

**AILA'S**

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**IMMIGRATION  
RESOURCES**

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FOR THE 112<sup>TH</sup> CONGRESS

**Dear Senator or Representative:**

**O**n April 7, the American Immigration Lawyers Association will convene its annual National Day of Action when AILA members will visit Congress in Washington, D.C. and across the nation. With our experience in all areas of immigration practice and policy, AILA members can provide reliable information to policymakers in what is one of the most complex areas of policy and regulation. To aid you and your staff, AILA has prepared the accompanying *AILA's Immigration Resources for the 112<sup>th</sup> Congress*.

With the U.S. economy still recovering, all of America is thinking about how best to create jobs and jumpstart the economic engine. In his State of the Union address, President Obama called for more innovation, more competition, and greater investment in business to grow our economy and “win the future”. On Capitol Hill, the first hearings held in the House Immigration Subcommittee addressed the issue of jobs and employment.

As America rebuilds our economy, now is also the right time for lawmakers to look seriously at reforms to the immigration system. America has always attracted the “best and the brightest” from around the world. Immigrants and immigrant-owned businesses are proven engines that help drive economic growth. If done right, immigration reform can spur business innovation and economic development in regions or sectors where growth is most needed while still protecting American workers. Indeed, immigration reform is good for American businesses and workers, and for America as a whole.

Although the politics of the immigration issue are constantly changing, AILA's framework for smart immigration reform—drawn from the unparalleled expertise of our members—has held steady. Our framework for reform, set forth in our *Solutions Manual*, [www.aila.org/solutions](http://www.aila.org/solutions), is premised on the widely-accepted view that the immigration system is failing to meet the needs of America and that any reforms must address the root problems in the system. AILA is also acutely aware that, on an issue as controversial as immigration, rhetoric rather than reasoned debate often influences or even controls the discourse. In this regard, it is our hope that this 112<sup>th</sup> Congress will steer away from simple-sounding proposals that are unlikely to fix the immigration system.

Finally, we thank you for your continuing attention to an issue that is of vital concern not only to immigrants and those directly connected to immigrant communities, but also to our nation as a whole. Please feel free to draw upon AILA's experienced national staff to answer any questions you may have or to provide you with additional information.

Sincerely,



**Crystal Williams**  
*Executive Director*



**Gregory Chen**  
*Director of Advocacy*

## AILA'S IMMIGRATION RESOURCES FOR THE 112TH CONGRESS

**F**or years, Americans and our elected leaders have been in agreement that the immigration system is outdated and failing to meet our country's needs. Every American business, community, and family is affected by the shortcomings of this system, which regulates the flow of foreign workers, students, and family members to our country. Each year that policymakers fail to recast these laws is another year that families cannot reunite with their loved ones, businesses cannot hire the workers they need, and that people enter the United States unlawfully because a viable system for legal immigration does not exist. Moreover the U.S. Government misses billions of dollars in potential tax revenue each year. Our economy and our communities are worse off. People are growing frustrated that Congress and the President have not fixed this intractable problem.

In 2010, AILA published *Solutions That Work: A Policy Manual for Immigration Reform*, which describes the shortcomings of our immigration system and the solutions needed to fix it. AILA's reform framework consists of the following: 1) require the unauthorized population to register their presence with the government and earn legal permanent legal status by paying stiff fines and back taxes, undergoing rigorous background checks, and learning English; 2) provide fair and lawful ways for American businesses to hire much-needed immigrant workers who help grow our economy while protecting U.S. workers from unfair competition and all workers from exploitation; 3) reduce the counterproductive backlogs in family-based and employment-based immigration; 4) ensure the immigration system provides adequate visas to meet the future needs of American families, businesses, and communities; and 5) preserve and restore the fundamental principles of due process and equal protection while protecting our national security.

*AILA's Immigration Resources for the 112th Congress* describes proposals AILA anticipates will be made in the 112th Congress. Many of them may sound appealing—as easy fixes or ways to get tough on illegal immigration—but they would do little to address America's immigration needs. What's worse, in most cases they would cause great suffering to immigrants and their families, add unnecessary costs to the DHS budget, or slow our economic recovery at a time when we desperately need job growth.

