

COMPREHENSIVE IMMIGRATION REFORM

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COMPREHENSIVE IMMIGRATION REFORM

- **Our immigration system is badly broken and needs to be fixed.**
 - **Our borders are out of control and our system is plagued by incredible backlogs and delays.** The evidence is all around us: millions of undocumented immigrants, exploited workers, divided families, deaths in the desert, fake documents, criminal smugglers, community tensions, and public frustration.
 - **Local communities are frustrated and divided.** Lack of action by the federal government is exacting an enormous toll on local communities. People are frustrated, communities are becoming divided, emotions are running unchecked and our local officials—from police officers to elected officials—are at loss about how to deal with our dysfunctional immigration system.
- **We need realistic and comprehensive reform.**
 - **This is a time for real solutions, not empty gestures and political posturing.** Throwing more money at failed policies will not work. We need legislation that brings immigrants out of the shadows, shuts down smuggling operations and the black market in fake documents, restores the rule of law at our borders, in our workplaces, and in our communities, and encourages those who settle here to get on the path to lawful permanent status and eventual integration through citizenship.
 - **Most undocumented workers are law-abiding, hardworking individuals who pay their taxes and contribute to our society.** They are our neighbors, fellow worshipers, and friends. They are essential to many sectors of our economy. Many of them want to stay in America and be full-fledged members of our society but they have no legal means to do so.
 - **Reform will make our nation more secure.** We need a fair, orderly, controlled system that reflects our nation's values and restores the rule of law. We need to know who is here and who is coming into our country. The way to control our borders and to increase our security is to reform our immigration laws so that legality becomes the norm once again.
- **The Secure America and Orderly Immigration Act is bipartisan, comprehensive and would restore the rule of law to our immigration system.**
 - S.1033/H.R. 2330, introduced by Senators John McCain (R-AZ) and Edward Kennedy (D-MA), and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL), has support from Republicans and Democrats alike, including legislators from border states.
 - Such reform would match willing workers with willing employers.
 - Such reform would offer people already here the opportunity to earn their way to legal status by working, paying taxes, learning English, and being committed to American values.
 - Such reform would reunite close family members, some of whom have been separated for twenty years.
 - Such reform would enhance our enforcement efforts and security by helping us know who is here and keep out those who mean us harm.
 - Such reform would facilitate the cross-border flow of people and goods that is essential to our economy. A vibrant economy, in turn, is essential to fund our security needs.

COMPREHENSIVE IMMIGRATION REFORM

THE ISSUE: Our current immigration system is broken and needs to be reformed. It serves neither our national security nor economic interests and it keeps families separated. Opponents of immigration reject reform and call for an enforcement-only approach. However, continuing to enforce a dysfunctional system leads only to more dysfunction, not more enforcement.

We need comprehensive reform that will make immigration safe, orderly, and legal and controlled. Such reform is essential to our national security so that we know who is here and can keep out those who mean us harm, and would replace an illegal flow with a legal immigration flow. Essential components to such reform are: an opportunity for people living and working here to earn a permanent adjustment of their status; a “break-the-mold” worker program that would allow essential workers to enter the U.S. safely, legally, and expeditiously without displacing U.S. workers; and backlog reductions in family-based immigration. Proposals that fail to embrace these three components and seek only to increase enforcement of the current unworkable system will only perpetuate and exacerbate current problems.

Comprehensive immigration reform will make legality the norm. It would bring hard working immigrants out of the shadows to be reviewed and scrutinized by our government, create a legal flow by which needed workers can enter and leave the U.S., shut down black markets that represent a weak spot in our security, facilitate family reunification, and help us maximize our enforcement efforts.

BACKGROUND: Two bills have been introduced in the 109th Congress that focus on reforming our current immigration system. Each represents dramatically different approaches to such reform. The Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330), introduced on May 12, 2005 by Senators John McCain (R-AZ) and Edward Kennedy (D-MA), and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL) merits strong support. The Comprehensive Enforcement and Immigration Reform Act (S. 1438), introduced on July 20, 2005 by Senators John Cornyn (R-TX) and Jon Kyl (R-AZ) fails to provide a workable, realistic solution.

