



AILA STATEMENT ON REVIVAL OF SENATE BILL

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WASHINGTON, DC – The Senate immigration reform bill is unworkable in its current form, said the American Immigration Lawyers Association (AILA) today. If the bill should pass the Senate as now written, AILA will advocate vigorously to ensure that the House of Representatives does not replicate the Senate’s mistakes.

Since the bi-partisan “grand bargain” proposal was originally introduced, AILA has expressed strong opposition to a number of its central components. Largely the product of intense backroom negotiations, the compromise that emerged was more an earnest attempt to find the political sweet-spot for Senate passage than a reasoned roadmap for comprehensive reform. Political considerations eventually warped the proposal in ways that would bring more chaos to our immigration system instead of the order and rationality that this bill was intended to restore.

Under the agreement to revive the immigration bill announced by the Senate leadership teams, a pre-determined package of 20-24 amendments (10-12 per party) will be voted upon. The expectation is that in exchange for this agreement on amendments, the leadership teams will be able to secure the 60 votes necessary to invoke cloture (cut off debate on the bill) and move to a vote on final passage.

AILA’s continuing top concerns with the bill include:

- (1) Decimation of the employment-based immigration system through creation of a mis-named “merit-based” point system that disconnects employment-based immigration from employer sponsorship and eliminates existing avenues of migration for aliens of extraordinary ability, multinational executives, and outstanding researchers.
- (2) Evisceration of family-based immigration by eliminating 4 out of 5 long-recognized family relationships that qualify an individual for green card sponsorship in exchange for a partial reduction of the backlogs in those categories.
- (3) Lack of meaningful opportunities for new temporary workers to transition to permanent residence.
- (4) Lack of sufficient future numbers for employment-based immigrants at all ends of the skill spectrum.
- (5) Unwarranted restrictions on the H-1B and L-1 nonimmigrant visa programs.

(6) Lack of sufficient confidentiality protections for Z-visa applicants.

Nothing that transpired during the earlier Senate Floor debate served to allay these concerns. Of the 14 amendments that passed by recorded vote, none addressed these most problematic aspects of the bill. To the contrary, most of the amendments that passed have made the bill even more unworkable. Although we understand that two or three amendments included in the final package to be voted on address these concerns on the margins, there are also amendments in the offing that could further distort the original objectives of this bill.

AILA's Position

For years, AILA has been at the forefront in advocating for a comprehensive solution to the multitude of problems plaguing our immigration system. Our collective experience on the frontlines of immigration law and policy highlights the dire and urgent need for workable reform that advances the nation's economic, social, and national security interests. We fear, however, that the product likely to emanate from the Senate will be neither workable nor in our national interest.

The necessary architecture for meaningful, effective reform must include:

- (1) A clear path to lawful residence for those who come forward, pay fines, and demonstrate their commitment to becoming Americans by earning their status through working and learning English.
- (2) A new worker program that includes labor protections, job portability, and a realistic path to permanent residence.
- (3) Elimination of the existing unconscionable backlogs in family immigration and recalibration of our employment-based immigrant visa quotas to accommodate the needs of our dynamic and growing economy.
- (4) Smart border and worksite enforcement mechanisms that protect our national security interests, while respecting civil rights.

While the current Senate bill may give the appearance of adhering to this skeletal architecture, its full content has hollowed out these essential building blocks. The revolutionary changes to future family and employment based immigration represent an unwarranted and unacceptable tradeoff for a fatally flawed legalization program, partial backlog reduction, and an untenable temporary worker program. AILA cannot support enactment of the Senate bill in its current form and will do everything possible to significantly improve the bill as the legislative process continues.

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The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.

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