

# American Immigration Lawyers Association

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## **This Week's Count-Down: Will the Administration and Congress Get it Right? Anti-Immigrant Measures Have No Place in Intelligence Reform Legislation**

Washington, DC – Because the House of Representatives on November 20 failed to act on bipartisan legislation that would implement the recommendations of the 9/11 Commission, the clock is now ticking. Major questions include whether any reform will be enacted this year and what provisions would be included if agreement is reached to proceed on this measure in the last days of the 108<sup>th</sup> Congress. Many believe that Congress and the Administration will resolve these questions this week. We hope they get it right.

While provisions of the bill that deal with the restructuring of the intelligence community halted movement on the bill, the insistence by some Representatives that ill-conceived immigration-related provisions from H.R. 10, the House-passed measure, be included in national intelligence reform legislation contributed to the impasse. In fact, these provisions have no place in national security legislation. Contrary to the claims by proponents of H.R. 10, they will not make Americans safer. Most of the provisions in question were never subject to hearings, debates, or meaningful consideration prior to their passage as part of a 561-page House intelligence reform bill. These provisions would: broadly expand the expedited removal regime – a regime that in its current form serves to undermine rather than enhance national security; heighten standards for asylum eligibility that would prove an insurmountable burden for many asylum applicants; make visa revocation a ground for removal and prohibit all administrative and judicial review of the revocation decision; render individuals inadmissible or removable for constitutionally protected activity; suspend habeas corpus review for a wide range of administrative orders; expand mandatory indefinite detention; authorize removal to countries that lack a functioning government and non-consenting countries; and tie the issuance of driver's licenses to immigration status.

Some proponents of these ill-conceived measures suggest that the agreement reached by the conferees on the intelligence reform legislation includes no immigration-related provisions and thus does nothing in this area to contribute to our nation's security. Nothing could be further from the truth. In fact, the conference agreement includes the following provisions that embody the real intelligence reforms the 9/11 Commissioners and the 9/11 families have been seeking:

- Test advanced technology (including sensors, video, and unmanned aerial vehicles) that would secure our northern border;
- Require the Department of Homeland Security (DHS) to devise plans for systemic surveillance of the southwest border by remotely piloted aircraft;
- Increase the number of full-time border patrol agents by 2,000 per year for five years;
- Increase the number of full-time Immigration and Customs Enforcement Investigators by 800 per year for five years;
- Increase the number of detention beds available to DHS for immigration detention and removal by 8,000 a year for five years;
- Strengthen visa application requirements;
- Criminalize alien smuggling;

- Make receipt of military-type training from designated terrorist organizations a deportable offense;
- Mandate a GAO study on potential weaknesses in the U.S. asylum system;
- Make inadmissible and deportable any alien who commits acts of torture, extrajudicial killing, or atrocities abroad;
- Establish counterterrorist travel intelligence strategy;
- Establish the Human Smuggling and Trafficking Center;
- Authorize funding for an immigration security initiative;
- Require DHS to develop an integrated screening system;
- Require DHS to develop a biometric entry and exit data system;
- Establish minimum federal standards for birth certificates and driver's licenses;
- Enhance the security of social security cards;
- Establish a visa and passport security program in the State Department; and
- Require DHS to establish minimum ID standards to board commercial aircraft and make recommendations for ID standards that would allow access to other federal facilities.

As President Bush and Members of Congress refocus this week on intelligence reform, we urge them to reject the anti-immigrant and anti-civil liberty measures included in H.R. 10. We applaud Senate and House conferees who have held the line, resisting ill-conceived measures that will not make us safer and have little to do with security and terrorism. We urge President Bush to join his voice with theirs.

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