The proposals outlined below range from very small fixes to expansive overhauls—they span the largely symbolic to agency-wide funding bills. No matter their size or scope, however, they all will have enormous consequences not only for the immigration system but also immigrants themselves, American families, businesses, and communities. These ideas warrant the close attention of all members in the 112th Congress. AILA opposes nearly all the proposals described below or urges lawmakers to exercise caution before supporting them. AILA has long stood for the position that reform must be done sensibly to ensure America has an effective immigration system that meets our nation's needs. Immigration is an issue of such great importance to the United States that lawmakers can no longer turn to proposals that look easy but ultimately do not address the real issues. We urge the 112th Congress to roll up its sleeves and do the tough work of reform.

## KEY TOPICS:

1. Emphasis on Border and Interior Enforcement
2. Mandatory Employment Verification
3. State and Local Authority to Enforce Immigration Law
4. Punitive Enforcement Approaches
5. Limits on the Opportunity for a Fair Hearing and Due Process
6. Attacks on the 14th Amendment
7. Restrictions on Legal Immigration That Hurt Families
8. Restrictions on Immigrants' Access to Public Services and Benefits
9. English-Only Proposals

## 1. EMPHASIS ON BORDER AND INTERIOR ENFORCEMENT

**E**ffective border security and interior enforcement are essential to a functioning immigration system. But enforcement cannot be done alone without addressing the root problems with the immigration system. AILA also urges caution and careful examination of enforcement proposals that may sound tough but ultimately will neither be effective, nor fix our immigration system, nor help the economy grow. Enforcement should be done in a smart and effective manner that ensures public safety while also protecting American values of fairness and justice.

The new leadership in the House of Representatives has made clear that its agenda will have a far greater emphasis on border security and interior enforcement. In particular, border security has been a constant drumbeat. Spending for more fencing, surveillance technologies, and boots on the border has increased steadily, including a \$600 million supplemental border spending bill that was enacted last year.

- Heaping on more money for border security without legalizing the undocumented or addressing our nation's immigration needs is not a smart approach.
- Tough-sounding enforcement proposals, like a mass deportation approach or the border fence, are extremely costly and impractical to implement.
- Punitive enforcement causes a great deal of suffering to people who are members of our communities, including U.S. citizens, without necessarily advancing U.S. policy interests.

## 2. MANDATORY EMPLOYMENT VERIFICATION

In 2011, there will likely be proposals to expand the existing electronic employment verification system, called E-Verify, or to make it mandatory for all employers. E-Verify is an internet-based system that allows an employer to determine whether an employee is legally authorized to work in the United States. The E-Verify system is operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA).

While a functioning and efficient employment verification system is necessary to ensure workers have authorization to work, the current E-Verify system suffers from serious privacy, civil liberties, budgetary and technological concerns. Most legislative proposals to expand E-Verify fail to address these flaws. Until these problems are resolved, any mandatory, nationwide implementation of E-Verify could harm hundreds of thousands of people eligible to work, including U.S. citizens. Unless a solution is found to legalize thousands of essential workers in key business sectors, an expansion of E-Verify would do grave harm to American jobs and the economy.

- E-Verify relies upon databases that contain unacceptably high percentages of outdated or inaccurate information. At a February 10, 2011 hearing before the House Immigration Policy and Enforcement Subcommittee on worksite enforcement, a representative of the Government Accountability Office testified that it will be difficult or impossible to improve the accuracy of the E-Verify system beyond where it is today. Based on DHS data, if E-Verify were to be made mandatory nationwide, at least 1.2 million U.S. citizens, permanent residents, and others legally authorized to work in the U.S. would lose their jobs if they do not take steps to correct their records. Because an error in a database has the severe consequence of preventing someone from being able to work, these issues with the E-Verify program must be addressed before any significant expansion of the program is authorized.
- Expanding E-Verify will not create jobs. Instead of driving undocumented workers out of the labor force, an expanded E-Verify program will force workers into the underground economy. That would have devastating impacts on the economy—in particular, the loss of \$17.3 billion in tax revenue over 10 years.
- E-Verify can be misused by employers who might use it to prescreen potential employees, take an adverse employment action based on an initial response from E-Verify, or fail to inform workers of their rights under the program. A government-sponsored study, for example, found that database errors led 22 percent of employers to restrict work assignments, 16 percent to delay job training, and 2 percent to reduce pay—all in violation of the E-Verify program.
- Expanding E-Verify will hurt businesses. At a time when we need economic growth, it is a step in the wrong direction to require thousands of businesses to sign up for and make the resource investments to use E-Verify. E-Verify is a voluntary system and currently only about 3 percent of the 7 million American employers use it. Bloomberg has reported that a mandatory E-Verify system would cost small businesses \$2.6 billion (based on fiscal year 2010 costs).

