred across the country: Mexicans died cutting North Carolina tobacco, processing Nebraska beef, felling trees in Colorado, welding a balcony in Florida, trimming grass at a Las Vegas golf course, and falling from scaffolding in Georgia.[17]

- **The Supreme Court has curtailed immigrants' rights and, as a result, wages and labor conditions have suffered even more.** When one sector of workers accepts low wages and poor working conditions and is fearful to report safety hazards or labor law violations, or to participate in labor organizing campaigns, all workers suffer. This situation was made worse by a recent Supreme Court decision. In March 2002, the Supreme Court issued a decision that overturned the long-standing precedent that all workers are covered equally by labor laws, regardless of their immigration status. In the *Hoffman Plastic Compounds v. National Labor Relations Board (NLRB)* decision, the Court decided that employees working in the United States with false documents are not entitled to back pay from employers, even if they are fired illegally.[18] By denying a remedy to one group of workers, the *Hoffman* decision undermines the status of all workers and strengthens employers' incentive to hire unauthorized workers because they can fire these employees when they engage in any activity deemed unfit without suffering any legal ramifications. The *Hoffman* decision hurts all American workers because it lowers wages, encourages poor working conditions, discourages organizing, and harms law-abiding employers who receive unfair competition from unscrupulous employers who take advantage of undocumented labor.

- **Undocumented immigrants live in the shadows of society, fearful of contact with the authorities and vulnerable to crime.** Undocumented immigrants are often more vulnerable to crime because they are more likely to have a lot of cash on hand. Since many cannot open bank accounts due to a lack of proper documentation, undocumented immigrants use check-cashing outlets and, therefore, must often carry large sums of cash making them easier targets for crime – especially theft or robbery. These immigrants are often reluctant to report to the police crimes that they have witnessed or been a victim of because they fear that they may be reported to the immigration authorities. For example, Mexican national Petra Martinez, 31, was murdered along with her son, Urel Martin, 2, on July 19, 2003, in their home in a predominantly-immigrant neighborhood in Clearwater, Florida. The local police department believes that some members of the community have information on the case, but are declining to come forward

[16] *Ibid.*
[17] *Ibid.*
[18] "Used and Abused: The Treatment of Undocumented Victims of Labor Law Violations Since *Hoffman Plastic Compounds v. NLRB*." MALDEF and National Employment Law Project, 2003.

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for fear of immigration-related repercussions.[19] In some areas of the country, criminals have exploited this fear and have targeted immigrants for crime. In Durham, North Carolina, thieves told their victims that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by thieves and police.[20] Undocumented immigrants are vulnerable to crimes other than robbery; domestic violence victims often fail to report their abusers because their immigration status is used to threaten them. In 1998, a New Jersey woman was found murdered in the basement of her apartment. Friends of the woman reported that the suspected murderer, her former boyfriend, threatened to report her to the immigration authorities if she did not do what she was told.[21]

- **The USCIS is unable to handle its workload, leaving more immigrants vulnerable.** Since the Immigration and Naturalization Service (INS) was abolished and immigration services were moved into the Department of Homeland Security, the USCIS has not decreased the backlogs and waiting times for applications for naturalization, green cards, travel documents, work authorization documents, and other immigration transactions.[22] A January 2004 General Accounting Office report claims that 6.2 million applications for immigration benefits were pending as of September 2003 – a 59% increase from the previous two years.[23] In fact, despite the Bush Administration's vow to cut backlogs and $160 million earmarked for such backlog reductions, the average processing times have increased dramatically; the wait to replace a lost green card has grown from four months to 19.[24] Some people who already have been awarded permanent legal status in immigration court have waited six months or more to receive the paperwork that proves it.[25] Immigrant workers and students have trouble closing gaps in their legal status due to USCIS bureaucracy and backlogs. As a result, an increasing number of immigrants find themselves out of status, unable to travel, unable to work, and vulnerable to immigration violations.

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[19] Gregoire, Natashia, "Police Appeal For Clues In Slaying Of Mom, Son," *Tampa Tribune*, July 22, 2003.
[20] Garrett, Amanda and Deborah Robiglio, "Immigrants Find Abundance of Insecurity," *The News & Observer*, November 12, 1997.
[21] Cowen, Richard, "Slain Woman Was 'Vulnerable,'" *The Record*, June 29, 1998.
[22] General Accounting Agency, "Immigration Application Fees: Current Fees Are Not Sufficient to Fund U.S. Citizenship and Immigration Services' Operations," GAO-04-309R. Washington, DC: General Accounting Office, January 5, 2004.
[23] *Ibid.*
[24] Bernstein, Nina, "Wait for U.S. Residency Soars Over 18-Month Span," *New York Times*, April 6, 2004.

[25] Peabody, Zanto, "Suit to proceed as class action against Homeland Security: Delays alleged in immigration papers," *Houston Chronicle*, April 1, 2004.

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- **Immigration law prohibits some people from gaining legal status and forces them to remain undocumented.** The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) created three-year, ten-year, and permanent bars on admission to the U.S. for individuals who have been unlawfully present in the U.S. for a specified period of time. Individuals who have been unlawfully present in the U.S. for more than 180 days, but less than one year and who voluntarily depart may not reenter the U.S. for three years. People unlawfully present in the U.S. for an aggregate period of one year or more who voluntarily depart are subject to a ten-year bar.[26] The permanent bar applies to anyone who was ever ordered removed, leaves the U.S., and then returns or attempts to return unlawfully.[27] Because of these bars, individuals who are eligible for employment-based or family-based visas are unable to adjust their status in the U.S. (because Section 245(i) of the Immigration and Nationality Act has expired[28]) and, if they leave the U.S., they are unable to receive a green card at a U.S. consulate abroad until the three- or ten-year period has passed. As a result of these harsh penalties, undocumented immigrants eligible for visas are encouraged to stay in the U.S. undocumented rather than be separated from family members for up to ten years or even permanently. An example of the result of this policy is the tragic death of Juan Jose Morales, who as the husband of a U.S. citizen, was eligible for a family visa. However, because he had been undocumented for a period of time, he was subject to the bars of admissibility. This essentially forced him to remain undocumented; processing his visa would require him to leave the United States, without the ability to enter again for many years. Rather than separate from his family, he chose to remain undocumented. However, he returned to Mexico secretly to visit his mother for Mother's Day in 2003, then used a smuggler to return to his home and his wife; he was one of 19 who suffocated in a trailer trying to reenter the United States.[29] It is widely believed that a substantial portion of the undocumented population are immigrants who are eligible for family visas but cannot use them without separating from their families.

- **The current immigration system impedes our national security goals.** In the post-9/11 world, the public is understandably concerned about national security. Like all Americans, Latinos want to be safe and prevent future terrorist attacks. While immigrants and terrorists cannot and should not be equated, it is important to look at immigration policy and its relationship with security. Unfortunately, the current immigration system does not enhance national security. There are nearly ten million people in the U.S. living in the shadows and fearful of reporting suspicious activity to the police. Since they cannot obtain valid government-issued identification documents, many immigrants buy fraudulent documents on

[26] INA § 212(a)(9)(B)(i)(I)-(II).
[27] INA § 212(a)(9)(C).
[28] Section 245(i) of the INA allowed persons for whom there was a visa available to pay a fine and adjust their status to legal permanent resident within the U.S. rather than having to leave the U.S. and obtain the visa at a U.S. consulate. This provision expired in 2001 and has not been extended.
[29] Sevigny, John, "Husband of U.S. Citizen Among Victims of South Texas Migrant Smuggling Tragedy," *Associated Press*, May 19, 2003.

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the black market or misuse the documents of others. Americans cannot be secure under a system in which smugglers and traffickers, rather than the U.S. government, decide who enters the country. Immigration reforms that bring people out from the shadows, correctly identify all people, and encourage immigration to occur through legal channels would be beneficial to U.S. security efforts.

In summary, while the current U.S. immigration system appears fair, reasonable, and highly regulated on paper, the facts illustrate that the current system is broken and in vast need of reform. Under the current system people are dying at the border, families endure long separations, people are forced to live an underground existence in the shadows of society, and U.S. government resources are spent tracking people who would prefer to comply with the law rather than focusing on those who wish to do us harm. Because of these problems, the current immigration system hurts U.S. businesses, U.S. families, and U.S. security while it benefits unscrupulous employers, traffickers, and smugglers, who profit from the broken system. The status quo is unacceptable, and the problem will continue to worsen unless comprehensive reforms are initiated immediately.

The Need For Comprehensive Immigration Reform

Because the problems with the current immigration system are so complex, truly comprehensive reforms are needed to get to the root causes of undocumented immigration and fix the system so that it can benefit the U.S. economy, American families, and national security more effectively than the current system. Rather than the chaotic, poorly functioning, unfair system the U.S. currently has, a reformed immigration system would be safe, orderly, and fair. Perhaps most importantly, the U.S. immigration system would encourage and allow for immigration to be legal. Immigrants currently living undocumented in the U.S. should be allowed to earn their legal status; future flows of immigrants should have channels to come legally; and those families who are playing by the rules and attempting to enter lawfully must be allowed to do so in a reasonable timeframe.

Toward these ends, NCLR has developed principles for a three-pillared comprehensive immigration reform package:

1. Legalization/earned adjustment of status. The first step in any comprehensive immigration reform is to legalize the status of undocumented immigrants currently in the U.S. This is not an amnesty. Immigrants who can prove that they have been living and working in the U.S. for a specified period of time, have paid their taxes, have otherwise obeyed the law, and who undergo background checks and are proven not to be threats to the U.S. would be eligible to apply for earned legalization. Furthermore, applicants would have to pay an application fee and a fine in order to qualify for the program. An added benefit, therefore, is that the revenue generated from this program could cover the costs of administering the legalization. Legalizing current undocumented immigrants would bring them out from the shadows, allow them to work in the formal economy thereby generating more annual tax revenues, allow these workers to obtain lawful and

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valid identification documents, and allow them to travel to and from their home countries. In addition, legalization would greatly diminish the "haystack" of suspicious individuals, meaning that the DHS could focus its enforcement resources and concentrate on finding the dangerous "needles," including terrorists, smugglers, traffickers, and unscrupulous employers.

2. Temporary worker program. NCLR recognizes that legalizing all of the undocumented immigrants already in the U.S. would not stop future migrants from entering the country without visas. The root causes of undocumented immigration must be addressed in order to control the future flows of migration and deter undocumented immigrants. Since the overwhelming majority of undocumented immigrants come to the U.S. to work, creating legal channels for needed workers is an important pillar of comprehensive immigration reform. However, the Latino population has a long history with temporary worker programs like the *Bracero* program and has suffered abuse and exploitation as a result. Any new temporary worker program must be markedly different than past or present programs, must protect both U.S. and immigrant workers, and must provide a path to permanent residency for those who desire it. The following principles are critical to the success of any new temporary worker program:

- *Wages and benefits.* There must be some method for determining the minimum wages to be paid to temporary foreign workers, in which wages are comparable to U.S. workers' wages. It would be insufficient and, indeed, catastrophic for U.S. workers (including immigrants with permanent visas) if the only requirement is that employers will observe all federal, state, and local laws regarding minimum wage. Should a temporary worker program be enacted without a more stringent wage requirement, foreign workers will be left vulnerable, and wages and benefits of U.S. workers will be reduced as foreign workers may come to the U.S. willing to work long hours at minimum wage and without benefits, even in the most dangerous industries.

- *Job portability.* Foreign workers must not be tied to a particular employer for the entire length of the program Past experience has shown that tying workers to a particular employer allows unscrupulous employers to exploit those workers who have no alternative but to accept bad working conditions and wages or leave the program and return to their home country. Such a situation is bad for both immigrant and U.S. workers.

- *Labor protections, including the right to organize.* All workers must be granted the same workplace conditions and protections – not doing so is harmful to vulnerable foreign workers and U.S. workers. To the extent that foreign workers have different and fewer rights in the workplace than U.S. workers, unscrupulous, and even honest, employers will seek to lower their employee costs by relying on foreign workers rather than U.S. domestic workers. Unscrupulous employers cannot be allowed to hire vulnerable foreign workers with few rights at the expense of U.S. workers. Labor protections must go beyond minimum wage and must include protection from sexual harassment and discrimination of any kind,

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workers' compensation, health and safety laws, a mechanism for these workers to accrue benefits under Social Security for work performed during their participation in the program, and the right to organize. It is also absolutely necessary that protections afforded to foreign workers be enforceable.

- *Path to legal permanent residency and citizenship.* Without a path to citizenship, temporary foreign workers will forever remain vulnerable, second-tier workers without the ability to attain the full rights of U.S. citizenship and full participation in U.S. society. Guestworker programs in Europe and even here in the United States have shown that this is not desirable. Foreign workers must have the option after a reasonable and specific time period to choose to become lawful permanent residents of this country. Some will choose not to, preferring to work in this country for a period of time and ultimately choosing to return to their country of origin, but others would eventually like to become U.S. citizens. They must have that choice.

- *Family unity.* Any foreign worker program that contemplates bringing in workers for more than just a few months must also allow such workers to bring in their spouse and minor children during the period of the program. Not only is it inhumane to separate nuclear families for long periods of time, but the lack of family unity provisions may inadvertently lead to more unauthorized entries of family members who do not wish to remain separated.

3. Reduce family backlogs. NCLR recognizes that the current backlogs in the family-based immigration system either separate close family members for long periods of time or encourage family members to enter the U.S. before their paperwork is completed, adding to the total undocumented population. In order to be truly comprehensive, immigration reforms must address the family backlogs and ensure that those who have waited to immigrate to the U.S. legally are first in line to receive their green cards.

In addition to these three basic pillars of comprehensive immigration reform, there are two other areas that must be taken into account: immigration enforcement and international economic development.

- **Immigration enforcement must be conducted strategically.** A successful comprehensive immigration reform that includes a temporary worker structure would not entirely eliminate the need to conduct immigration enforcement at U.S. borders and the interior. But this enforcement must be conducted strategically, aimed at large-scale smugglers and employer networks that deliberately import workers from other countries in order to skirt U.S. wage and other laws that aim to protect workers. Enforcement at the border and the interior must also be conducted according to a strict set of standards to protect the civil and human rights of those who come into contact with enforcement personnel. In addition, the ineffective and discriminatory employer sanctions regime[30] should be replaced

[30] The Immigration Reform and Control Act of 1986 (IRCA) established sanctions against employers who hire undocumented immigrants ("employer sanctions"). Employer sanctions failed to stem undocumented

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by a new system that emphasizes labor law enforcement and eliminates the economic incentive for unscrupulous employers to hire unauthorized workers.

