

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

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THE WHITE HOUSE AND CONGRESS TAKE THE WRONG DIRECTION

Washington, D.C. — Congress is poised to pass, and the White House to sign, the Emergency Supplemental Appropriations bill (H.R. 1268) that would support the military efforts in Iraq and Afghanistan and tsunami relief efforts. Sadly, the White House and Republican leadership compromised the integrity of that important measure by attaching to it the highly controversial, ill-conceived, divisive, and anti-immigrant REAL ID Act (H.R. 418). This measure has generated well-deserved opposition from more than 650 religious, ethnic, privacy, libertarian, immigration, and conservative groups, as well as representatives of state and local governments.

Once enacted, the REAL ID Act will have numerous negative consequences, including: making it extremely difficult for people fleeing persecution to obtain refuge in the United States; suspending the Great Writ of habeas corpus for the first time since the Civil War; increasing the number of uninsured, unlicensed drivers on our roadways; severely limiting the critical law enforcement utility of Department of Motor Vehicle databases; imposing impossible and unfunded mandates on the states; undermining our fundamental commitment to free speech and association; and waiving all laws related to construction of fences at our borders, thereby granting unprecedented, and unnecessary, authority to the Department of Homeland Security.

Along with being fatally flawed substantively, this bill gives Congress a black mark procedurally. Because Congress held no hearings or meaningful debate on the legislation and amended it to a must-pass spending bill, the REAL ID Act did not receive the scrutiny necessary for most measures, and most certainly not the level required for a measure of this importance and impact. Consistent with the lack of debate and discussion, conference negotiations also were held behind closed doors, with Democrats prevented from participating.

Proponents of the REAL ID Act have cloaked this measure in the rhetoric of enhanced security and/or of controlling illegal immigration. Nothing could be further from the truth. In fact, this measure will not make us safer. Rather, it offers a dangerous detour that will accomplish nothing in terms of safety, and diverts us from the task of enacting comprehensive immigration reform which the [American voters strongly support](#).

AILA welcomes initiatives that will truly make us safer and do not gratuitously scapegoat immigrants. The White House and Congress should be repudiating rather than passing the REAL ID. Given this measure's negative consequences, we urge Congress to plan rigorous oversight and be prepared to revisit this flawed measure. We also urge the White House and Congress to take the right direction and focus on enacting comprehensive immigration reform to change a broken immigration system into one that is controlled, safe, and legal.

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