- An inaccurate verification system makes it difficult for employers to hire authorized workers and citizens, harming our economy when we can least afford it. Rather than expand—or worse, make mandatory—a program that remains deeply flawed and not ready for mass use, SSA should work with Congress to create a smart and effective system in which the needs of businesses and the economy are met and workers’ rights are protected.

### **3. STATE & LOCAL AUTHORITY TO ENFORCE IMMIGRATION LAW**

**S**ince the passage of Arizona’s SB 1070 law, few issues have been more controversial than the question of what role state and local law enforcement should play in the enforcement of federal immigration laws. Traditionally, immigration has been viewed as an area of exclusive federal jurisdiction because it affects national and homeland security, border security, and foreign relations. The laws governing these issues work far better if established at a national level rather than a state or local level. If states and localities can also enact their own border laws or immigration laws, there would be numerous, conflicting laws that would make implementation impractical, if not impossible.

For these reasons, AILA believes that immigration law should remain a federal matter and opposes the use of local and state legislation to regulate immigration.

#### ***Current Challenges to State and Local Immigration Laws***

Despite their dubious constitutionality, every year states and local governments pass hundreds of laws related to immigration policy not only in the arena of law enforcement but in housing, public benefits, employment, identification cards and licenses, education, and public health. Recently, several of these state and local immigration laws have been struck down because they were judged to have intruded into the federal government’s exclusive power to regulate immigration:

- In July 2010, a federal judge ruled that major elements of SB 1070 were preempted by federal law. Arizona has appealed the decision.
- In September 2010, a federal appellate court struck down as unconstitutional a law enacted four years ago by the city of Hazelton, PA that would have punished landlords and employers who rent to or hire “illegal aliens.” The court found the Hazelton law violated the Constitution’s Supremacy Clause.
- Finally, in December 2010, the U.S. Supreme Court heard argument regarding another Arizona law mandating use of the federal E-Verify program. A decision is expected in that case by summer 2011.

In a misguided attempt to avoid similar legal battles in the future, some federal lawmakers have even proposed bills that would cede authority to states and localities on immigration. Bills like the CLEAR Act of 2011 (H.R. 100) would grant broad authority to states and localities to enforce immigration laws and, in some cases, mandate that state and local police enforce federal laws.

#### ***Federal Programs That Utilize Local Law Enforcement***

There are several federal immigration enforcement programs that rely on state and local law enforcement

agencies to arrest, detain, and provide information about possible immigration law violators to DHS. These programs include the federal “287(g)” program (named after their federal immigration code cite), Secure Communities, the Criminal Alien Program, and DHS’s extensive reliance on state and local authorities to hold immigrants on “detainers.” The 287(g) program authorizes states and localities to enter into specific cooperative agreements with the federal government, and empower their police officers to engage in certain civil immigration enforcement activities. The Secure Communities program provides federal immigration authorities access to fingerprints taken by a local police department at time of booking so that they can be run through federal immigration databases to check immigration status.

A leading concern with these federal programs is that they erode the trust between immigrant communities and local law enforcement agencies and ultimately compromise their ability to keep our communities safe. AILA is also concerned that programs like Secure Communities will function like a dragnet and result in the arrest and harassment of large numbers of people who are law-abiding members of the community. In 2011, we are likely to see a push to expand these enforcement programs, even though many questions remain about their effectiveness and impact on our communities.