- **Economic development efforts must be targeted to create opportunity in areas where migrants originate.** If the experience of the 15-plus years since the Immigration Reform and Control Act of 1986 (IRCA) was enacted has taught us anything, it is that even the toughest laws, vigorously enforced, are no match for the global social and economic forces that drive migration. As the U.S. properly revises the laws that affect what happens within its borders, it must also look closely at the so-called "push" factors that drive migration. Migration is clearly a global phenomenon, and U.S. domestic policy can only go so far in stemming the conditions that produce immigration to the U.S. In the long term, if we wish to alter the migrant stream that originates in Mexico and other countries, we must include economic development in those communities as part of our overall migration strategy.

Taken together, this discussion shows that it is clear that the current U.S. immigration system is not meeting the nation's economic, social, or security needs. Creating a safe, orderly, and fair immigration system that makes legal immigration the norm is possible and highly desirable. While most people agree that reform is necessary, the debate over how the immigration system will be reformed is likely to continue for several years. NCLR will continue to work closely with ethnic organizations, business groups, labor organizations, and other interested persons as well as with both political parties to craft comprehensive immigration reforms that benefit U.S. families, U.S. communities, and the U.S. economy.

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migration and also caused a widespread pattern of employment discrimination. For more information see *Racing Toward "Big Brother" Computer Verification, National ID Cards, and Immigration Control,* Washington, DC: National Council of La Raza, 1995.

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NCLR
NATIONAL COUNCIL OF LA RAZA

News Release

FOR IMMEDIATE RELEASE
May 12, 2005

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NCLR APPLAUDS INTRODUCTION OF BIPARTISAN COMPREHENSIVE IMMIGRATION REFORM BILL

Washington, DC – The National Council of La Raza (NCLR), the largest national Hispanic civil rights and advocacy organization in the U.S., welcomed the introduction of the Secure America and Orderly Immigration Act. These comprehensive immigration reform bills, introduced by Senators Ted Kennedy (D-MA) and John McCain (R-AZ) and by Reps. Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL), would allow for the orderly and legal immigration of needed workers, reunite American families, provide for stronger enforcement of labor and immigration laws, and make our nation more secure.

"The Latino community has been waiting a long time for comprehensive immigration reform legislation," stated Janet Murguia, NCLR President and CEO. "We look forward to working with leaders from both parties to make immigration reform a reality."

"We have known for years that our nation's immigration system is broken," continued Murguia. "Because there are no legal channels for needed and wanted workers to come to the U.S., immigrants continue to risk their lives crossing the border in hopes of making a better life for themselves and their families. Their hard work has made them essential to many U.S. industries. At the same time, these workers are vulnerable and easily exploitable; they live in the shadows, fearful of being caught. This situation is not good for American families, the economy, or security. It is time to replace our chaotic, dangerous borders with orderly, safe, and legal immigration flows."

This proposal allows persons who have been living and working in the U.S., who pay their taxes, learn English, and otherwise obey the law, to earn permanent legal status over time. Furthermore, the bill includes measures to allow family members of Americans who have been trapped in long visa backlogs to reunite more quickly with their loved ones in the U.S. Finally, recognizing that undocumented immigration will continue unless legal channels for needed workers are created, this proposal creates a worker visa program for those who might seek to come to the U.S. in the future.

"It is our profound hope that this element of the proposal will replace the current undocumented migrant stream with an orderly, safe, fair, and above all legal process that will fully protect the rights of both immigrant workers and the U.S. workforce that they will join," said Murguia. The

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proposed legislation also reimburses states for costs associated with the presence of undocumented immigrants, creates a new employment verification system, imposes stiffer penalties on employers who violate labor laws, and creates a comprehensive plan to enhance border security.

"We are grateful for the bipartisan leadership of the sponsors of this proposal," concluded Murguia. "As Senators McCain and Kennedy have pointed out many times, the status quo is unacceptable. We need real solutions – constructive, workable, and sensible – to this problem as soon as possible. We share their commitment to doing whatever it takes to reform our broken immigration system in a way that best serves the national interest."

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NATIONAL IMMIGRATION FORUM

PRESS RELEASE

FOR IMMEDIATE RELEASE
May 12, 2005

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A New Day Has Dawned In the Immigration Reform Debate: Bipartisan Comprehensive Legislation Introduced

Washington, DC – Today, bipartisan comprehensive immigration reform legislation was introduced in both the House and Senate to fix our broken immigration system. The legislation was authored by Senators John McCain (R-AZ) and Edward M. Kennedy (D-MA) and Representatives Jeff Flake (R-AZ), Luis Gutierrez (D-IL), and Jim Kolbe (R-AZ).

Reacting to the bill's introduction, Frank Sharry, Executive Director of the National Immigration Forum, said, "This carefully crafted legislation is an important turning point in the debate over how to best control our immigration system. With the introduction of this bill, we are moving beyond assessing the problem, and beyond piecemeal, enforcement-only approaches that have failed to control immigration and secure our borders for over a decade. The focus of the debate from here forward is: what is the solution? And this bill is the most serious attempt in a generation to craft a solution that will work on the ground, secure our borders, grow our economy, protect workers, and restore the rule of law to our immigration system."

The legislation, the *Secure America and Orderly Immigration Act*, combines the following elements: 1) legal channels, proper vetting, meaningful protections, and realistic caps for workers and family members entering the country; 2) incentives for undocumented immigrants already here, working, and contributing to our nation to come out of the shadows, register, pay a hefty fine, study English, clear up their taxes, and continue to work hard as a means of eventually earning permanent residency; 3) tough enforcement of more realistic laws at the border and in the workplace; and 4) enabling more immigrants to learn English and prepare for citizenship.

"America is a nation of immigrants *and* a nation of laws," Sharry continued. "This bill will reconcile the fact that we have hardworking immigrants already here and coming in the future, but insufficient legal channels. This bill gets the combination of admissions and enforcement just about right. In contrast to the status quo, it will mean honest admissions policies, tightly enforced."

Sharry thanked the authors and co-sponsors of the bill, saying "these Members of Congress have done something extraordinary. They have tackled a tough issue, reached out across the aisle to

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Members of the other party, compromised, and crafted a workable and sustainable solution that goes beyond the typical grandstanding and posturing so typical of the immigration debate."

Sharry also noted that the bill combines the two essential elements of successful and workable immigration reform legislation, comprehensiveness and bipartisanship. "Immigration reform must be comprehensive to work and bipartisan to pass," Sharry said.

Sharry predicted that the legislative debate will most likely focus on the Senate first. Sharry urged Senator John Cornyn (R-TX), the Chairman of the Senate Judiciary Committee's Subcommittee on Immigration, to find a way to work with the sponsors of this bill and move forward with all due speed. "The bipartisan leaders who introduced the bill have started the conversation, but Senator Cornyn will play a critical role in moving the legislation forward and enacting a fix for our broken immigration system.

Finally, Sharry praised President Bush for opening the door to the consideration of comprehensive immigration reform legislation by his continued inclusion of immigration reform on the White House's agenda. "The President should be commended for his willingness to raise such a contentious issue and to stick with it. His leadership has created the political space for a bipartisan, comprehensive approach to take shape. With the President's continued support, we are within sight of enacting a serious, common-sense approach to modernizing our immigration system in a way that works for America, works for security, works for immigrants, and works for a healthy economy."

# # #

Based in Washington, DC, the National Immigration Forum's mission is to embrace and uphold America's tradition as a nation of immigrants. The Forum advocates and builds public support for public policies that welcome immigrants and refugees and that are fair and supportive to newcomers.

More information on immigration reform and more reactions to this legislation are available at the web site of the Coalition for Comprehensive Immigration Reform (www.cirnow.org) and at the web site of the National Immigration Forum (www.immigrationforum.org)

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NATIONAL IMMIGRATION LAW CENTER

Statement Re: Newly Introduced Landmark Bipartisan Comprehensive Immigration Reform Legislation

May 12, 2005

Senators John McCain (R-AZ) and Ted Kennedy (D-MA) today introduced comprehensive immigration reform legislation that represents the most sophisticated and ambitious effort to date to fix our nation's broken immigration system. They were joined by Senators Sam Brownback (R-KS) and Joe Lieberman (D-CT). Identical legislation was introduced in the House by Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL).

Many organizations supporting the rights of immigrants view the Secure America and Orderly Immigration Act of 2005 as the best opportunity in many years to come to enable millions of immigrants living and working in the United States to legalize their status and to provide the foundation for a more sane and sustainable regulation of future migration. The optimism derives from the fact that the Secure America and Orderly Immigration Act enjoys truly bipartisan support in Congress from its inception and also embodies many elements of the immigration reform principles enunciated by President Bush. All observers agree that meaningful improvements in our immigration system will not be possible without strong bipartisan support.

It is clear, however, that the Republican and Democratic sponsors were each forced to make significant concessions to come to agreement on a shared proposal. We applaud their willingness to step up to the plate and do so, and to take the inevitable hits from friends as well as foes that such a proposal invites.

In bold strokes, the Secure America and Orderly Immigration Act would establish:

- stricter immigration enforcement, including tighter border security and a new electronic employment verification system;
- a new temporary work visa enabling a wider range of migrants with job offers to enter the U.S. legally, thereby greatly reducing future undocumented migration;
- an improved family unification system that will reduce the heartbreaking delays experienced by immigrants seeking to rejoin their close family members in the U.S.; and
- an eventual avenue to legal status for most undocumented immigrants living and working in the U.S. (including special provisions for those who were brought here as children).

The proposal includes some innovative ideas and solutions that are likely to reframe the immigration debate. At the same time, it requires improvement in some of its core particulars.

National Immigration Law Center
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For example, despite some gestures to the contrary, the Secure America and Orderly Immigration Act omits important safeguards needed to protect immigrant and U.S. workers from exploitation under the new system. Increased immigration enforcement without sufficient complementary labor protections is a recipe for failure because it leaves in place the powerful incentive for bad-apple employers to bypass and abuse the system so that they can exploit immigrant and other U.S. workers. The legislation also creates a massive new employer verification database and system that raises a host of issues. Another point of contention may be the proposed increase in border enforcement without measures to alleviate the abuse and suffering in the border region that the current enforcement regime produces.

These and other shortcomings may cause reservations among organizations supporting the rights of immigrants. One hope is that any resulting disagreements among individuals and institutions that share common goals will develop into a source of strength rather than weakness in our movement.

One thing is near certain. The introduction of the Secure America and Orderly Immigration Act marks a new stage of a process that eventually will significantly rewrite our immigration laws. The specific outcome of this process remains much dependent on the economics and politics of immigration. The best way to ensure that the results are favorable to immigrants is to build the political strength of immigrant communities and for people of good will to continue to work together.

NILC will provide more detailed analysis in the days to come as the final language of the Secure America and Orderly Immigration Act becomes available. For the official press release and a summary of the bill sent out by House Democratic Leader Representative Nancy Pelosi (D-CA), please visit www.nilc.org/immlawpolicy/CIR/index.htm.

For more information, please contact Marielena Hincapié at hincapie@nilc.org or Josh Bernstein at bernstein@nilc-dc.org.

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May 13, 2005
PRESS STATEMENT
For Immediate Release

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Comprehensive Immigration Reform Bill Introduced in Congress

[Los Angeles] On May 12, 2005, Senator John McCain (R-AZ) and Senator Edward Kennedy (D-MA) introduced the Secure America and Orderly Immigration Act, a bi-partisan comprehensive immigration reform bill in the Senate. Separately, Representative Luis Gutierrez (D-IL), Representative Jim Kolbe (R-AZ), and Representative Jeff Flake (R-AZ) introduced a companion comprehensive immigration reform bill in the House.

The National Korean American Service & Education Consortium (NAKASEC) and its affiliates YKASEC-Empowering the Korean American Community (New York), Korean American Resource & Cultural Center (Chicago), and the Korean Resource Center (Los Angeles) consider the comprehensive immigration reform bills as a starting point to discussing the serious need for reforming our immigration system. Many immigrants including Korean Americans would benefit from comprehensive immigration reform that includes legalization, family reunification, and worker protections.

The introduction of these bills comes at a time when harsh and punitive anti-immigration legislations are being introduced and passed on the local, state, and federal levels. While immigrants work hard and contribute to our society and enrich our economy, efforts are escalating to reel back basic rights of immigrants.

While specifics of the comprehensive immigration reform bills still need to be analyzed thoroughly, the beginnings of fundamentally reforming the immigration system by the original co-sponsors on the Senate and the House is important. All our communities have a stake in this debate and it is urgent for all to come together to better understand the legislation and its potential impact.

A brief summary of this comprehensive immigration reform bill is outlined below:

Family Unity – Reducing the backlogs
Immediately reduces the backlogs by exempting immediate family categories from the annual caps. Increases per country cap for family-sponsored and employment-based immigrants. Lowers the income level for affidavit of support

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to 100% of the federal poverty guidelines. It is estimated that the backlogs will be cleared up within 5 to 6 years.

Legalization

Eligible undocumented immigrants physically present in the United States who are working and with no criminal background would be able to register, pay a penalty, and earn a 6 year work authorization permit. After the 6 year period, they would be eligible to apply for legal permanent residency. Undocumented minors would be able to similarly count their years of schooling in a secondary and post-secondary institution towards the 6 year work requirement for adjusting to legal permanent resident status.

Temporary Worker Program

Create a new temporary worker program with 400,000 new visas (H-5A). Those with a job offer may apply for these visas in their home country for this 3 year work visa which is renewable one time. Family members may be sponsored at the time of entry. During this period, workers will have the ability to switch jobs and granted the same labor rights as U. S. workers. At the expiration of their visa, workers will have the option of returning to their country of origin or adjusting their status to legal permanent residency.

Border Security

The Department of Homeland Security will create a national strategy on border security, develop new aerial and ground surveillance technology, and form a Border Security Advisory Committee.

Workplace Enforcement

The current 1-9 worker verification system would be replaced with an electronic verification system initially for the new temporary workers and gradually expand to include all workers in the U.S. The Department of Labor will be granted greater authority to conduct random audits to detect violations. Finally the penalties for employers who hire undocumented workers will increase with ultimate consequences.

Other services and programs

Monies collected from penalties will be used to reimburse local and state authorities who incarcerate undocumented immigrants, to reimburse hospitals who serve undocumented patients and to fund Civics and English as Second Language Classes.

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NEWS RELEASE

NATIONAL RESTAURANT ASSOCIATION.

