

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

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STATEMENT BY AILA PRESIDENT, DEBORAH NOTKIN, ON THE INTRODUCTION OF THE COMPREHENSIVE ENFORCEMENT AND IMMIGRATION REFORM ACT

Washington, DC – The American Immigration Lawyers Association (AILA) is pleased that Senators John Cornyn (R-TX) and Jon Kyl (R-AZ) recognize that our immigration system is broken and have added their voices to the many who are working for reform. Our system cries out for effective reform that will enhance our security, create a predictable system through which American employers have access to the employees they need, provide people who are here and filling legitimate labor needs a realistic opportunity to earn permanent legal status, reunite families, and establish a workable and effective enforcement regime. Such reform must directly address our broken immigration and broken enforcement systems so as to make legality the norm and enhance our security.

While Senators Cornyn and Kyl correctly diagnose the problem, their bill, the Comprehensive Enforcement and Immigration Reform Act, is no solution. While we have yet to see the full text of the bill, the detailed summary that has been provided causes us deep concern. If enacted, this bill would make a bad situation worse.

We hope that the introduction of this bill signals the Senators' commitment to engage in serious bipartisan dialogue about how to achieve meaningful and lasting reform, rather than an unwavering commitment to the terms of this particular proposal.

AILA believes that an effective and fully responsible solution would include the following reforms:

- Create a “break-the-mold” worker program: Current immigration laws do not meet the needs of our economy. A new program would give workers the opportunity to legally work where they are needed and employers, who cannot find U.S. workers, the legal workforce they need to remain competitive. Such a program would provide legal visas, family unity, full labor rights, labor mobility and a path to permanent residence and citizenship over time, if eligible, and would diminish significantly future illegal immigration by creating for the first time a workable, legal avenue to enter the U.S. and return, as many wish, to their home countries, communities, and families.
- Address the situation of people living and working here: Undocumented people with a demonstrated commitment to the U.S. as evidenced by working hard, paying taxes, and contributing to their communities, should be given the opportunity to earn their permanent residence and allowed to get on the path to citizenship. Many have made the U.S. their home, are paying taxes, raising families (typically including U.S. citizen and lawful permanent resident spouses and children), and contributing to their communities and the industries in which they work.
- Reunite family members who are separated for years: Our family preference immigration system has not been updated in more than a decade, and an increasing number of immediate family members are separated for as long as twenty years.
- Enhance Enforcement and Security: Comprehensive immigration reform will help enhance enforcement and security. It would bring the people who are here out of the shadows, and create an orderly mechanism for identifying and documenting the low-risk individuals who travel to this country to work,

and curb policies such as separating families that entice otherwise low-risk individuals to cross the border illegally. A comprehensive reform plan also would help our government better focus on those who have come here to do us harm. Quite simply, only an immigration reform program that deals with the current problem in its entirety would have such a positive effect. A program that fails to identify the reasons for illegal-crossings or one that inadequately deals with the undocumented population would not help enhance our security, and in fact would lead to more dysfunction, not more enforcement.

Unfortunately, the Comprehensive Enforcement and Immigration Reform Act does not appear to provide a workable, realistic solution. For instance, the temporary worker program would not meet the needs of American employers for predictable access to labor; and the mandatory departure program would discourage participation, fail to encourage people to register with the government, and create instability in the labor force. The bill's recapture of a small number of unused visas will not result in any resolution to the incredibly lengthy backlogs in family-based immigration nor provide a realistic option to workers who fill our labor needs. While AILA supports effective enforcement, many of the measures included in the bill are excessive and counterproductive in some cases.

In contrast, the Secure America and Orderly Immigration Act of 2005 Act (S. 1033/H.R. 2330), introduced by Senators McCain (R-AZ) and Kennedy (D-MA) and Representatives Kolbe (R-AZ), Flake (R-AZ), Gutierrez (D-IL) and others, is a realistic, comprehensive, and bipartisan solution that merits support.

AILA encourages Congress and the White House to support a bipartisan comprehensive solution that fixes our broken system and makes legality the norm. We look forward to working hard to help create a system that is worthy of our nation and our immigrant heritage.

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Founded in 1946, AILA is a nonpartisan, nonprofit organization that provides its Members with continuing legal education, information, and professional services. AILA advocates before Congress and the Administration and provides liaison with the DHS and other government agencies. AILA is an Affiliated Organization of the American Bar Association.

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