- A major concern with local law enforcement agencies enforcing civil immigration laws is the chill it will put on immigrant communities to report crimes. When immigrants learn that contact with local law enforcement could lead to their own deportation or the deportation of close relatives, they lose trust in the police. When they do not report crimes, crimes go unsolved and community safety is compromised.
- Many state and local police leaders have opposed local enforcement of immigration laws. Police chiefs recognize the enormous benefit that “community policing” has had on reducing crime rates. They see their number one job as fighting crime and protecting the community, and know that becoming “deportation agents” will hurt their ability to protect the public.
- Local and state law enforcement should not be tasked with enforcing federal immigration law when they do not have the resources or the training needed to properly undertake this role. At a time of severe budget crises when local police departments are laying off staff, adding more enforcement responsibilities will overwhelm many local agencies.

#### **4. PUNITIVE ENFORCEMENT APPROACHES**

In the 112th Congress, there will likely be proposals to add stiff new penalties against individuals who violate immigration laws and immigrants who commit even minor criminal offenses. Past proposals have called for making it a crime to be in the United States without authorization; mandatory deportation for lawful permanent residents who commit even minor crimes; expansion of expedited deportation practices; and mandatory jail sentences for people who use a fake passport or visa (something many asylum seekers resort to because it is the only way they were able to escape persecution). There should be consequences for violating immigration law, but the current system already has these. The kinds of “get-tough” measures proposed in past years tend to be so punitive that they are disproportionate to the offending behavior. They are also costly and impractical to implement.

### ***What's Wrong With "Enforcement-First"?***

We cannot enforce our way out of a broken immigration system. Many who favor tough immigration enforcement have argued that putting more agents on the border and ramping up deportations is the only way to get rid of the estimated 11 million unauthorized immigrants in the United States.

- Increased border security and interior enforcement are essential components of smart immigration reform. But enforcement alone will not be effective; Congress also needs to address the fact that our immigration system does not meet the needs of American families, businesses, and the economy.
- Republican and Democratic leaders, including former President George W. Bush, Senator John McCain, and DHS Secretary Janet Napolitano, have rejected a mass deportation strategy as too costly and impractical. The Center for American Progress has estimated that it would cost \$41.2 billion each year for a period of five years to deport the undocumented population. Economists have pointed out that deportation of millions of unauthorized workers and their families would disrupt thousands of jobs held by many Americans and legal immigrants, and would be disastrous for the American economy.
- The Bush and Obama administrations have aggressively enforced immigration laws. Reduced levels of illegal immigration, however, are not necessarily due to increased enforcement but rather the economic recession and decline in the U.S. job market.

### ***Harsh Enforcement Measures Have Unintended Consequences***

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), a sweeping enforcement bill that virtually mandated deportation for even long-term lawful permanent residents who violate laws, including some with minor criminal offenses. As a result, immigration judges have been required by law to order deportation, even when the result seems wholly unfair or inhumane. Yet proposals to build on the 1996 law have surfaced again and again.

- Mary Anne Gehris, is a lawful permanent resident who came to the U.S. from Germany as an infant. After being arrested for pulling another woman's hair, Ms. Gehris pleaded guilty to a misdemeanor and was given a one-year suspended jail sentence. Despite the fact that she served no time in jail and was convicted of a misdemeanor, she faced automatic deportation. She was permitted to remain in the U.S. only after the pardon board of Georgia took the extraordinary step of granting her a pardon.
- In a November 4, 1999 letter to the attorney general and INS commissioner, twenty-eight members of the House of Representatives, including Lamar Smith and James Sensenbrenner, acknowledged that some deportations under IIRIRA "were unfair and resulted in unjustifiable hardship."
- Tough-sounding proposals that mandate deportation do not make communities any safer—our laws already provide enforcement tools, including criminal prosecution and civil deportation proceedings, to protect communities from those who pose serious threats to public safety.

Another popular proposal has been the criminalization of unlawful presence, i.e. making it a federal criminal offense to live in the United States without authorization. Generally, a person living in the United

States without a valid visa or green card is in violation of civil immigration laws and can be deported but has not committed a crime.