FOR IMMEDIATE RELEASE
Thursday, May 12, 2005

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National Restaurant Association Supports Bipartisan Action on Immigration Reform

(Washington, DC) The National Restaurant Association today praised Senators John McCain (R-AZ) and Ted Kennedy (D-MA), and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL) for introducing the "Secure America and Orderly Immigration Act" in both the U.S. Senate and House of Representatives. The Association commended the lawmakers for recognizing the need for a meaningful solution to reform the nation's immigration laws.

"The restaurant industry is the nation's largest employer of immigrants, and has a long and proud history of providing rewarding career opportunities to people from all backgrounds," said Lee Culpepper, the Association's senior vice president of Government Affairs and Public Policy and Chairman of the National Immigration Forum. "We commend Senators McCain and Kennedy and Reps. Kolbe, Flake and Gutierrez for working together to craft bipartisan legislation that advances the critical debate on immigration reform. While there are no easy solutions to our country's significant immigration problems, the 'Secure America and Orderly Immigration Act' offers a realistic and balanced approach to addressing the security and economic shortcomings of our immigration system."

The "Secure America and Orderly Immigration Act" creates a new, legal and orderly immigration system for foreign workers. The proposal also includes numerous safeguards and employer penalties for those that violate the law.

The National Restaurant Association believes that immigration reform is necessary in stabilizing the nation's workforce. Like hundreds of thousands of immigrants who came before them, today's immigrants are having a substantial impact on the restaurant industry's ethnic cuisines, as well as its work force. Immigrants contribute significantly to our nation, our history and to our industry. The restaurant industry is the largest private-sector employer with 12.2 million workers, of which 1.4 million are foreign born immigrants. According to Association research, 20 percent of the restaurant industry's owners are Hispanic or Asian, and 27 percent of chefs and cooks are Latino.

As a leader of the Essential Worker Immigration Coalition (EWIC), the National Restaurant Association has long pointed out the need for changes in immigration laws to address the country's workforce needs. "This bipartisan bill is an important step in the immigration reform process," said Culpepper. "While there are some yet to be resolved

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issues with the legislation, we look forward to working with the bill sponsors and other lawmakers to secure passage of comprehensive immigration reform."

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The National Restaurant Association, founded in 1919, is the leading business association for the restaurant industry, which is comprised of 900,000 restaurant and foodservice outlets and a work force of 12.2 million employees - making it the cornerstone of the economy, career opportunities and community involvement. Along with the National Restaurant Association Educational Foundation, the Association works to represent, educate and promote the rapidly growing industry. For more information, visit our Web site at www.restaurant.org.

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National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund

For Immediate Release
May 17, 2005

Contact:
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Larry Gonzalez, (202) 546-2536, lgonzalez@naleo.org

NALEO PRAISES BIPARTISAN LEADERSHIP IN INTRODUCING IMMIGRATION REFORM BILL

Legislation takes on critical need to promote English and civics among immigrants

Los Angeles, California – The NALEO Educational Fund, the nation's leading organization that empowers Latinos to participate fully in the American political process, today offered praise to the bipartisan leadership of Senators John McCain (R-AZ), Edward M. Kennedy (D-MA), and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL) in introducing The Secure America and Orderly Immigration Act of 2005.

"We congratulate the bipartisan sponsors of the bill for their courage and leadership," said NALEO Executive Director Arturo Vargas. "The key to getting it done right, and getting it done soon, is bipartisanship. Our leaders need to reach out across the aisle, and work together for the good of the country. The sponsors of this legislation have risen to this challenge."

In addition, language in the bill on civic integration reinforces the work and research of the NALEO Educational Fund illustrating that Latinos are eager to become full participants in American society. From defending our nation's security here and abroad, to making significant contributions to our economy, Latinos play a critical role in shaping our nation's future. It is in America's best interest that any proposals to fix our broken immigration system include a path to permanent legal status and U.S. citizenship for hard-working, tax-paying newcomers.

"We know that immigrants want to get on the path to citizenship, that is why we are excited that this proposal provides measures to

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ensure that newcomers have the resources to obtain access to U.S. citizenship," added Vargas. "This legislation helps address the critical need to promote English language and civics proficiency among immigrants, thereby ensuring they can become fully integrated members of our society."

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About the NALEO Educational Fund

The NALEO Educational Fund is the leading organization that empowers Latinos to participate fully in the American political process, from citizenship to public service. The NALEO Educational Fund is a national non-profit, non-partisan organization whose constituency includes the more than 6,000 Latino elected and appointed officials nationwide.

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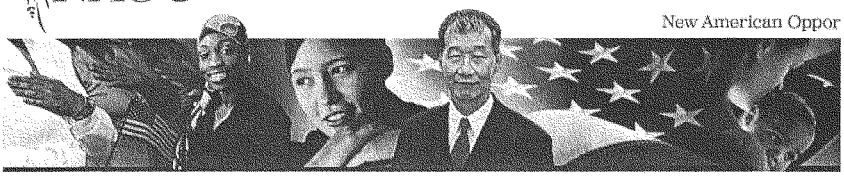

FOR IMMEDIATE RELEASE
May 19, 2005

Contact:
Anh Phan, (202) 223-5500

OCA APPLAUDS BIPARTISAN COMPREHENSIVE IMMIGRATION REFORM EFFORT

Washington, D.C. - OCA, a national Asian Pacific American (APA) civil rights advocacy and educational organization with over 80 chapters and affiliates nationwide, applauds the legislators of both parties for introducing the Secure America and Orderly Immigration Act (SAOIA) of 2005. Senate bill S.1033 was introduced May 12 by Senators Ted Kennedy (D-MA) and John McCain (R-AZ), and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL).

"OCA supports comprehensive immigration reform, and this bi-partisan bill is worthy of our support," said Ginny Gong, OCA National President. "OCA supports immigration reform that significantly reduces the backlog of family-based immigration. For example, Fourth Family Preference visa applicants are comprised primarily of Asian immigrants who must wait as long as 11 years for family reunification. We will be calling on all of our members to outreach to their representatives to support this important immigration reform legislation."

In February of 2004, OCA's National Board passed a resolution to support humane immigration reform that takes into account the preservation of national security and the economic well-being of the U.S. OCA supports comprehensive immigration reform that

reduces or eliminates the tremendous backlog in family immigration by splitting visa requirements and alleviating pressure on visa quotas, speeding up the reunification of family members
provides a path to lawful permanent residence and for undocumented immigrants who are hard-working, who have paid or are willing to pay taxes, have learned or are willing to learn English and civics, and have undergone security checks;
creates legal and orderly processes for people who want to come to the United States to work, either temporarily or permanently in such a way that provides strong protections for both immigrant and US workers; and
Provide more assistance to immigrants for learning English and preparing for citizenship.
S. 1033 would accomplish the goals of comprehensive immigration

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reform as described.

"The immigration problems we have now could be greatly alleviated by the passage of the Secure America and Orderly Immigration Act of 2005," said Christine Chen, OCA Executive Director. "It's clear to us that this legislation will provide a strong solution to what plagues the U.S. immigration system. Senator McCain, Senator Kennedy, and Representatives Kolbe, Flake and Gutierrez are brave, hard-working lawmakers who recognize the shared value of how important it is to comprehensively fix our immigration system. They have put their political parties aside to craft this much-needed legislation at a time when partisan bickering is high. OCA will be looking forward to doing our part, working with our colleagues in coalition to pass this bill."

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Founded in 1973, OCA is a national civil rights advocacy and educational organization dedicated to advancing the social, political and economic well-being of Asian/Pacific Americans. With over 80 chapters and affiliates across the country, it maintains its headquarters in Washington, D.C.

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For immediate release
June 1, 2005

Contact:
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Aeryca Steinbauer, 503-984-6816, aeryca@pcun.org

***** Press Announcement*****

Press Conference to announce major Comprehensive Immigration Reform bill in U.S. Congress

What: Latino and immigrant rights leaders will announce their support for Comprehensive Immigration Reform and applaud efforts by Senators McCain, Kennedy, and Representatives Kolbe, Flake, and Gutierrez in the introduction of the "Secure America and Orderly Immigration Act."

Where: Press Room, basement, Oregon State Capitol, Salem, Oregon

When: Friday, June 3, 2005, 10 AM

What is the "Secure America and Orderly Immigration Act"?

Senators Edward Kennedy (D-MA) and John McCain (R-AZ) along with House Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL) have introduced comprehensive immigration reform bills that respond to the current deplorable realities of our immigration system. This legislation opens the door for further bi-partisan discussion on real comprehensive immigration reform that embraces our principles—to create a path to citizenship for millions of undocumented workers, ensure workers rights reunify families, restore civil liberties, protect refugees and asylees, and offer opportunities for safe future migration for millions of hardworking immigrants and their families.

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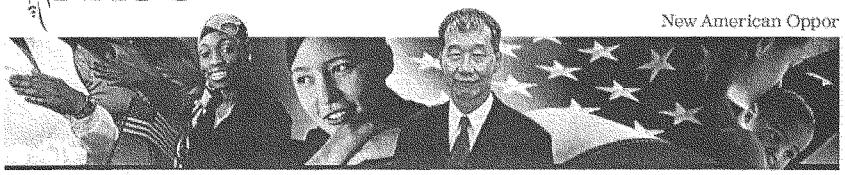

Statement of Most Reverend Gerald R. Barnes
Bishop of San Bernardino
Chairman, USCCB Committee on Migration

On

The Secure America and Orderly Immigration Act of 2005

July 19, 2005

On May 12, 2005, the Secure America and Orderly Immigration Act of 2005 (S. 1033, HR 2330) was introduced in Congress. The legislation seeks to repair the current U.S. immigration system, a system which is broken and needs reform.

The Secure America and Orderly Immigration Act of 2005 represents a comprehensive and bipartisan approach to reforming our broken immigration system. It creates legal avenues for migrant workers to enter the United States in a safe and orderly manner. It provides an opportunity for immigrants in the United States to work toward permanent residency. It also provides additional visas for families to be reunited through the family preference system.

For these reasons, the United States Conference of Catholic Bishops' (USCCB) Committee on Migration supports the Secure America and Orderly Immigration Act of 2005. This legislative proposal best reflects principles for immigration reform set forth by the United States bishops.

We look forward to working with the sponsors of the legislation and others to include additional important provisions to the measure. These would include additional labor protections in the essential worker program for both U.S. and foreign workers; mechanisms to ensure that migrants are treated humanely by enforcement personnel; and provisions which allow for the involvement of community organizations in the implementation of the new program.

As Congress considers immigration reform, we urge all parties to engage the debate in a civil manner so that all sides can work together to fashion an immigration reform package which is humane and in the best interests of our nation.

We commend the sponsors of the Secure America and Orderly Immigration Act of 2005 and urge members of Congress to support this important initiative. We urge President Bush to work with the sponsors and members of Congress to enact comprehensive immigration reform legislation during the 109th Congress.

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NEWS-TIMES (Danbury, CT): Any effort to legalize illegals must include increased security on nation's borders 06/17

June 17, 2005

In 1986, President Reagan championed an amnesty program for illegal immigrants who were living in the United States.

It was seen as a practical approach to the problem of illegal immigration, as well as a compassionate one.

Some 2.5 million illegal immigrants were estimated to be eligible, many with family ties in this country. Providing a legal way for them to stay in the United States was cheaper and easier than hunting them down for deportation.

Almost 20 years later, the Reagan amnesty program is not seen as an example of good public policy. While it helped the illegals already in the country, the plan encouraged more illegal immigrants to enter, hoping another amnesty program would be offered.

There are now an estimated 12 million illegal immigrants in the United States.

As public concern rises in response to Washington's failure to secure the borders and enforce immigration laws, President Bush and members of Congress have offered proposals for immigration reform.

They don't label them "amnesty," and they tie their proposals to vague promises about improved border security. But primarily the proposals center on turning illegal immigrants into legal workers.

President Bush proposed his "Fair and Secure Immigration Reform" plan last year. It would match "willing workers" with "willing employers." Employers could participate after taking steps to ensure "no American worker is available and willing to take a job."

The president says his program would allow what he calls "undocumented" workers to attain legal "temporary worker status," with an official identification card that would allow them to legally travel in and out of the United States.

The president says this immigrant worker plan should not allow participants to gain an advantage over immigrants who legally seek residence in the United States.

In Congress, U.S. Sens. John McCain and Edward Kennedy have proposed legislation that mirrors some of the Bush proposals.

Their plan includes a $1,000 fine and a rigorous criminal background check for an illegal immigrant seeking legalized status in the form of a six-year work visa.

After six years, that immigrant could apply for permanent residency by paying another $1,000, undergoing more screenings and demonstrating a knowledge of English and civics.

Significantly, the legislation would require a study of the law's impact on the U.S. labor market and adjustments to the number of authorized immigrant workers as a result of the findings.

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Any effort to give legal status to illegal immigrants will face significant opposition. After all, at the heart of this issue is lawbreaking.

But Washington needs to confront this problem. It needs to secure the borders. It needs to know who is in the country. These are matters of national security and social order.

Leaving the borders porous, encouraging illegal immigrants to risk their lives to enter the United States, opening these illegal immigrants to abuse by employers, forcing states and municipalities to deal with the consequences of illegal immigration on their own -- these practices must end.

While some Americans would like to see a wholesale roundup of illegal immigrants, the president and Congress are clearly not going to do that.

So Washington must come up with a workable solution -- one that encourages illegal immigrants to come out of the shadows, one that provides for border security, one that is based on enforcement of the law.

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NEW YORK DAILY NEWS (NY): Getting real on immigration 05/15

Originally published on May 15, 2005

Now that President Bush has signed into law the so-called Real ID act barring illegal aliens from getting full-fledged driver's licenses, it's time for Washington to get serious about immigration reform. Next item on the agenda must be passage of a guest-worker program.

The Real ID bill was the brainchild of congressional Republicans who presented it as a measure that was anti-terror, not anti-immigrant. It restricts state motor vehicle departments to issuing licenses only to people who prove citizenship or lawful immigrant status.

Nothing wrong with that, and the statute was helpfully amended to let states issue a second class of driving license to people who can't meet those criteria, presumably illegals. But that type of license will not be accepted as identification for any federal purpose, including boarding airplanes - limiting the possibility of hijackings by terrorists who enter the country surreptitiously.

In the end, the law accomplishes the goal of making the country safer while recognizing that barring the country's 10 million undocumented aliens from driving legally makes no practical sense. They're here and they're going to drive. They may as well do so legally, and with proper insurance. What the law does not accomplish - and could never accomplish, no matter how much its proponents wished - is stemming the flow of illegals into the country.

