



FOR IMMEDIATE RELEASE:

April 7, 2006

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SENATE MISSES OPPORTUNITY TO PASS COMPREHENSIVE IMMIGRATION BILL

WASHINGTON –The American Immigration Lawyers Association (AILA) is greatly disappointed in the Senate’s failure to reach an agreement on comprehensive immigration reform, leaving in doubt prospects for passing a bill offering the hope of citizenship to millions of men, women and children living in the United States illegally.

That so called “Hagel/Martinez compromise” agreement, reached just 24 hours ago, failed not on substantive but on procedural disagreements. The nail in the coffin came this morning on a procedural “cloture” vote that failed to deliver the 60 votes needed to allow the compromise to move forward. “What a shame, what a missed opportunity for America to begin to fix its broken immigration system,” said Deborah Notkin, President of AILA.

“We appreciate the Herculean efforts of Senators and their staffs on both sides of the aisle who brought this legislation as far as they did—Senators McCain, Kennedy, Graham, Durbin, Brownback, Leahy, and Specter are to be especially commended for their hard and persistent work to craft a bipartisan bill that showed so much promise”, Notkin said. “And we appreciate the efforts of Senators Hagel, Martinez, Salazar and others who worked so hard to craft a workable compromise.”

Notkin continued, “While there seemed to be a consensus on substance, the deal apparently broke down over process.” Apparently, Senate Majority Leader Frist and Minority Leader Reid were unable to agree on a plan that would have protected the “compromise” by limiting the number of amendments that could be offered and voted on. Senator Frist was unable to secure agreement from members of his caucus who wanted votes on more than 20 very damaging amendments. Senator Reid insisted on just 3 amendments from each party. Reid was also unable to secure the assurances that his caucus needed so that the “compromise” would be protected and maintained through any conference negotiations with the House.

“This is a failure of leadership on both sides of the aisle”, said Notkin. “What happens next is anyone’s guess. Senate Majority Leader Bill Frist has already gone on record and called this

situation tragic – that we in all likelihood are not going to be able to address a problem that directly affects the American people."

The Senate now leaves for a two-week recess, and it remains to be seen whether immigration reform will be placed back on the Senate's agenda when lawmakers return on April 24th. Senate Judiciary Committee Chairman Arlen Specter (R-PA) reportedly stated that his committee would take the issue back up shortly after the Senate's return.

Details of a compromise voted down in the Senate on immigration and border security:

- Allows illegal immigrants in the country five years or more to remain and continue working. The immigrants can apply for legal permanent residency after working six more years. They must

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pay fines and back taxes, learn English and clear a background check. After five years of legal permanent residency, they could apply for U.S. citizenship.

- Illegal immigrants in the country for two to five years have three years to gather material to qualify for a change in status. They would then have to go to a border port of entry, and return as temporary workers. Aides referred to this as "touch base and return," since individuals covered would know in advance they would be readmitted to the United States. In the fourth year as legal temporary workers they can apply for permanent residency.
- Requires illegal immigrants who have been in the U.S. for less than two years to leave. They could apply for temporary worker visas or legal permanent residency from their home country.
- Creates a special guest worker program for an estimated 1.5 million immigrant farm workers, who could also earn legal permanent residency. Illegal immigrants who can show they've worked seasonally in U.S. agriculture for three to five years could apply for this program, as could foreigners who have never worked in the U.S.
- Provides 325,000 temporary visas for future workers.
- Increases the number of employer-based green cards, those available for workers whose employers file petitions on their behalf, from 290,000 to 450,000 per year. Formerly illegal immigrants can compete for those green cards but they could not jump ahead of people already in line for them.
- Adds up to 14,000 new Border Patrol agents by 2011 to the current force of 11,300 agents, for a potential total of 25,300.
- Authorizes unmanned vehicles, cameras and sensors to monitor the U.S.-Mexican border.
- Authorizes additional detention facilities for apprehended illegal immigrants.
- Allows states to charge in-state tuition to illegal immigrant students with high school diplomas or GED and no criminal record. They must also meet other criteria.

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Founded in 1946, AILA is a nonpartisan, nonprofit organization that provides its Members with continuing legal education, information, professional services and expertise through its 35 chapters and over 75 national committees. AILA also advocates before Congress and the Administration, as well as providing liaison with the INS and other government agencies in support of pro-immigration initiatives. AILA is an Affiliated Organization of the American Bar Association and is represented in the ABA House of Delegates.