- Unauthorized presence encompasses even minor violations, including entering the United States with a valid visa but staying longer than permitted. For example, a college student who does not take enough credits is in violation of his visa, while a tourist's visa may expire while he is in the hospital.
- Passing a law that criminalizes unauthorized presence would label millions of undocumented immigrants as “criminals” and push a huge class of people further underground where their identities will remain unknown.
- Criminalizing unauthorized presence would punish legitimate asylum seekers who have fled persecution and enter the United States without a valid visa. Other vulnerable groups, like victims of human trafficking, would also become criminals.
- Undocumented victims of domestic violence or human trafficking would be even more afraid to come forward and report abuse for fear that they, themselves, would be prosecuted for being in the U.S. without permission. Batterers and traffickers commonly threaten to call immigration officials to isolate their victims and subject them to further abuse.
- The federal court system is already overwhelmed by immigration cases. A law that criminalizes unauthorized presence would add millions of criminal cases to courts and impose prohibitive expenses for the prosecution of individuals, most of whom pose no danger to our communities.

## 5. LIMITING THE OPPORTUNITY FOR A FAIR HEARING AND DUE PROCESS

**A**ccess to courts is a fundamental principle of our country, both as a means to protect individual rights and to ensure that our laws are applied correctly and uniformly. Whether in a criminal or civil case, Americans value their right to a fair hearing by an impartial fact-finder who is trained to apply the law. In the immigration system, however, this principle has gradually been eroded. Several laws passed since 1996 have severely restricted the rights of immigrants—both legal and undocumented—to gain access to courts. In some cases, DHS officers have the authority to remove immigrants, including individuals fleeing persecution, without a court hearing. Federal district courts now retain only narrow authority to review DHS and DOJ decisions, barring many immigrants from obtaining independent judicial review of agency decisions.

Recent proposals to restrict court access even further have included provisions to prevent people who are applying for citizenship from appealing their case to the federal courts. Some lawmakers have proposed that summary deportations by DHS officers should be expanded.

- Checks and balances are an essential feature of our government. Barring immigrants from seeking judicial review of DHS decisions means that there are no “checks” on mistakes made by individual officers or immigration judges.
- The dramatic consequences in immigration cases—usually deportation from the United States—means that a person’s entire life circumstances could be changed overnight by a single officer whose decision is final.
- Greater use of summary deportations (those made without court hearings) will lead to increased deportations of asylum seekers and other immigrants who are entitled to remain in the U.S.
- Immigration law is complex and requires careful and objective analysis by trained judges. DHS officers are trained as enforcers of the law, not impartial fact-finders.

## 6. ATTACKS ON THE 14TH AMENDMENT

In July 2010, the idea of eliminating automatic citizenship for children born on U.S. soil gained renewed attention when Senator Lindsay Graham (R-SC) announced that he was considering introducing a constitutional amendment to revoke portions of the 14th Amendment to achieve this end. This long-established constitutional rule guarantees that U.S. citizenship is principally determined based on birthplace.

Since then other members of Congress, including Senators John Kyl (R-AZ), John McCain (R-AZ), and Mitch McConnell (R-KY), have called for congressional hearings on birth citizenship. Congressman Steve King (R-IA) has already introduced legislation (Birthright Citizenship Act of 2011, H.R. 140) to redefine the meaning of the 14th Amendment to prevent the children of undocumented immigrants from receiving citizenship.

Though many agree that our immigration system is broken, restricting rights granted under the 14th Amendment would do little to fix it and would actually increase the number of people in this country without a legal status. Moreover, such a step would be a drastic measure that would levy an enormous cost to our civil rights and civil liberties.

### *About the 14th Amendment and the Citizenship Clause*

The 14th amendment was adopted in 1868 and forms the cornerstone of American civil rights by ensuring due process and equal protection under the law to all persons. The Citizenship Clause of the 14th Amendment states: “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” The intent of the provision was to codify the existing Anglo-American common law rule of birthright citizenship and to reject the philosophy behind the infamous 1857 Supreme Court *Dred Scott* decision which sought to deny citizenship to U.S.-born slaves and their children.

This right to citizenship under the 14th Amendment has been consistently recognized by courts and Attorneys General for over a century, most notably by the Supreme Court in *United States v. Wong Kim Ark*.

Since 1995, members of Congress have introduced 28 separate bills aimed at restricting the citizenship rights granted under the 14th Amendment. They have justified such proposals using inaccurate and misleading scare tactics such as claims about undocumented parents coming to the United States to give birth to “anchor babies” for the purpose of enabling the parents to gain legal immigration status. According to this line of argument, restricting birthright citizenship rights would solve this problem by preventing undocumented immigrants from circumventing immigration laws. However, the wait time for these parents to gain legal status is over two decades since children cannot begin the process of sponsoring their parents until they are at least twenty-one years old, and many of these parents would be required to return to their home country for a ten-year period, delaying the process further.