They're coming for jobs that Americans simply won't take, from harvesting crops to mowing lawns, and the pull is irresistible. The city is home to an estimated half-million illegals. Like it or not, they've been woven into the economy.

President Bush has called for making it easier for immigrants to enter the country to fill unwanted jobs for set periods of time. A bill introduced in the Senate last week by Republican John McCain and Democrat Ted Kennedy would make that possible by allowing workers to come for three-year terms, renewable once, if they have jobs lined up. After the fourth year, workers could apply for green cards.

Illegals who are already in the country would have a tougher road. They would have to pay a $2,000 fee, prove they are learning English and work legally for six years before applying for green cards. That's hardly jumping the line, and certainly not amnesty.

The bill would also tighten border security and levy heavier penalties for hiring illegals. Passage would help turn millions of people who are here, and who are not going home, into law-abiding taxpayers. They, the country and New York would benefit greatly.

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NEW YORK DAILY NEWS (NY): Bush goes wobbly on immigration 06/13

Monday, June 13th, 2005

President Bush appears to be losing his resolve on immigration reform just as Congress is starting to consider legislation filled with smart ideas for controlling the country's borders and channeling immigrants legally into the workforce.

To hear House Majority Leader Tom DeLay tell it, Bush has decided to try to stop the flow of illegal immigrants with greater policing before pushing for a guest worker program. If that's the case - and the White House is decidedly mushy on the point - Bush is opting to satisfy the GOP anti-immigrant wing while engaging in pure folly.

No doubt the U.S. needs tighter borders. But the most effective way is to combine enforcement with letting immigrants in for set periods of time to take jobs Americans don't want. Enforcement alone has never been a match for the pull the U.S. exerts around the globe.

Bush himself proposed a guest worker program in January 2004. He now has a chance to deliver one, and strengthen enforcement, by getting behind the Secure America and Orderly Immigration Act, legislation sponsored by Sens. John McCain and Ted Kennedy. New York Sens. Chuck Schumer and Hillary Clinton should join him.

The bipartisan bill would award temporary visas to workers who could show they intend to return home once their permits expire. By paying a $500 fee and passing security, criminal and medical screenings, they would gain permission to work in the U.S. for three years, with an option to renew for another three. After four years of steady employment, they would be eligible to apply for a green card.

For illegals already here, the bill would mean a chance to come out of the shadows - but not without penalty. They'd have to pay a $1,000 fine and undergo tougher criminal and background checks to obtain a six-year work visa. To apply for a green card, they'd have to fork over another $1,000, prove they've paid their taxes, undergo more screenings and demonstrate a knowledge of English and civics.

In addition, the bill provides for strengthening border security - enhancing aerial surveillance, for example - and bolstering coordination among federal agencies and with foreign governments.

McCain-Kennedy would improve the government's ability to identify and deport foreigners who shouldn't be here and keep undesirables out, while supplying businesses with a crucial labor force.

Shutting the borders and building more jail cells, as the GOP suggests, would do none of that. The unstoppable tide of desperate workers is going to keep coming. Far better to give them a legal means to do so than push them further underground. Bush must stand up to the anti-immigration forces and insist on true reform.

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For Immediate Release
May 13, 2005

Contact: Margie McHugh
212-627-2227 ext. 221

PRESS STATEMENT

By Margie McHugh, Executive Director, The New York Immigration Coalition

Introduction of Bipartisan Immigration Bill Presents Unprecedented Opportunity for Reform

New York City, May 13, 2005. Yesterday, Senators John McCain (R-AZ) and Edward Kennedy (D-MA) and Representatives Jeff Flake (R-AZ), Luis Gutierrez (D-IL) and Jim Kolbe (R-AZ) introduced legislation that represents a critical step on the path to fixing our broken immigration system.

The New York Immigration Coalition applauds the inclusion in the bill of "win-win" provisions that allow employers to get the workers they legitimately need by allowing more workers to come to the U.S. legally to work, pay taxes and pursue a better life for their families. The bill recognizes the importance of providing currently undocumented workers with a path to permanent residency and eventual citizenship, and of ending the years of painful and unnecessary separation close family members experience under the current legal immigration system. However, based on the summary of the bill available at this time, we are concerned too much power may be placed in the hands of employers, leaving workers vulnerable to exploitation.

Nevertheless, the introduction of the Secure America and Orderly Immigration Act represents an unprecedented opportunity for comprehensive reform and a departure from short-sighted, piecemeal approaches that have characterized the debate so far. We are optimistic that this Act will open up a new and more thoughtful dialogue about creating an immigration system that is fair, orderly and secure and push the voices of those who are reflexively anti-immigrant to the margins, where they belong.

The introduction of the Secure American and Orderly Immigration Act sets the wheels in motion for a long-overdue reform of our immigration system. The NYIC will actively engage in this debate to attempt to ensure that eventual reforms protect the rights of both immigrant and native-born workers, reunite families and promote full economic and social integration between immigrants and the communities where they settle.

The New York Immigration Coalition is an umbrella policy and advocacy organization for over 160 groups in New York State that promotes fairness and opportunity for today's immigrants and refugees.

# # #

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NEW YORK SUN (NY): Calling Clinton and Schumer 06/06

New York Sun Staff Editorial
June 6, 2005
URL: http://www.nysun.com/article/14924

New Yorkers have a special interest in one piece of legislation awaiting the return of Congress today and tomorrow - the Secure America and Orderly Immigration Act, introduced in May by Senators McCain and Kennedy, and now sitting in the Senate Judiciary Committee. New York senators, take note: If there's anything wrong with this bill, it's that the immigration reform doesn't go far enough.

The McCain-Kennedy bill makes some important strides in the right direction. It would provide a process for immigrants currently in the country illegally to pay for their crime and move on with their lives, by levying a $2,000 fine to start the process of obtaining papers. This is designed to bring out of the shadows the millions of illegal immigrants (estimates of how many there are range from 8 to 12 million) who are already contributing to the American economy, while avoiding the moral hazard of an outright amnesty that would only reward past lawbreaking and encourage future crimes. Another example of progress is how the bill would more than double the number of employment-based visas for all categories to 290,000 a year.

The bill also includes a guest-worker program aimed at creating new, legal opportunities for persons who might otherwise sneak across the border. Up to 400,000 immigrants a year (equal to the estimated number of illegals who come annually) would qualify for work permits that would be good for up to six years before the immigrant would have to apply for a green card or leave. It's a step in the right direction, although Congress would do better to increase the number of available green cards before this provision creates a cohort of immigrants in limbo about their permanent status, which has been an unhappy consequence of Germany's guest-worker program. McCain-Kennedy does nothing to ease the red tape and bureaucratic backlog that plagues the asylum system.

The stakes are high, especially for New York, where immigration continues to be a major source of population growth, one of the pistons in the engine of economic growth. A 2003 study by the Public Policy Institute of New York State found that, absent immigration, New York state would have suffered a dramatic population decline of 519,000 in the 2000 census. Instead, new foreigners created net population growth of 1 million. All of which suggests that New York's senators would serve their state and city well were they to rouse themselves on this issue and fight for a more aggressive expansion of immigration.

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NEW YORK TIMES (NY): Major Immigration Surgery 05/20

Friday, May 20, 2005

The arrival last week of a sweeping, bipartisan immigration proposal in Congress brought forth the usual conflict between those who want a solution and those who just want an emotional issue to howl about. But this latest and most comprehensive package has already started earning support from Republicans and Democrats, business groups and unions, and several key Hispanic organizations. President Bush, who has been promising action on immigration for years, should quickly join them.

The long-awaited legislation comes from Senators John McCain and Edward Kennedy and Representatives Jeff Flake and Jim Kolbe, both Republicans from Arizona, and Luis Gutierrez, a Democrat from Illinois. Senator McCain said as he introduced the bill that it embraced the goals set down by Mr. Bush: making the borders more secure, filling jobs no American will take and finding a route to legality for workers who are already here illegally.

It is worth noting that three of the prime movers on this effort are from Arizona, a border state. They know firsthand about the hundreds who die each year trying to cross the desert from Mexico and about the many locals who are frantic about being overrun in this tragic human stampede.

Given the political tides, Senator McCain and others have focused on how their package could improve security at the borders. More than a million undocumented people are caught trying to cross into the country each year. Many make it: an estimated 11 million people are in the country illegally.

The goal is to get as many of these workers as possible to come out of their shadowy world. If that happened as planned, the strained government agencies that now deal with border issues could focus on immigrants with more sinister motives than the need for better wages.

At the center of this bill is a new temporary visa program that would allow foreign workers to fill jobs that no Americans will take. Undocumented immigrants already in the country would be eligible for these visas, which could last up to six years. To apply for permanent status, these workers would have to clear a number of hurdles, including security checks and requirements to pay back taxes and fines of $2,000 or more, and be proficient in English. Even then, they would go to the back of the immigration line. That process should be difficult enough to keep this from being an amnesty program, but not be so daunting that nobody would bother to try.

As Congressman Kolbe put it last week, this legislation "doesn't try to solve the hemorrhaging immigration problem with simply a Band-Aid. This is major surgery." The patient is definitely ready.

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PALM BEACH POST (FL): New hope in Congress on immigration . . .05/28

Palm Beach Post Editorial
Saturday, May 28, 2005

Until recently, Congress has been the wrong place to look for clear thinking in the strident national debate over immigration policy. A new bill introduced last week with bipartisan support in the House and Senate, however, may have changed that.

The Secure America and Orderly Immigration Act proposes a reasonable approach to dealing with the estimated 11 million illegal immigrants already in the country and would create a framework that allows the federal government more ability to control borders and improve homeland security. The bill is an expanded version of the Agricultural Job Opportunity, Benefits and Security Act (AgJOBS) that has been stalled despite the support of more than 60 senators. AgJOBS proposed a guest-worker program for farmworkers that allowed them incremental steps to legal status and residency. The Secure America bill expands most of the same principles to cover all undocumented workers.

Unlike President Bush's guest-worker proposal, which offered no specifics, Congress' plan comes with details and clear standards. The bill would offer temporary status to workers in this country and to migrating workers who can prove they have jobs waiting here. Employers would be required to hire Americans first if possible before turning to foreigners. An electronic registry would monitor compliance of employees and employers. Immigrants would be subject to background checks. The federal government would provide them with a six-year path to residency, but they would have to pay at least $2,000 in fines and back taxes and also demonstrate proficiency in English. With a system in place to track immigrant workers, the government could shift more resources to anti-terrorist efforts.

The bill also puts responsibility for immigration matters where it belongs: in Washington, not with state and municipal governments. Congress needs to act because indecision in Washington is leading to impulsive decisions in the states. This month, the police chief in New Ipswich, N.H. — population 550 — charged an illegal Mexican working construction with criminal trespass. "What I'm trying to do is find a manner in which we can get the federal government to step up to the plate and start helping out here," W. Garrett Chamberlain told *The Boston Globe*. "It's basically a situation here where right now if you make it past the border patrol, you're free and clear. There's no interior enforcement for illegal immigration in the United States. What I'm hoping to do is find a way that if the feds aren't going to help us out, then local enforcement can take care of it."

Sens. John McCain, R-Ariz., and Edward M. Kennedy, D-Mass., introduced the new legislation in the Senate, and Reps. Luis V. Gutierrez, D-Ill., Jeff Flake, R-Ariz., and Jim Kolbe, R-Ariz., have sponsored it in the House. The interest of Arizona's delegation stems from the increasing flow of Mexicans across the state's border and the rise of the Minutemen and other citizen patrols since the government tightened enforcement in Texas and California. Last week, Arizona Gov. Janet Napolitano vetoed a bill that would have given police the power to enforce federal immigration laws. That is the kind of misguided proposal that Secure America would help prevent.

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PASADENA STAR-NEWS (CA): Guest worker plan sensible 05/22

Sunday, May 22, 2005 - CONGRESS finally has before it a plan to reform immigration policy in a way that actually makes sense by establishing a structured guest-worker program.

The legislation, drafted by Republican Sen. John McCain and Democratic Sen. Edward Kennedy and supported by a bipartisan group of lawmakers, has drawn widespread praise.

The Secure America and Orderly Immigration Act of 2005 reflects the real world, acknowledging the positive economic benefits of illegal workers while addressing domestic security concerns and other negative effects on American jobs and social services such as health care.

Much reflects what President Bush had initially sought. Importantly, those who wish to take advantage of the three-year visa offered under the plan must have employment waiting for them. This is similar to Bush's plan that paired willing workers with willing employers.

Then applicants must pass security and health checks before paying a $500 fee considerably less than the money paid to "coyotes' to be smuggled across the border. The guest-worker program with an initial 400,000 visas available could conceivably end this ugly enterprise.

The visas can be renewed once for a total of six years. After that, workers must return home or be in line for a green card. U.S. employers could sponsor guest workers for green cards.

Those already in the United States illegally, estimated to be upward of 11 million, would have to register with the government, pass the background check and pay a $2,000 fine to obtain a visa good for six years.

While we like much of this bill that addresses illegal aliens now residing here, we believe Congress should make it easier for this underground work force to come out in the open. A $2,000 fine seems excessive and not likely to be met by many who often take menial jobs.

Let's offer carrots, not sticks at this point. Otherwise, we don't foresee folks lining up to gain legitimacy.

For permanent resident status, they would have to work for six more years and prove they were learning English. If these residents do not want to become citizens, it's a fair proposal.

However, a citizenship path must be established for those who wish to become Americans. After all, many have been in this country for more than six years already and have established lives, families and even businesses, contributing to the economy.

Several benefits would be felt immediately under the act. Domestic security would be improved, as the United States would have a system to check and track what is now a huge pool of working illegal immigrants.

Security at the borders would be tighter, and more orderly, with fewer deaths and accidents from unsafe border crossings (more than 2,000 migrants have died since 1998 attempting to cross the border in dangerous areas).

And, importantly, a guest-worker program would allow for the collection of taxes to support public services such as schools and hospitals.

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The act also reauthorizes reimbursement for criminal-alien incarceration and federal reimbursements for emergency care for this population, both desperately needed in Southern California. Too, part of the fines and fees under the act will go toward uncompensated health- care costs.

While we'd like to see further refinement, this seems a good first step in addressing what Congress has ignored for far too long.

