

On 6/27/07, the Senate resumed consideration of amendments to the CIR bill, S. 1639.

Highlights:

- Five amendments were tabled (killed), including amendments to accelerate “touchback” for Z visa applicants, expand legalization eligibility requirements, and prevent Z visa holders from getting green cards.
- A motion to table a Baucus amendment to remove REAL ID requirements from the underlying bill failed, thereby keeping this amendment alive.
- Majority Leader Reid announced that a cloture vote to end debate will occur Thursday morning, likely around 10:30 am.

Summary of Senate Proceedings—6/27/07

Following morning business, the Senate resumed debate on the CIR bill, S. 1639. Members of both parties spoke on behalf of the bill in general, and urged that the debate move forward, amendments be voted on, and the final bill be passed. Some members of the minority party, however, expressed concern with the procedural process thus far. Senator Hutchison (R-TX) argued that many of the problems the bill has encountered stem from the fact that the bill was brought straight to the Senate floor after behind-the-scenes negotiation by select senators, as opposed to the traditional manner of deliberation of the bill by the Judiciary Committee before consideration by the full Senate. Senators Vitter (R-LA) and DeMint (R-SC) also argued for more delays before proceeding with votes, stating that because the 373 pages of amendments, presented to the Senate yesterday in the form of a “clay pigeon” amendment, were altered overnight, the Senate does not know what is really contained in those amendments. They stated that summaries of the revised amendments are simply not sufficient, particularly when voting on amendments to a bill of this magnitude. Majority Leader Reid argued in response that changes to the amendment were minor, and that Senators have had plenty of time to review the amendments being considered.

Hutchison Amendment Accelerating “Touchback” for Z Visa Applicants

Nevertheless, the Senate proceeded with debate on the first amendment broken off of the clay pigeon: Senator Hutchison’s “touchback” amendment. The underlying bill requires Z visa holders to touch back in their home countries prior to filing for adjustment to legal permanent resident status. The Hutchison amendment, however, accelerates this touch back, requiring currently undocumented Z-1 visa applicants to “perfect” their Z visa applications by filing a supplemental certification in person at a U.S. consulate abroad within two years of being awarded a secured identification card (probationary Z visa status). The amendment also requires spouses of principal Z visa applicants to “touch back,” thereby forcing families either to risk separation or to bring any children with them to their country of origin. The amendment is therefore a strong disincentive for undocumented immigrants to come forward out of the shadows, since the risks and costs

to undocumented immigrants this amendment would produce if passed are prohibitive to many. AILA opposes this amendment.

A motion to “table,” or kill, the amendment was voted on. This motion to table was agreed to by a vote of 53-45.

Webb Amendment Expanding Legalization Eligibility Requirements

Next on the agenda, the Senate considered an amendment from Senator Webb (D-VA) to create a subjective “roots-based” evaluation process for legalization eligibility, making such eligibility dependent upon factors such as: whether an individual has immediate relatives living in the U.S.; the length of time an individual has lived in the U.S.; whether an individual owns property or a business in the U.S.; work history; and proficiency in English. The amendment also requires that individuals maintain continuous physical presence in the U.S. for four years prior to the date of enactment of the underlying bill, in order to qualify for adjustment from Z visa status. AILA opposes this amendment.

A motion to table the amendment was voted on. This motion to table was agreed to by a vote of 79-18.

Bond Amendment Preventing Z Visa Holders from Getting Green Cards

Senators Kennedy (D-MA) argued passionately against Senator Bond’s (R-MO) amendment to prohibit green cards for Z visa holders. Senator Kennedy said that this amendment strikes at the heart of the underlying bill, and flies in the face of the values that helped make the United States the great nation it is. Apart from providing a disincentive for the current undocumented population to emerge from the shadows and integrate fully into American society, the amendment, Senator Kennedy argued, also creates problems for those who do come forward. Barring Z visa holders from adjusting to legal permanent resident status essentially would create, he said, a permanent underclass of immigrants without legal rights, repeating the mistakes made in other countries. AILA opposes this amendment.

A motion to table the amendment was voted on. This motion to table was agreed to by a vote of 56-41.

Dodd Amendment Increasing Immigrant Visas for Parents of USCs

Next up was Senator Dodd’s (D-CT) amendment to increase the number of immigrant visas for parents of U.S. citizens and the length of time parents can remain in the U.S. on the newly minted nonimmigrant parent visitor visas. The amendment was introduced two weeks ago prior to the failed cloture vote, but was not discussed on the floor this

afternoon. The Senate instead proceeded directly to a vote on a motion to table it. AILA supports this amendment.

The motion to table the Dodd amendment was agreed to by a vote of 56-41. Following this vote, a side-by-side to this amendment from Senator Kyl (R-AZ), which would have negated some of the improvements proposed in the Dodd amendment, was withdrawn.

Menendez Amendment Increasing Points Awarded for Family Ties

Prior to a vote on a motion to table, Senator Menendez briefly discussed his amendment proposing to help preserve family unity by increasing points awarded in the merit-based preference system for family ties in the U.S. AILA supports this amendment.

A motion to table the amendment was voted on. This motion to table was agreed to by a vote of 55-40.

Baucus Amendment on REAL ID

Senator Baucus' (D-MT) amendment proposes to remove unworkable REAL ID compliance provisions from Title III of S.1639 and eliminate a proposal requiring every worker in America have a Real ID-compliant driver's license by 2013 to get any new job. Like most amendments thus far, the lack of a unanimous consent agreement prevented the amendment from being debated on the Senate floor prior to a vote.

A motion to table the amendment was voted on. This motion to table was not agreed to, 45-52, and the amendment remains up for consideration.

Grassley Amendment

Senator Grassley (R-IA) briefly introduced an amendment to provide protections for all workers against the dangers inherent in the massive new employment eligibility verification system (EEVS) proposed in S. 1639. The amendment strikes and replaces Title III of the underlying bill and includes protections for wrongful termination of employment, identity theft, discrimination, and bad apple employers who would abuse or manipulate the system. Senator Kyl expressed opposition to the amendment due to document fraud concerns, claiming that as a result of the amendment, employers would be forced to bear an undue and unmanageable burden identifying undocumented workers. Senator Kennedy, on the other hand, opposed the amendment due to privacy concerns. AILA supports this amendment.

This amendment was not voted on.

AILA has posted a [tentative list of pending amendments](http://www.aila.org/content/default.aspx?docid=22753) that will be debated and voted on this week.