AILA rejects proposals that restrict the 14th Amendment’s guarantee of citizenship for persons born in the U.S.

- Any restrictions on the rights of citizenship guaranteed in the 14th Amendment would offend this country’s most sacred values and Constitutional principles. Placing limits on citizenship rights would re-establish the very same discriminatory exclusion that the 14th Amendment was intended to remedy.
- Proposed legislation to subvert the 14th Amendment, like Rep. Steve King’s (R-IA) bill, H.R. 140, is unconstitutional. Congress cannot pass bills to circumvent the Constitution and any such legislation should be rejected.
- Citizenship based on place of birth is a fundamental right inextricably tied to our liberty and equal rights. In America, each person is born equal with no disadvantage or exalted status arising from the circumstance of their parentage.
- The American public wants real solutions that address the problems with the immigration system and its inability to meet the needs of the American economy, businesses, workers, and families. Proposing to restrict citizenship rights makes for tough-sounding political rhetoric but does little to fix the system.
- Repeal of citizenship based on place of birth would create an administrative nightmare for most American citizens, who would be unable to use their birth certificates as proof of citizenship. The only alternative would be costly new bureaucracies, either to judge each new baby’s worthiness to receive a birth certificate, or to create and run a national citizens’ registry.

## **7. RESTRICTIONS ON IMMIGRATION THAT HURT FAMILIES**

**F**or decades, the primary sources of legal immigration to the United States have been family members reuniting with their loved ones and workers filling jobs at American businesses. The reunification of families, in particular, has been rooted in American history with each successive wave of immigrants that has come from different parts of the world bringing their close family to join them. In rough economic times, not only business immigration but also family immigration has benefited our economy and aided job growth.

The current system allows U.S. citizens and lawful permanent residents to sponsor their spouses, children,

parents and siblings for immigrant visas. In the absence of immigration reform, however, there are massive backlogs in visa applications that keep families waiting 10, 15 or even 20 years to be reunited.

Even with the backlogs in family visas, some lawmakers seeking to restrict legal immigration to the United States have argued that the family visa system should be further limited.

- Restrictions on family immigration would be a dramatic and unwise shift in American immigration policy.
- Immigrants who have the support of family members are better able to integrate into the mainstream of American society and become productive taxpayers. Now more than ever, with the economy like it is today, we need more people who can be committed to their new country, work hard, play by the rules, start businesses and pay taxes.
- Immigrant families help expand our tax base, broaden tax revenues, and strengthen our economy.
- The immigration system should not punish immigrants who have done everything right and come to our country legally by telling them they can never be reunited with their closest family members.

### ***The Points-Based System***

Another idea has been to radically restructure the immigration system and introduce a new points-based system for allocating visas. In 2007, Congress considered a proposal that would have replaced the family and employer sponsorship method with one based on points awarded for certain characteristics like age, education, employment skills and English proficiency. Earn enough points, and you can apply for a green card. There are many problems inherent in point system proposals:

- A point system would change the historical foundations of our immigration system and unhinge the immigration system from its grounding in family and employment relationships.
- A point system would be extremely difficult to implement and likely vulnerable to fraud.
- Point systems result in a mismatch of skills to fit the needs of the economy. A point system lumps all immigrant workers into a single pool, whatever the skill level. This would severely curtail family immigration, and favor high-skilled over less-skilled workers, leaving industries like agriculture and construction without necessary manpower.
- A point system would place too much authority with the federal government to select who is best for jobs. This could leave some high-skilled industries without the workers required to fill specific positions, since employers would lose their ability to recruit the specialized knowledge and skills they need. Such a system would therefore compromise labor market flexibility, and threaten the United State's long-term economic competitiveness and stability.

Congress needs to formulate policies that build upon family strengths to ensure that future generations of immigrants continue to fulfill their extraordinary potential and track record of success. In order to

maximize the contribution of family-based immigration, Americans need a system that will recognize the overwhelming economic contribution of family-based entrants and maintain family as the cornerstone of U.S. immigration policy.