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PEOPLE FOR THE AMERICAN WAY NEWS NEWS NEWS

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For Immediate Release
May 12, 2005

Contact: Halle Czechowski
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Comprehensive Bill Shows Immigration Issues Can be Handled in Bipartisan Manner, Reflect American Values

Recognizing that the nation's immigration system is overwhelmed and in need of substantial reform, a diverse, bipartisan coalition of legislative leaders introduced a comprehensive immigration reform package today. The Secure America and Orderly Immigration Act was concurrently introduced in both houses of Congress.

"Immigrants are woven throughout the American tapestry," said Neas. "The approach of this measure is to ensure that their contributions to our nation are recognized and rewarded while safeguarding our national security and the rule of law at our borders, workplaces, and communities," said People For the American Way President Ralph G. Neas.

The legislation meets several key criteria for comprehensive reform, including: 1) clear legal channels, proper vetting, meaningful protections, and realistic caps for workers and their families entering the country; 2) incentives for undocumented immigrants already working and residing in the U.S. to register, pay a penalty and a clear pathway to eventually earning permanent residency; 3) pragmatic enforcement provisions that target smugglers and lawbreaking employers; and 4) provide for programs to allow more immigrants to learn English and prepare for citizenship.

In the Senate, the bill is sponsored by Senators John McCain (R-AZ) and Ted Kennedy (D-MA). The House sponsors are Representatives Jim Kolbe (R-AZ), Luis Gutierrez (D-IL), and Jeff Flake (R-AZ).

"These legislators are to be commended to for their willingness to tackle the difficult issue of immigration reform in a thoughtful and inclusive manner that ensures that our national sense of fairness and decency are maintained while fulfilling our security priorities," said Neas. "We look forward to working with them as this bill moves forward.

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PITTSBURGH POST-GAZETTE (PA): Welcome bill: The McCain-Kennedy plan reforms immigration 06/01

Wednesday, June 01, 2005

Pittsburgh Post-Gazette

Immigration reform is an issue that liberals and conservatives have rarely agreed on.

The common assumption is that conservatives want to limit who can come into the United States because of their twin fears of terrorism and loss of cultural hegemony. Liberals usually favor opening the borders because they like the diversity that comes from more broad-based immigration.

So when Sen. John McCain, an Arizona Republican, and Sen. Ted Kennedy, the Democrat from Massachusetts, joined forces on a bill to overhaul immigration, those across the political spectrum took notice -- and applauded. The bill would upgrade border security and track immigrant workers and travelers while providing temporary work visas for unskilled laborers. It would also make it easier for legal immigrants to bring their families into the country while easing federal reimbursement to hospitals for emergency care of undocumented aliens.

In other words, the McCain-Kennedy immigration plan balances the interests of national security and legal immigrants caught in a netherworld of punitive laws.

Recently, an interfaith network of religious groups has taken up the banner of immigration reform. Reaching deep into the tradition of providing hospitality to strangers and wayfarers, they've settled upon the McCain-Kennedy bill as a good place to begin.

Pennsylvania Sen. Arlen Specter has heard from them. As a leader of the moderate wing of the Republican party, Sen. Specter's support of the McCain-Kennedy bill would go a long way in generating enthusiasm among party loyalists on both sides.

In an era of partisan squabbling, immigration reform is an issue upon which people of good will can find common ground. We commend Sens. McCain and Kennedy for getting the ball rolling.

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RALEIGH NEWS & OBSERVER (NC): Border blues 05/31

North Carolina looks to Congress for comprehensive repair work on the country's broken-down immigration system
May 31, 2005

The U.S. economy's magnetic force is guaranteed to attract poor people across the southern border. Without a legal channel for those willing to endure hardships for a better life, some are bound to come illegally and, for years, many have. Few summers pass without news of border violators dying en masse in America's southwest deserts.

Lately, the effects of the immigration system's failures are being felt in the lush Carolina Piedmont as well. Added to the usual stories of illegal immigrants who have been reduced to living in awful conditions are those of schools, hospitals and courts now being overwhelmed by 300,000 non-English speakers.

All the state can do is tinker around the edges of this problem, as long as Congress chooses to do little more than that. The public's resulting disenchantment with the rule of law has become palpable.

For all those reasons it is heartening to see a bipartisan team -- led by Sen. John McCain, Reps. Jeff Flake and Jim Kolbe, all Arizona Republicans, and Massachusetts Sen. Ted Kennedy and Illinois Rep. Luis Gutierrez, both Democrats -- now back meaningful legislation. A rigorous debate of this bill's sweeping provisions would help strengthen it for passage.

The force with us

Introduced in both houses of Congress on May 12, the Secure America and Orderly Immigration Act builds on President Bush's call for a new guest worker program that would match employers with willing workers. America would offer foreign nationals a new H-5A visa to enter the country for low-skill jobs that U.S. workers don't want.

The bill's initial cap of 400,000 visas seems meager, but at least the program recognizes the economic forces that have caused 11 million people to risk entering the U.S. illegally. Without this shadow workforce, many construction firms, farmers and parents who need child care would be among those left in the lurch, and the prices of homes, food and day care would zoom.

Under the bill, employers could sponsor visa holders for the work permits known as green cards or those people could apply on their own.

But visa holders who weren't in line for green cards within six years would have to return to their homeland. In surveys, many illegal immigrants say they want to return home with money in their pockets. Wisely, the legislation calls for a group to examine how well the program is working and to suggest ways to improve it.

Foreigners without papers would have a chance to register for a six-year visa, a provision denounced by some as amnesty for scofflaws. But that criticism hardly seems fair when U.S. employers are recruiting workers in Mexican towns, and when the Mexican government is issuing guidebooks to successful border crossings.

Besides, those workers would have to pay $2,000 in fines and back taxes, and meet other requirements in order to qualify for permanent status. As punishment for violating the law, that ought to suffice. And it's important to note that this bill penalizes employers who flout immigration laws to take advantage of those desperate for work.

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Coming attractions

It's not all about poor workers, however. The bill's authors recognize the real concern that a porous border poses in an age of terrorism. The Border Patrol recently estimated that 75,000 arrests along the Mexican border last year involved nationals of Syria, Iran and other countries with ties to terrorist groups. Among the legislation's promising solutions are technologies that make immigration documents tougher to counterfeit.

The bill also asks the secretary of state to negotiate U.S. participation in the screening of foreigners who use transit through Mexico to enter this country. In return, Mexico could gain U.S. technical support to strengthen control of the border.

Along the same lines, foreign governments would be asked to enter migration agreements encouraging people who come to the United States for jobs to return home. Part of this "circular migration" effort would be a sensible promotion of economic opportunity abroad.

By addressing the need for unskilled labor in America and the need for jobs in poor countries, this legislation stands a chance of relieving the overwhelming pressure on Border Patrol agents. There could never be enough of them to keep out people with hungry families so that agents can focus on would-be terrorists. Neither could America reasonably deport the desperate millions who came without the required documents.

It's equally tough to imagine how one state alone could afford, indefinitely, to provide schooling, health care and other human services for a population snowballing out of control. Like many other states in that position, North Carolina needs the whole menu of remedies offered by this bipartisan bill.

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THE REPUBLICAN (Springfield, MA): Immigration changes seek real-world fixes 05/16
Monday, May 16, 2005

There are as many as 12 million people in this country illegally.

That has got to be the starting point for any rational debate about changes to the nation's immigration laws.

Thankfully, a bill co-sponsored by Sen. Edward M. Kennedy, D-Mass., is eminently pragmatic. The proposed measure recognizes that changes have got to be made. And it suggests those changes in ways that are practical and attainable in the real world.

If, that is, Congress can get a bill passed and into the president's hands.

For his part, President Bush has broadly outlined what types of changes in immigration law he would like to see. The bill that Kennedy and his co-sponsor, Sen. John McCain, R-Ariz., have proposed would almost certainly pass muster with the White House. It's in the House of Representatives where the matter could face an uphill battle. But that's a fight for the future.

For now, the Kennedy-McCain measure deserves to be lauded as a significant step forward. It would provide a path for undocumented workers who are currently here to become legal, but it would not reward them for having sneaked into the United States. They would not go to the front of the line just because they are already here. And they would have to pay a fine for having broken immigration laws.

Residents of other nations who want to work here - and who can demonstrate that there will be a job waiting for them when they arrive - would be given a three-year visa. They'd also be able to legally return home and then come back into the United States while that visa was in force. Additionally, they would be able to apply for an extension and get on a track toward permanent residence.

As things stand now, people are risking their lives and ignoring the law, moving stealthily back and forth from their homelands to the United States. Others are living and working here but remain nearly completely beneath the radar.

The proposed bill recognizes those facts. And seeks to deal with them, equitably and reasonably. Opponents will doubtless use scare tactics to try to discredit the measure, but they'll be talking about a most unreal world, a place of their own imaginings.

Those who prefer the real world - and real solutions - have a good place to start.

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ROCHESTER DEMOCRAT AND CHRONICLE (NY): Hope for reform 05/23

A new bipartisan immigration reform plan is worthwhile
May 23, 2005

With the exception of a few lines in this year's *State of the Union* speech and the rollout of his immigration reform plan prior to startup of the 2004 presidential campaign, there have been few signs that wrestling with the problem of undocumented workers is on President Bush's short list.

For the nation's sake, that should change now that Republican Sen. John McCain and Democratic Sen. Edward Kennedy have stepped forward with a sensible compromise on immigration reform. Bush should get behind the bipartisan proposal, which already has backing from a coalition of immigrant advocacy groups as well as business and labor organizations.

And if there ever was a reminder of the urgent need to act, just look at the recent racial firestorm ignited by Mexico President Vicente Fox's in protest of American immigration policies. He said Mexicans in the United States work in jobs that "not even blacks" want. Not only is that comment a slap in the faces of African-Americans, but also it underscores the risk of worsening racial strife if the nation's illegal immigration problems aren't resolved.

One of the biggest concerns addressed by the McCain-Kennedy proposal is the nation's 10 million existing undocumented workers. They wouldn't be granted amnesty, as many hard-line Republicans prefer. Rather, they would have to pay a $2,000 fine and back taxes to get a temporary visa after undergoing rigorous security checks.

Those are reasonable requirements and a far cry from blanket amnesty, which would cause resentment among American workers hard-pressed to take care of their families. For one thing, the compromise allows the hiring of foreign workers with temporary visas only after employers prove their inability to hire Americans for the same job.

The White House told this page last week that despite the efforts of McClain and Kennedy, Bush still might not budge. The magnitude of the immigration problem, which has serious implications for national security, should compel at least a serious review. That done, surely Bush will recognize the opportunity to create fairer policies for all workers in America and at the same time make the country safer.

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SAN JOSE MERCURY NEWS (CA): Bipartisan bill deserves Bush's backing 05/19

FOR LEGISLATION BALANCING SECURITY, ECONOMIC NEEDS TO PASS, PRESIDENT MUST OPPOSE GOP HARD-LINERS

Mercury News Editorial
May 19, 2005

In his State of the Union address, President Bush called for immigration reform. Last week, Republican Sen. John McCain of Arizona and Democratic Sen. Edward Kennedy of Massachusetts turned Bush's outline into a comprehensive bill. But the legislation will never see the light of day unless the president challenges the anti-immigration wing of the Republican Party to tamp down its rhetoric and compromise.

The Secure America and Orderly Immigration Act of 2005 recognizes that a compromise on immigration must preserve economic opportunity for immigrants while protecting the nation's borders. The United States must replace the stealth and danger of border hopping with fair and consistent rule of law.

The bill would do this by creating three-year work visas that could be renewed once. Newcomers would be matched with specific jobs that first had been offered to Americans, and they would be given fraud-resistant IDs. Undocumented workers here now also would be given temporary visas.

Border surveillance would be increased; penalties against companies that ignored the new rules would be stiffened and enforced. Holders of temporary visas would be given the opportunity, in time, to seek a green card and, eventually, citizenship.

It is on this last point that the president and the bill's sponsors diverge. Bush has not proposed giving green cards to those who crossed illegally, although his press secretary said Bush has taken no position yet on the Kennedy-McCain bill. Anti-immigration Republicans, however, insist that ``amnesty'' for lawbreakers is out of the question.

Amnesty is not what McCain and Kennedy are proposing. Under their bill, undocumented workers would have to pay back taxes and a $2,000 fine to get a green card. They would not jump ahead in the immigration line. They would apply for temporary visas, like other foreign workers, agree to a background and security check, and have to prove a history of work.

New temporary work visas will not curb illegal immigration if they're limited to agricultural workers, as Sen. Dianne Feinstein, D-Calif., favors.

And the system will fail unless the nation's 10 million existing undocumented workers participate in it. Workers won't step forward if they fear they'll face deportation after six years -- not that it would actually happen. It's implausible to imagine arresting and kicking out millions of families who have been here for years, paying taxes, with roots in the community and children in school.

The federal amnesty of 1986 failed to discourage illegal immigration or deter an underground economy because it lacked teeth. The Kennedy-McCain bill includes stiff employer penalties. It is pragmatic. That's why a surprising coalition of business and labor groups, immigrant-rights activists and economic libertarians support it. Bush should, too.

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FOR IMMEDIATE RELEASE
May 12, 2005

Contact: Marie Watteau
(202) 842-9882

SEIU®
Stronger Together

Statement of Eliseo Medina, Executive Vice President of the Service Employees International Union, on the Bipartisan Comprehensive Immigration Reform Bill

"Today U.S. Senators McCain (AZ) and Kennedy (MA) along with Representatives Kolbe (AZ), Flake (AZ) and Gutierrez (IL) took an important first step to address the concerns of our nation's failed immigration policy. As the largest union of immigrant workers, SEIU members wait for real solutions to fix our broken immigration system. By creating a bipartisan bill we hope that immigration reform now becomes a real possibility for the millions of people whose lives continue to hang in the balance. Real immigration reform is not a question of 'if', but 'when'.

This bipartisan bill would create an earned path to legal status for hard-working, tax-paying immigrants. More importantly it would ensure local, state and federal labor protections to all workers regardless of the worker's immigration status. This is especially important for immigrant workers who are particularly vulnerable to exploitation and intimidation on the job.

This bill is also good for American workers because it will make sure that basic labor rights – the right to change jobs, the right to join a union, and the right to stand up against an abusive employer and the right to stand up for fair treatment – are not ignored. When all workers have the same voice and rights, all workers will benefit.

SEIU joins members of the business, faith, and immigrant communities all over the country to applaud Senators McCain and Kennedy, and Representatives Kolbe, Flake and Gutierrez for introducing this important and urgently needed legislation. Taking a stand in this very difficult debate will require leadership, risk-taking, and toughness. This bill creates a new framework for legal immigration, and would improve our national security. It does not repeat the mistakes of the past that have contributed to our broken system and impossible border security. We hope that Congress will follow their lead by engaging in a serious debate on how we can begin to fix the broken system."

# # #

With 1.8 million members, SEIU is the nation's largest and fastest growing union and also represents more immigrants than any other union.

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International President

ANNA BURGER
International Secretary-Treasurer

MARY KAY HENRY
Executive Vice President

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SIERRA VISTA HERALD (AZ): Reagan's words repeated 05/16
Tuesday, May 17, 2005
Last modified Monday, May 16, 2005 1:19 PM MDT

Nearly 20 years ago, President Ronald Reagan signed the Immigration Reform and Control Act of 1986.

The purpose: To require employers to vouch for the legal status of their workers, to enforce those sanctions so illegal immigrants wouldn't have the workplaces to come to and to allow amnesty to all undocumented workers who arrived in the United States prior to 1982.

It's a proposal that Reagan worked with Congress on for about five years. It's one that seemed reasonable at the time.

Reagan's legislation is similar to some guest-worker proposals now.

Last week, several U.S. lawmakers, including U.S. Rep. Jim Kolbe and U.S. Sen. John McCain, both Republicans from Arizona, unveiled a piece of legislation that would allow illegal foreign workers a chance to apply for a visa and to have a path toward legal permanent residency - at a price. It also would work to enforce sanctions on businesses that hire illegal immigrants.

The proposal aims to control illegal immigration by making some of the foreign workers legitimate. It's a proposal that's been called "amnesty," a politically dirty word. The supporters say it isn't amnesty, but a way to solve a problem that our nation faces.

And it would create documentation that, according to its supporters, would be easier for employers to track the legal status of a worker.

Some also say it would bring illegal immigrants out of the shadows and into the light of the real America.

It's the same way Reagan described the 1986 act when he was signing it.

"The legalization provisions in this act will go far to improve the lives of a class of individuals who now must hide in the shadows, without access to many of the benefits of a free and open society," he said.

It is interesting to compare today's proposed legislation with the act Reagan signed.

Both are geared toward denying a workplace for illegal immigrants. Both are working to secure the nation through sanctions and a path to becoming an American. Both are ideas to regain control of the borders.

If there are any lessons from 1986, it's that allowing a certain number of undocumented workers didn't work. More came and still come to America. The proposal is different now, but would it stop the flow of illegal immigrants and increase the flow of those who would enter the nation legally?

The 1986 act also showed that it isn't easy to enforce sanctions on businesses. We wait to hear in more detail how the new proposal would be enforced by the government.

Reagan made his point for the 1986 act eloquently, as the man known as the "great communicator" should.

"Our objective is only to establish a reasonable, fair, orderly, and secure system of immigration into this country and not to discriminate in any way against particular nations or people," Reagan said when signing the

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act.

"The act I am signing today is the product of one of the longest and most difficult legislative undertakings of recent memory. It has truly been a bipartisan effort, with this administration and the allies of immigration reform in the Congress, of both parties, working together to accomplish these critically important reforms. Future generations of Americans will be thankful for our efforts to humanely regain control of our borders and thereby preserve the value of one of the most sacred possessions of our people: American citizenship."

Unfortunately, what Reagan strived for then is still being strived for now. And just like then, it will be a difficult legislative undertaking.

TO READ Reagan's speech on the Immigration Reform and Control Act of 1986, log onto http://www.reagan.utexas.edu/archives/speeches/1986/110686b.htm

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THE TENNESSEAN (Nashville, TN): An immigration bill that is humane, workable 05/24
Tuesday, 05/24/05

Kudos to Sens. John McCain, R-Ariz., and Edward Kennedy, D-Mass., for crafting real, workable legislation on immigration.

Their bill would allow as many as 400,000 workers a year to come into this country if they have jobs already lined up. They would be issued three-year worker visas that could be renewed for a fourth year; after that, they could apply for green cards.

The businesses that hire them would have to prove they are unable to hire Americans for the same jobs. The documented workers would be issued tamper-proof identification cards.

Workers who are already in the U.S. illegally would face much steeper obstacles. They would have to pay a $2,000 fine and back taxes, register for the military, prove they are learning English and then, only after six years, could they apply for a green card.

All people seeking guest workers status, both foreign nationals and illegal workers, would have to pass police background checks and medical exams. They would be issued visas that allow them to visit their homeland. Employers who hire illegal workers would face heavier penalties.

Only a comprehensive approach on immigration will work. The McCain-Kennedy bill addresses concerns about national security, enforcement, costs to states with high immigrant populations and employment needs.

Some lawmakers believe the bill falls short by not authorizing money to strengthen border patrols. Some will take issue with any proposal that lets workers who are now here illegally to be allowed to stay. Sen. Dianne Feinstein, D-Calif., opposes the sweeping approach on the McCain-Kennedy bill, saying she will propose a far more limited bill that offers legalization only to agricultural workers.

But at least McCain and Kennedy have put a bill on the table that is practical and humane. The status quo — an undocumented population of 11 million that grows by 500,000 each year — is neither. The McCain-Kennedy bill needs to be the focal point for a long overdue immigration effort in Congress.

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EL TIEMPO LATINO (DC, MD, VA): Proyecto para un país seguro 05/20

Washington, D.C., 20 de mayo del 2005

Pespués de la vergonza ley "Real ID" -vergonzosa por la manera en que se maniobró su navegación en el Congreso, por la peligrosa inclusión del factor inmigrante en la ecuación del terrorismo y por la firma silenciosa del presidente Bush- nos llega ahora una iniciativa bipartidista: los senadores John McCain (R-AZ) y Edward Kennedy (D-MA), y los representantes Jim Kolbe (R-AZ), Jeff Flake (R-AZ) y Luis Gutiérrez (D-IL) acaban de proponer el proyecto de ley para un País Seguro y una Inmigración Ordenada (Secure America and Orderly Immigration Act).

Reconocer oficialmente que el sistema de inmigración no funciona y evitar el acoso y derribo del indocumentado, o hacer de éste la víctima fácil y el culpable único, es siempre saludable.

El proyecto de ley refleja, como ha señalado la Asociación Nacional de Abogados de Inmigración, que el gobierno federal debe dar la talla y reformar nuestras actuales leyes de inmigración; que este país no puede tener seguridad fronteriza a menos que emprenda dicha reforma; que arreglar nuestro sistema de inmigración para que sea seguro, legal y ordenado aumentará nuestra seguridad; que necesitamos un sistema de inmigración controlado que sustituya la entrada ilegal por un flujo legal de inmigrantes; y, finalmente, que necesitamos un sistema de inmigración compatible con los valores fundamentales estadounidenses de la justicia y la igualdad ante la ley.

Apoyar una reforma que mejore nuestra seguridad como país y ayude a la reunificación familiar es lo que parece haber estado predicando durante largo tiempo el presidente Bush, para luego contradecirse al firmar casi con nocturnidad el "Real ID".

Pero todavía hay esperanzas de que este presidente se libre de las redes miopes o simplemente xenófobas y antiestadounidenses de buena parte de su partido, para alinearse con quienes buscan otorgar a millones de indocumentados en este país la condición de seres humanos.

Para ello se necesitan dos partidos y un líder.

-Alberto Avendaño

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THE TIMES OF TRENTON (NJ): Realism on immigration 05/21

Saturday, May 21, 2005

One of the toughest problems facing the United States is how to deal with the illegal immigrants who have streamed across its porous borders for decades. What is needed is a combination of compassion, realism, concern for the nation's security, respect for the integrity of its laws, and fairness to those who have abided by those laws. No solution devised by humans will blend those imperatives in perfect proportion. But it's the job of the nation's lawmakers to do their best.

A bipartisan group in Congress has taken that responsibility seriously. As columnist Roger Hernandez noted on this page yesterday, the "Secure America and Orderly Immigration Act" has been introduced in the Senate and House by lawmakers driven by concerns that are both regional and national. The sponsors are three Arizona Republican legislators whose border state is on the front line of the illegal immigration from Mexico, Sen. John McCain and Reps. Jeff Flake and Jim Kolbe, along with Sen. Edward M. Kennedy, D-Mass., and Rep. Luis V. Gutierrez, D-Ill. Their bill recognizes, as Hernandez wrote, that the 11 million illegal immigrants who live in the United States are not about to go away, that businesses need them to do jobs Americans will not do and that it is simply impossible, logistically and morally, to tear families apart with wholesale deportations.

The measure attempts to persuade would-be illegal immigrants to choose a better alternative. It increases the number of visas by up to 400,000 a year, but links their issuance to the availability of jobs Americans are unwilling to take. After an employer has advertised a position for two weeks without success, the job would be entered into a database accessible at U.S. consulates. Applicants who paid a $500 processing fee and passed a security check would receive a state-of-the-art, tamper-proof visa.

Illegals who already are here would pay back taxes plus fines of $2,000 or more, undergo a background check and receive visas good for six years, after which they would either have to return to their country of origin or apply for permanent residence - at the end of the immigration line. To become a legal resident, an illegal would have to have a job and show that he or she is learning English.

Despite the difficulty of the latter process and the hefty fines, the bill in effect establishes a form of amnesty - a politically toxic word from which its sponsors shrink. Nevertheless, they have come up with a pragmatic way to distinguish between undesirable aliens - not to mention terrorists - and hard-working people trying to make a better life for themselves and their families.

The bill is gaining support from business groups, unions and Hispanic organizations. It could and should be strengthened, as Hernandez pointed out, by the inclusion of additional funds for border patrols, an essential backstop to the practicality and compassion it embodies. President Bush, who has called for realism in the reform of the immigration laws, should join the bipartisan advocates in Congress in the task of improving the proposal and turning it into law.

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TOLEDO BLADE (OH): Rare immigration accord 06/09

June 9, 2005

IMMIGRATION reform is an issue that liberals and conservatives have rarely agreed on. The common assumption is that conservatives want to limit who can come into this country because of their twin fears of terrorism and a loss of cultural hegemony.

Liberals are said to favor opening the spigots of our borders as wide as possible because they like the diversity that comes from more broad-based immigration.

A wider gulf cannot be imagined.

So when Sen. John McCain, the Arizona Republican, and Sen. Ted Kennedy, the Democrat from Massachusetts, recently joined forces on a bill to overhaul immigration, those at both ends of the political spectrum took notice - and applauded.

Their bill would upgrade border security and track immigrant workers and travelers while providing temporary work visas for unskilled laborers. It would also make it easier for legal immigrants to bring their families into the country while easing federal reimbursement to hospitals for emergency care of undocumented aliens.

In other words, the McCain-Kennedy immigration bill is a mixed bag for both sides. Still, it balances the interests of national security and legal immigrants sometimes caught in a netherworld of punitive laws.

Recently, an interfaith network of religious groups has taken up the banner of immigration reform. Reaching deep into the tradition of providing hospitality to strangers and wayfarers, they've settled upon the McCain-Kennedy bill as a reasonable place to begin.

In an era of partisan squabbling and perpetual bad blood, immigration reform is a worthy issue upon which people of good will can find common ground. We congratulate Sens. McCain and Kennedy for initiating the search.

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TUCSON CITIZEN (AZ): Best chance at reforming immigration 05/17

opinion@tucsoncitizen.com

TUESDAY, MAY 17, 2005

A bipartisan immigration reform bill introduced in both houses of Congress represents the best opportunity yet to achieve real, comprehensive immigration reform.

The Secure America and Orderly Immigration Act has the support of two Senate heavyweights - John McCain, R-Ariz., and Edward Kennedy, D-Mass. In the House, it is supported by Jim Kolbe and Jeff Flake, both Arizona Republicans, and Luis Gutierrez, D-Ill.

Previous immigration reform efforts have been doomed because they were undertaken by one party only. Other bills have tried to deal with only narrow aspects of the multifaceted immigration issue. This bill corrects both deficits and is an honest recognition of the problem.

There has been hope for immigration reform since President Bush said it is one of his major concerns. But Bush has been disappointingly slow to say what he is looking for, and nothing has happened.

Under the bill, people now in the United States illegally could come forward and apply for a work visa. Workers would have to pay a $1,000 fine and submit to background checks. Visas would be valid for up to six years.

At the same time, those workers and others not in the country could apply for green cards allowing them to remain in the United States and work permanently.

The bill works to toughen enforcement at the border and in the workplace.

At the border, there would be increased technology, anti-smuggling initiatives and other steps to reduce illegal immigration. And other countries - most notably, Mexico - would be encouraged to be partners by promoting more economic opportunities at home for their own citizens.

In the workplace, employers could check a potential employee's status electronically. Employers would be required to use the system, and there would be stiff fines for knowingly hiring someone in the country illegally.

There will be opposition from those who want illegal immigrants deported immediately and required to return home to obtain a visa. But that is impractical. The goal is to encourage illegal immigrants to come forward and be part of the system so we know who is in this country and can check their backgrounds.

If this bill is to have any hope of passage, it must be aggressively backed by Bush. His support has been tepid, with a spokesman saying only that the president "is glad to see this contribution to the discussion on immigration."

Bush should embrace this bill and work vigorously to obtain its passage. It is a major step in the right direction.

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TUCSON CITIZEN (AZ): D.C. dawdles as immigrants die in desert 05/27

Our Opinion:
Tucson Citizen
May 27, 2005

The 2005 "season of death" has begun right on schedule along the Arizona-Mexico border.

As the bodies of illegal immigrants are found in the parched desert, a substantive debate over immigration reform still has not begun. Comprehensive reform is the only way this annual slaughter can be stopped.

Members of Congress should be outraged or ashamed. Instead, they are blasé.

To those of us who live in southern Arizona, the headlines of late May are predictable: "Illegal immigrant death wave following desert's heat wave" the Tucson Citizen reported this week.

Within the past week, the bodies of at least 12 illegal immigrant suspects have been found in the Arizona desert during record-breaking heat. There likely are more bodies undiscovered.

The stories behind those bodies are heartbreaking: One person was only 15; a 24-year-old pregnant woman died as her husband desperately searched for help; a man who had sought shelter from the sun in an abandoned house died two weeks before his body was found.

Dozens more would have died without the rescue efforts of U.S. Border Patrol agents and volunteer humanitarians.

So what is being done to stop this carnage? Volunteers are putting water in the desert to help unsuspecting people who have no idea what they are getting into. The same volunteers are passing out maps at the border, warning immigrants of the heat, dangers and distance they face.