## 8. RESTRICTING ACCESS TO BENEFITS

**A**ILA anticipates bills will be introduced in the 112th Congress that deny legal and unauthorized immigrants federally-funded public benefits. These proposals typically deny benefits to immigrants or clarify and reinforce that under existing law immigrants are not entitled to certain benefits. In the past, members have targeted Social Security benefits, the Earned Income Tax Credit (EITC), health care, and housing assistance programs. In addition, bills that create new programs often include provisions that deny immigrants access to those benefits. AILA urges careful scrutiny of these proposals as they are frequently superfluous, symbolic statements that will have little practical impact, especially since undocumented immigrants are ineligible for most benefits and legal immigrants are severely restricted. Moreover, some proposals, like those that place more stringent requirements on EITC, will likely make it harder for U.S. citizens to obtain benefits and would even lead to erroneous denials.

## 9. ENGLISH-ONLY PROPOSALS

**I**n recent years, lawmakers have proposed bills to make English the official language of the United States. One recent example is the English Language Unity Act of 2009 (H.R. 997) introduced by Representative Steve King, the vice-chair of the House Immigration Subcommittee. Typical provisions of English-only proposals include: (1) requiring English to be the official language of the United States; (2) requiring all federal government documents to be printed in English-only; and (3) prohibiting the use of funds that creates an entitlement to services provided in a language other than English.

English has never been declared the official language of the United States, although it is clearly the language of communication and commerce in our society. AILA opposes English-only proposals that raise public policy and constitutional concerns:

- An English-only law could undermine and limit the government's ability to provide access to critical information and services. For example, in the event of a natural disaster or terrorist threat, English-only policies could impede the government's ability to convey warnings or post danger or hazard signs in languages other than English.
- In the area of public health, an English-only requirement could hinder the ability of medical personnel to communicate effectively with patients at federally-funded hospitals or the public at large, potentially complicating treatment or even facilitating the spread of communicable diseases
- Courts have concluded that state and local English-only laws violate the Due Process Clause of the Fourteenth Amendment and the First Amendment on the ground that such laws they make it virtually impossible for persons who do not speak English well—whether they are U.S. citizens, legal immigrants, or undocumented workers—to communicate effectively and to assert their constitutional rights.

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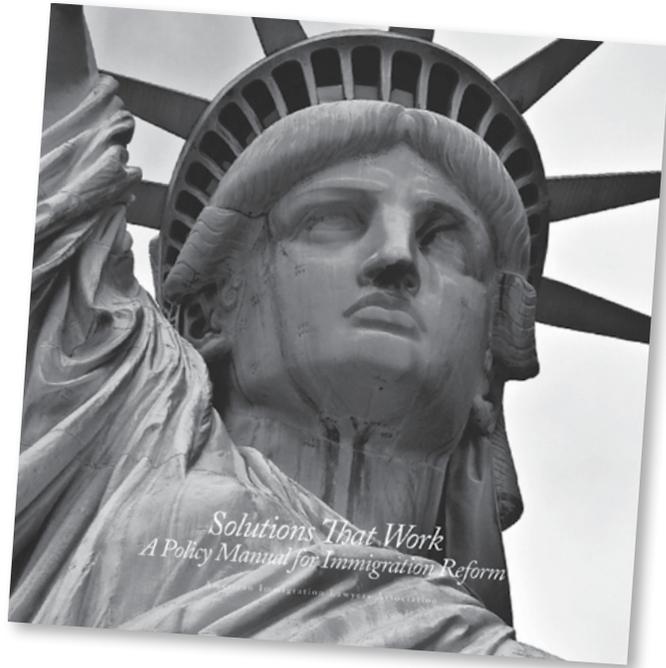
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*Solutions That Work: A Policy Manual for Immigration Reform* was crafted by the American Immigration Lawyers Association (AILA) to show that a solution to our nation's immigration problem does exist and can be achieved. Each section of this policy manual summarizes a key component of the existing immigration system, identifies its deficiencies and offers workable solutions that when applied together, will fix the totality of the broken, outdated, and inadequate system. AILA believes that for lasting and meaningful reform to take hold, these various components must be addressed in a comprehensive immigration reform package.