And the Legislature is passing bills declaring English the official language of Arizona and denying illegal immigrants access to English classes.

Michael Nicley, Tucson sector chief for the Border Patrol, said more agents eventually will stop people from entering the United States illegally - an unrealistically optimistic prediction.

In the past, more resources have only shifted the problem - now to the desert where death is far more likely. Short of stationing agents within sight of each other along the 350-mile Arizona-Mexico border, illegal crossings cannot be stopped.

The only solution is comprehensive immigration reform such as that proposed in bipartisan legislation introduced by Sens. John McCain, R-Ariz., and Edward M. Kennedy, D-Mass., and other members of the Senate and House.

President Bush remains regrettably absent from this debate. Before the Sept. 11, 2001, terrorist attacks, Bush was interested in immigration reform. Since then, he has been virtually silent. Yet reform would be one of the best ways to make this nation more secure.

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TUCSON CITIZEN (AZ): Kyl border bill - Enforcement can't do it all 06/07

June 7, 2005

Beefed-up border enforcement is the key to a new immigration policy being drafted by Republican U.S. Sens. Jon Kyl of Arizona and John Cornyn of Texas.

Problem is, no matter how many Border Patrol agents get added, the number of illegal immigrants increases even more.

Also increasing in that equation is our cost. The five-month training per agent runs about $179,000.

Manpower and money haven't made a dent in illegal immigration yet, and we don't expect that to change anytime soon.

What must change is the hypocritical and illegal arrangement by which our employers hire illegal foreigners without any real threat of sanction.

The Kyl-Cornyn proposal would add investigators and tougher penalties for such employers. But it also would force the workers to return to their own countries before seeking permission to work here.

That makes sense in many respects. They arrived illegally, so they should be sent home until they can enter legally.

Realistically, though, sending all illegal workers back home until they can make their way through the long bureaucratic process to get papers would effectively stop a good share of the U.S. economy.

And that's assuming the workers could be found to face deportation, since most simply would dig deeper into hiding.

While the tough tone of the Kyl-Cornyn proposal underscores the serious nature of this problem, it ignores the nuances.

We need to secure not only our borders, but also our homeland. That means we must find and identify all illegal immigrants already here. The threat of immediate deportation would make that security provision impossible.

We prefer the approach outlined by other Arizona Republicans, including Sen. John McCain and Reps. Jim Kolbe and Jeff Flake. Their proposal would spur greater homeland safety - without impeding our economy - by allowing workers to be identified and obtain permission to work here.

Our nation desperately needs immigration reform, but the hot potato issue long has been kept on the back burner in Washington, D.C.

We're delighted that McCain, Kolbe, Kyl and other border-state leaders finally are addressing this controversial issue.

However, having waited this long for reform, Americans deserve an effective policy. So far, the Kyl-Cornyn draft doesn't meet that basic requirement.

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TUCSON CITIZEN (AZ): Kolbe senses progress on immigration 07/06
Our Opinion:
Tucson Citizen
WEDNESDAY, JULY 6, 2005

The discussion on immigration reform may slowly be gaining national traction.

And that qualifies as major progress for those of us in southern Arizona, where immigration issues are not just a scholarly debate but a matter of daily life.

U.S. Rep. Jim Kolbe, who has spent more time working on immigration problems than virtually any other member of Congress, says he is sensing progress. On this issue, progress is measured in glacial terms. Nonetheless, any forward movement is good news indeed.

In a visit yesterday with the Tucson Citizen Editorial Board, Kolbe said, "There is no doubt the immigration issue has moved up a few notches in Congress and with the American people." Kolbe said some of the increased attention has been from those concerned about the nation's security in light of the Sept. 11, 2001 terrorist attacks.

And Kolbe noted that the efforts of the Minutemen played a role in increasing awareness of the problems of illegal immigration. The Minutemen were a group of civilians who came to a stretch of the U.S.-Mexican border in Cochise County in April to "patrol" and look for illegal immigrants.

The Minutemen, who have moved on to projects in other states, had virtually no impact on the number of people crossing the Arizona border illegally. They did only what the Border Patrol and other authorities have accomplished: temporarily shift the problem to more remote areas.

Kolbe, a Republican, compared congressional interest on immigration with another issue he has been pushing hard: Social Security reform. "Unlike Social Security, Congress cannot put their heads in the sand," Kolbe said. "The public is demanding they do something (about immigration)."

If it takes leadership from the American people to push Congress on this issue, so be it. Interest also has been spurred with the recent involvement of two high-profile senators, Republican John McCain of Arizona and Democrat Edward Kennedy of Massachusetts.

Kolbe has long been pushing a comprehensive rewrite of the nation's immigration laws - including a guest worker program, provisions for dealing with people now in the United States illegally and changes to laws dealing with employers' responsibilities to verify a person's right to work in this country.

There are those who want to fix immigration laws piecemeal. That will not work. A guest worker plan must deal with people now in this country. Employer sanctions must come only after there is a way for employers to quickly and accurately check a potential employee's status.

There must be a comprehensive fix for this multifaceted problem. And maybe - just maybe - Congress, pushed by the persistence of the American people, may be moving slowly in that direction.

We hope so.

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NEWS FROM UFW

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For Release:
May 12, 2005

UFW praises Comprehensive Immigration Reform efforts

United Farm Workers President Arturo S. Rodriguez issued the following statement from the union's Keene, Calif. headquarters after today's introduction of legislation to reform immigration by Senators John McCain, (R-Arizona), and Edward Kennedy, (D-Massachusetts), Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL):

We congratulate the bipartisan sponsors of this legislation for their courage and their leadership. Everyone knows our nation's immigration system is broken and desperately needs to be fixed. The evidence is all around us: exploited workers, divided families, and thousands of deaths in the desert.

Our leaders need to reach out across the aisle, and work together for the good of the country. The sponsors of this legislation have risen to this challenge. We salute their courage and thank them for their leadership.

The United Farm Workers does not have a position on the comprehensive bill, as we are still reviewing the language. We support the efforts to move forward on serious immigration reform done in a bipartisan and comprehensive manner. That is why we will continue to fight to enact Ag Jobs, a much needed solution for our nations' agricultural industry.

Last month the majority of U.S. senators agreed. AgJobs is a milestone for growers seeking a legal and stable work force. It means hope for immigrant farm workers who perform some of the most important labor in our nation but constantly live with danger and fear. No worker should have to sacrifice his or her life to feed, clothe and house a family. These workers take the hardest jobs other American workers won't do. They pay taxes but enjoy few, if any, benefits while feeding America and much of the world.

The President has said, "..there is a compassionate, humane way to deal with this issue… family values do not end at the Rio Grande." AgJobs includes these basic principals. It is *hard-earned* legalization, a comprehensive bill negotiated by the United Farm Workers and the agricultural industry over a four-year period. It is backed by more than 500 organizations, including business, labor, religious, Latino and immigrant rights groups. AgJobs means:

• Undocumented farm workers *earning* the right to permanently stay in this country by continuing to work in agriculture.• Guarantee of workers' rights, including decent pay, working conditions and protections from abuse• Encouraging families to stay together and fully participate in the society they help feed.

- end -

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(202) 463-5682 / 888-249-NEWS

Thursday, May 12, 2005

U.S. Chamber Welcomes Bipartisan Immigration Reform Bill

WASHINGTON, D.C. – The United States Chamber of Commerce expressed its support for The Secure America and Orderly Immigration Act, a comprehensive immigration reform bill introduced today.

"House and Senate members are to be commended for their bipartisan effort to address the many difficult and controversial issues embedded in this country's current debate on the role of immigration," said Randel Johnson, Chamber vice president of labor, immigration and employee benefits.

"Our immigration and visa policy must improve our nation's security, address future labor shortages through a temporary worker program, and provide a reasonable mechanism for undocumented workers already here to qualify for legal status. While some significant issues remain to be resolved, this legislation meets those principles," said Johnson.

The bill, co-authored by Senators John McCain (R-AZ) and Ted Kennedy (D-MA) and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL), will improve security and border enforcement; increase employer sanctions for knowingly hiring illegal aliens and establish an employment eligibility confirmation system; create a new temporary worker program; and provide undocumented workers who are in the country and working at the time of the bill's introduction a process to qualify for legal work status following security and background checks. The bill also provides for reimbursement to the states for certain health care expenses related to the treatment of undocumented immigrants.

"There is a long way to go before immigration reform legislation will be signed into law, and we are committed to working with these and other key Congressional leaders and the administration as this process move forward," said Johnson.

The U.S. Chamber of Commerce is the world's largest business federation representing more than three million businesses and organizations of every size, sector and region.

# # #

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USCRI Applauds Comprehensive Immigration Reform Urges White House Support

WASHINGTON DC, May 12, 2005 - The US Committee for Refugees and Immigrants (USCRI) applauds the introduction of comprehensive immigration reform legislation and urges the President to quickly back this bi-partisan effort to bring our immigration system into the 21st Century.

Today, senators McCain (R-AZ) and Kennedy (D-MA), along with representatives Kolbe (R-AZ), Flake (R-AZ), and Gutierrez (D-IL), will introduce legislation to permit carefully screened applicants to study and work in the United States. The legislation would require undocumented workers already in the United States to pay a penalty, and then apply for work authorization. After six years of lawful presence, they could apply for permanent residence. The bill would allow undocumented students who have been studying in the United States to participate in the program with proof of enrollment in schools or universities. The bill would also allow workers outside the United States, with proof of employment or an employment offer, to pay $500 at local consulates to apply for a visa. The work visas would not tie the workers to any particular employer or economic sector, a major innovation for migrant labor rights. There are provisions for enhanced border security, assistance to States for incarcerating undocumented aliens, and new enforcement provisions for work authorization and compliance with labor laws.

'There has been a remarkable bipartisan effort to ensure that this bill is palatable to the right and the left, to labor interests and to business interests, while remaining true to the historical national interest of welcoming immigrants to this country' says Lavinia Limón, President and CEO of USCRI.

'We hope the President will be the bill's greatest supporter,' says Limón. 'The President has been asking Congress for a guest worker program and this is probably his best shot at getting it.'

'Here are four good reasons to get behind this plan,' says Limon. 'It is fair, it supports both families and our nation's labor needs, it paves the road to citizenship for law abiding new Americans, and it puts teeth into border security and enforcement". The plan is fair because it will not delay anyone currently waiting for an adjustment of immigration status. 'There will be no line jumping,' says Limon. The bill's six-year benchmark for new immigrants to adjust status will allow the Department of Homeland Security to eliminate the current immigration backlog over the next six years.

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The plan puts families first by allowing workers to bring their spouses and children with them to the United States. It also recognizes the circular migration patterns between the United States and other countries by realizing that some immigrants will want to return to their home country after working here, while others may wish to start a new life in the United States by applying for an adjustment of status. 'This is good news for those of us who know that the people of the United States stand ready to help newcomers fully integrate into American life,' says Limon.

USCRI's national affiliate and allied agency network is comprised of the largest non-sectarian association of legal immigration service providers in the country.

The U.S. Committee for Refugees and Immigrants (USCRI) is a non-profit, nongovernmental organization that has served refugees and immigrants and defended the rights of refugees, asylum seekers, and internally displaced persons worldwide since 1911. USCRI's resettlement program and network of community-based partner agencies help thousands of refugees build new lives in the United States each year. USCRI publishes the World Refugee Survey and Refugee Reports.

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U.S. Committee for Refugees and Immigrants
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Statement of John W. Wilhelm
President/Hospitality, UNITE HERE International Union

UNITE HERE International Union applauds legislation introduced by Senators Kennedy and McCain for comprehensive immigration reform.

The time is long overdue for a realistic fix of our broken immigration system. While we are a long way from passage and important details will continue to be debated, this bill is a rational solution for the millions of undocumented workers in the United States who have no rights on the job and are vulnerable to exploitation from abusive employers.

And because the legislation includes the right to join a union and the right to change jobs, it is good for all American workers. All workers benefit when the playing field is level.

UNITE HERE joins with our business, community, faith-based, and union allies in the struggle to get this balanced legislation approved. We urge President Bush and Congress to pass the bill.

46017.207

VICTORIA ADVOCATE (TX): Reform policy on immigration 07/10

Sunday, July 10, 2005

U.S. Sen. John Cornyn's brief stop in Victoria last week surely told him little he did not already know about problems resulting from illegal immigration in South Texas, even this far in from the U.S. border with Mexico.

But spending a little time with a small group of area law enforcement officers and landowners - although not with a broad range of the constituents who pay his salary - should have impressed upon Texas' junior senator the need to step up efforts to reform the nation's immigration policies and their enforcement.

Cornyn is one of a small number of members of Congress, also including most of Arizona's delegation, who have been working seriously on immigration issues for the past few years. Unfortunately, not enough of their colleagues have joined in this effort to move it forward.

The Bush administration has been hit-and-miss on this issue, not providing the kind of high-profile leadership needed to prompt substantive congressional debate and action.

Prior to the 9/11 terrorist attacks, President Bush talked with Mexican President Vicente Fox about immigration reform, but the war against terrorism and the invasion of Iraq distracted from that. The two presidents have not sufficiently gotten past their disagreement on Iraq to move forward on immigration.

And Fox's government has proven less-than-realistic in its expectations of what kind of reforms either Bush or Congress - or the American people - would be willing to support. The Mexican government naively seems to believe that a blanket amnesty for undocumented immigrants already in the United States and what amounts to an open border for future migration is the right answer, but Congress would not - and could not - even consider that.

Cornyn has said repeatedly that a balance has to be struck between economic needs on the one hand and security and law enforcement needs on the other. That is both realistic and necessary. In the short term, local law enforcement agencies need additional federal funding to deal with problems resulting from increased illegal migration across the porous U.S.-Mexico border.

A comprehensive plan for immigration reform, as we have previously said in this space, has to include these components:

- Control the nation's borders, not just with Mexico, but also with Canada. Our Northern exposure also remains too porous. This is not just an immigration issue. It is also necessary for homeland security.
- Ensure an adequate available legal supply of unskilled and semi-skilled low-cost labor. The extent of the need for this should drive legal admission levels for would-be immigrants who lack the education and financial resources that otherwise would justify their admission.
- Protect the rights of legal immigrants so that they are not abused, exploited or mistreated by unscrupulous employers.
- Somehow regularize the status of undocumented immigrants already in the United States if they are employed and contributing to this country and their newly adopted communities, while also reducing the population of those who do not meet this standard.
- Penalize employers for hiring undocumented immigrants, whether knowingly or unknowingly. Employers should no longer have "But I didn't know" wiggle room to get off the hook when their workplaces are found crammed full of illegal workers they are exploiting.

- Increase the penalties to be so financially painful that they cannot be passed off as "a cost of doing business." Add prison time for subsequent offenses.
- Bolster enforcement resources to crack down on employers of undocumented workers and to guard the nation's borders.
- Revamp how immigrants - legal and illegal - and American citizens identify themselves. Although the U.S. Commission on Immigration Reform in 1994 backed down from proposing a national identification card, the intervening decade has shown ever-greater need for such a document that requires sufficient verification to obtain and is counterfeit- and tamper-resistant.
- In the foreign policy realm, require other governments to do more to control illegal migration to the United States, making this a condition of economic and other assistance.

The American people have to acknowledge that most of us are enablers because we benefit from the lower cost of illegal immigrant labor. If we really want this problem brought under control, we are going to have to pay more, not just for law enforcement and border security, but also for consumer goods and services.

Americans who demand that the federal government crack down on illegal immigration without themselves being willing to pay for it are hypocrites.

The task Sen. Cornyn and his colleagues working on immigration issues face is nearly overwhelming - and increasingly necessary.

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LA VOZ (Phoenix, AZ): Hacia una solución 05/25
Mayo 25, 2005

La propuesta hecha por McCain y compañía ha venido a darle un tanto de coherencia y sentido común a una discusión que desde hace mucho se ha salido de tono por completo: la inmigración indocumentada.

La iniciativa de ley conocida como "The Secure America and Orderly Immigration Act of 2005" propone, por fin, salidas lógicas para poder abandonar ese callejón sin final en el cual se han metido y se han revuelto todo tipo de ideas, iniciativas y acciones a cual más irracional, surgidas de mentes que no piensan con frialdad y objetivismo sino con el calor de sus extremismos y sus odios.

En ese callejón están metidos y extraviados los legisladores republicanos de la nación y de Arizona, inventando a diestra y siniestra leyes sin sentido y sin humanismo, que en vez de solucionar el problema lo complican.

Aquí, en Arizona, la gobernadora ha tenido que empuñar la espada del veto y partir en dos algunas de esas iniciativas que no solamente atacan a los indocumentados sino también impactan negativamente a otros sectores de la sociedad, lo cual no puede permitirse.

Probablemente a Napolitano esas acciones le cuesten votos cuando quiera reelegirse. Pero celebramos que ella no esté pensando en eso, y que actúe con la serenidad de pensamiento que deben tener quienes gobiernan y quienes elaboran las leyes. Lo cual, a todas luces, no sucede con el puñado de legisladores furiosamente antiinmigrantes que ha invadido la Legislatura estatal.

Si la razón se impone –esa que muestran McCain, Ted Kennedy, Luis Gutiérrez, Jeff Flake y Jim Kolbe en el Congreso federal y Janet Napolitano en el gobierno estatal- el espinoso asunto de la inmigración podrá finalmente encausarse hacia una solución.

Y por fin podrán pasar a los planos secundarios de los medios de información los Minuteman, los rancheros, los Schwarzenegger, los Russell Pearce, los Childress, los Randy Pullen, las Kathy McGee.

Podrán pasar a donde deben estar.

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WALL STREET JOURNAL (NYC): Fortress America? 07/20

July 20, 2005; Page A12

The calendar says 2005. But the U.S. immigration debate still seems stuck in 1986, the year Congress passed the Immigration Reform and Control Act that criminalized the hiring of illegal aliens and boosted funding for Mexican border patrols.

After nearly 20 years and numerous enforcement escalations, the undocumented immigrant population continues to grow -- and restrictionist lawmakers continue to insist that throwing ever more money, men and material into border enforcement is the key to fixing the problem.

Yesterday, Senators John Cornyn (R., Texas) and Jon Kyl (R., Ariz.) introduced legislation that would authorize $5 billion over five years "to acquire and deploy unmanned aerial vehicles, camera poles, vehicles barriers, sensors" and other technologies. They'd also create a new 10,000-man army to raid businesses across America and make sure there are no illegal chambermaids working at Marriott. For this, we need Republicans?

Never mind that since 1986 the U.S. strategy of spending more and more money on militarizing the border hasn't worked. According to a recent Cato Institute study by Princeton sociologist Douglas Massey, "By 2002, the Border Patrol's budget had reached $1.6 billion and that of the [Immigration and Naturalization Service] stood at $6.2 billion, 10 and 13 times their 1986 values, respectively."

Over the same 16-year period, the number of border patrol officers tripled, and the amount of hours spent patrolling the border increased by a factor of eight. By 2002, Professor Massey notes, "the Border Patrol was the largest arms-bearing branch of the U.S. government next to the military itself."

Meanwhile, the illegal immigration flow has only increased, and all of this extra "enforcement" is arguably one reason. When illegals felt they could more easily cross the border, they'd enter the U.S. on a seasonal (or sometimes even daily) basis or when they needed the money. Then they'd often return home. But with the difficulty of re-entry so much higher in the last 20 years, many more migrant workers choose to remain here permanently. The risk of staying is lower than the price of re-running the border gantlet.

Messrs. Cornyn and Kyl aren't immigrant bashers, and they both support President Bush's concept of a guest worker program. They argue that this enforcement escalation at the border is necessary to gain enough public support to pass such a guest-worker plan, and they may be right about the price of winning over some Republicans. But no one should think that pouring billions more into enforcement will stop Mexicans from crossing the border for economic opportunity, much less induce those already in the U.S. to come out of the shadows.

A more promising reform was introduced in May by Senators John McCain (R., Ariz.) and Ted Kennedy (D., Mass.). Their approach is a welcome acknowledgment of certain realities -- namely, that enforcement-only policies have failed repeatedly and that wiser uses of limited government manpower and tax dollars are in order.

Based on the fact that the vast majority of migrants come here in search of work, Senators McCain and Kennedy aim to lower the level of illegal immigration by expanding our relatively few channels for legal entry to meet the demand. Giving economic immigrants legal ways to enter the U.S. will reduce business for human

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smugglers and counterfeiters. Moreover, it will allow our border authorities to concentrate their resources on chasing down real security threats instead of nannies and gardeners.

In short, the McCain-Kennedy bill would enhance homeland security without harming the immigrant labor market so essential to the country's economic well-being. But the measure's guest-worker initiative, which would allow undocumented migrants already here to work legally if they first pay sizable fines and undergo criminal background checks, has brought charges of "amnesty" from Republicans who call any "work and stay" provision a poison pill.

This "amnesty" charge may be potent as a political slogan, but it becomes far less persuasive when you examine its real-world implications. If paying a fine isn't good enough for illegals already here, what are the restrictionists proposing? Mass arrests, raids on job-creating businesses, or deportations? No illegal settled in a job or U.S. community is going to admit his status if he will then immediately be jailed or sent home to wait in line for years before he can get his old U.S. job back. Those who wave the "no amnesty" flag are actually encouraging a larger underground illegal population.

Republicans in Congress may well decide to push an immigration "reform" that militarizes the border and harasses more businesses. But we doubt they have the votes to pass it without a guest worker component, and in any case it won't work. The only reform that has a chance to succeed is one that recognizes the reality that 10 or so million illegal aliens already work in the U.S. and are vital to the economy and their communities. More enforcement is a slogan, not a solution.

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WASHINGTON POST (DC): Enter McCain-Kennedy 05/14

Saturday, May 14, 2005; A20

IMMIGRATION legislation introduced Thursday by Sens. John McCain (R-Ariz.) and Edward M. Kennedy (D-Mass.) is not the first, and may not be the last, attempt to forge a realistic, comprehensive and bipartisan national immigration policy. In the last Congress, Sen. Chuck Hagel (R-Neb.) and Senate Minority Leader Thomas A. Daschle (D-S.D.) also tried it, and others have introduced bills containing similar elements. But there are reasons to hope that this bill will move further. The authors have struggled, with one another and with widely varying advocates, to find compromise answers to some of the more difficult immigration issues.

The bill requires new investment in border security and technology. But it also allows employers to hire foreigners under a temporary visa program if they can prove they are unable to hire American workers for the same job. Visa-holders will be able to change jobs (which the discredited *bracero* guest-worker programs of the past did not allow); will be able to apply to stay (eliminating a potential source of new illegal immigration), and will be issued tamper-proof identity documents (ending the use of faked Social Security numbers).

Most controversially -- but ultimately sensibly -- the bill allows illegal immigrants already here to regularize their status, but not easily; they would have to go to the end of the line, and that only after paying a hefty fine, staying employed for a prescribed period and paying back taxes. The bills' authors argue that this is not an amnesty, because it requires a recognition of wrongdoing. They also argue that establishing the temporary visa will prevent a new pool of illegal immigrants from arriving because it will become politically realistic to fine employers who continue to employ illegals. Most of all, this provision for illegal immigrants makes sense because any legislation that does not deal with the approximately 10 million illegals will ultimately result in more lawbreaking.

Although the politics of immigration are convoluted -- this is an issue that divides both parties -- this law has some political points in its favor. While the White House may not want to pile immigration onto its plate next to Social Security, the McCain-Kennedy bill does resemble the policy the president outlined more than a year ago, so it should attract his support. Border state politicians are clamoring for change, because smuggling and trafficking have contributed to lawlessness and a real sense of crisis along the border. Politicians from states that never had major immigration issues in the past, including Maryland and Virginia, have lately struggled with everything from the question of driver's licenses for illegals to the need for seasonal workers on the Chesapeake Bay: They want change, too. Most of all, though, pressure is coming from security agencies and law enforcement. The illegal immigrants' underworld is a source of illegal documentation and criminality, and the de facto open borders are an invitation to terrorists.

There are legitimate concerns about the long-term impact of a law such as this on American workers. But the economic impact is more complicated than some immigration opponents claim: Experience has shown that immigration creates jobs and growth over time, and countries with low immigration, such as Japan, aren't exactly an advertisement for their policies. There are also legitimate concerns about social cohesion. But legal workers are much easier to assimilate than illegals, and the proposed bill requires would-be citizens to know English and civics. This is a case where common sense and hard-nosed security concerns point in the same direction, and this bill could lead the way.

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The Washington Post

$41 Billion Cost Projected To Remove Illegal Entrants

By Darryl Fears
Washington Post Staff Writer
Tuesday, July 26, 2005; A11

A new study by a liberal Washington think tank puts the cost of forcibly removing most of the nation's estimated 10 million illegal immigrants at $41 billion a year, a sum that exceeds the annual budget of the Department of Homeland Security.

The study, "Deporting the Undocumented: A Cost Assessment," scheduled for release today by the Center for American Progress, is billed by its authors as the first-ever estimate of costs associated with arresting, detaining, prosecuting and removing immigrants who have entered the United States illegally or overstayed their visas. The total cost would be $206 billion to $230 billion over five years, depending on how many of the immigrants leave voluntarily, according to the study.

"There are some people who suggest that mass deportation is an option," said Rajeev K. Goyle, senior domestic policy analyst for the center and a co-author of the study. "To understand deportation policy response, we had to have a number."

Advocates for tougher enforcement of immigration laws did not dispute the study's figures but disputed its assumptions about how enforcement would work.

The study assumed that tougher enforcement would induce 10 percent to 20 percent of undocumented residents in the United States to leave voluntarily. But Mark Krikorian, executive director of the Center for Immigration Studies, which advocates stronger enforcement of immigration laws, argued that as many as half would leave voluntarily if the government were to aggressively seek them out and crack down on businesses that hire them illegally.

"We do need to know what enforcement would cost," he said, "but [the study] is a cartoon version of how enforcement would work."

The study estimates that it would cost about $28 billion per year to apprehend illegal immigrants, $6 billion a year to detain them, $500 million for extra beds, $4 billion to secure borders, $2 million to legally process them and $1.6 billion to bus or fly them home.

Goyle said that he conducted the study, in part, to respond to conservative officials who have advocated mass deportations, in some cases immediately. Earlier this year, former

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House speaker Newt Gingrich advocated sealing U.S. borders and deporting all illegal immigrants within 72 hours of arrest.

Will Adams, a spokesman for Rep. Tom Tancredo (R-Colo.), an outspoken advocate of stronger immigration laws, called the study an "an interesting intellectual exercise" by liberals that is "useless . . . because no one's talking about" employing mass deportation as a tactic.

"No one's talking about buying planes, trains and automobiles to get them out of the country," Adams said. "The vast number of illegal immigrants are coming for jobs. Congressman Tancredo wants to go after the employers."

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WEST HAWAII TODAY (Big Island): Real immigration reform 05/17

Tuesday, May 17, 2005 11:16 AM HST

At long last, a start on real immigration reform. Not the piecemeal approach that has marked previous efforts to deal with this country's dual personality on the issue.

Sens. John McCain, R-Ariz., and Edward Kennedy, D-Mass., have crafted realistic legislation that acknowledges the economic need (by including a guest worker program) and the human suffering and unfairness inherent in a system that forces immigrants to exist in the shadows.

New guest workers, initially capped at 400,000 yearly, would get a three-year visa, renewable once. They could apply for permanent residency after four years. Illegal immigrants already here would be allowed to get a temporary visa valid for six years, after which they could apply for permanent residency if they paid $2,000, back taxes and learned English.

In both cases, with new and existing workers, applicants would have to have clean criminal histories and pose no security risks.

Simply, this is win-win. It recognizes that the nation, with an ever-shrinking labor force, requires these workers if the economy is to thrive. But it also recognizes that it is simply un-American to tell immigrants that they are good enough to work for us but not good enough to be one of us.

But, of course, the anti-immigrant folks have already drawn their knives. "There is a little more lipstick on this pig than there was before, but it's most certainly the same old pig," said Rep. Tom Tancredo, the Colorado Republican who has led the anti-immigrant movement in the House. And that's where most of the opposition is expected to come from, though more fair-minded members have introduced the same bill there.

When the rhetoric reaches fever pitch, senators and House members will have to remember that no matter how much folks cry "amnesty," this bill really doesn't take us there. It is earned residency.

Working here for six years, paying $2,000 and the fact that illegal immigrants who get the new work visas don't jump to the head of the line for permanent residency tell the tale. If this is amnesty, then pigs -- with or without lipstick -- fly.

The legislation also provides for better border security and, by allowing guest workers to travel to and from their mother countries, helps ensure that fewer of their family members join them here.

In short, unlike previous efforts, this legislation is serious and humane. Perhaps it can be improved upon in the legislative process, but it's a reasonable approach to a problem long in need of reasonableness.

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