The Secure American and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330): Reflecting the universal consensus that our immigration system is broken, S. 1033/H.R. 2330 would reform our immigration laws so that they would enhance our national security and address the concerns of American businesses and families. The legislation would go a long way toward addressing the problems that have plagued our current immigration system. Among other things, it would:

- **Create a national strategy for border security and enhanced border intelligence by:** mandating the development and implementation of various plans and reports dealing with information-sharing, international and federal-state-local coordination, technology, anti-smuggling, and other border security initiatives; authorizing the development of a Border Security Advisory Committee made up of various stakeholders in the border region to provide recommendations to the Department of Homeland Security regarding border security and enforcement issues; and requiring the Secretary of State to provide a framework for better management, communication and coordination between the governments of North America,

including the development of multilateral agreements to establish a North American security perimeter and improve border security south of Mexico.

- **Establish a break-the-mold new essential worker visa program (the H-5A visa) that would:** be portable and valid for 3 years, and renewable one time for a total of 6 years -- at the end of the visa period the worker would have to return home or be in the pipeline for a green card; be capped initially at 400,000, with the annual limit gradually adjusted based on demand in subsequent years; require applicants to demonstrate the availability of a job in the U.S., pay a \$500 fee in addition to application fees, and clear all security, medical, and other checks; and allow employers to sponsor the H-5A visa holder for permanent residence or, after accumulating 4 years of work in H-5A status, allow workers to apply to adjust status through self-petition. The bill also sets forth various employer obligations and worker protections and an enforcement scheme to deal with violations of these provisions. In addition, the bill creates a task force to evaluate the H-5A program and recommend improvements, and requires updating of America's Job Bank to ensure that American workers first see posted job opportunities.
- **Promote family unity and reduce backlogs by, among other means:** exempting immediate relatives of U.S. citizens from the 480,000 annual cap on family-sponsored immigrant visas and reallocating the family-sponsored numbers; increasing the number of employment-based numbers from 140,000 to 290,000 per year, reallocating the distribution of those numbers, and providing for the recapture of unused numbers; increasing the per-country limits for both family- and employment-based immigrants; lowering the income requirements for sponsoring a family member from 125% of the federal poverty guidelines to 100%, and removing other obstacles to ensure fairness.
- **Provide a mechanism by which eligible undocumented immigrants present in the U.S. on the date of the bill's introduction can adjust to temporary nonimmigrant (H-5B) status with an initial period of stay of 6 years.** Under this program, applicants would be required to undergo criminal and security background checks, submit fingerprints and other data, pay a fine, and establish a previous work history in the U.S. Spouses and children would also be eligible for adjustment under this section. The bill provides a subsequent mechanism by which H-5B nonimmigrants could adjust to permanent residence status upon meeting a prospective work requirement, paying a fine, and fulfilling additional eligibility criteria. Children and spouses would again be eligible for such adjustment.
- **Seek to protect individuals from immigration fraud** by defining who is an authorized representative for purposes of representation in an immigration matter and providing eligibility for "U" nonimmigrant status for certain individuals who have suffered substantial harm at the hands of an unauthorized representative.
- **Create new enforcement regimes by:** requiring all new visas issued by the Secretary of State and immigration-related documents issued by the Secretary of Homeland Security to be biometric, machine-readable and tamper-resistant, within 6 months of the bill's enactment; mandating the establishment of a new Employment Eligibility Confirmation System which would gradually replace the existing I-9 system, and which would contain certain safeguards to prevent the unlawful use of the system as well as a process by which individuals could correct false information; amending the IIRIRA to provide for the collection of biometric machine-readable information from an alien's immigration-related documents upon arrival and departure from the U.S. to determine the alien's status; broadening the Department of Labor's investigative authority to conduct random audits of employers and ensure compliance with labor laws, and include new worker protections and enhanced fines for illegal employment practices.

- **Promote circular migration patterns by:** authorizing the establishment of labor migration facilitation programs with foreign governments whose citizens participate in the new temporary worker program. The programs would facilitate the flow of foreign nationals to jobs in the U.S., with an emphasis on encouraging the re-integration of foreign nationals returning to their home countries; and encouraging the U.S. government to work with Mexico to promote economic opportunities for Mexican nationals in their home country to reduce migration pressures and costs.

The bill also would: reauthorize the State Criminal Alien Assistance Program for fiscal years 2005 through 2011 and provide that such funds may only be used for correctional purposes; facilitate civics integration by authorizing the establishment of the United States Citizenship Foundation, as well as a competitive grant program to fund civics and English language classes; promote access to health care by extending the authorization of federal reimbursement for hospitals that provide emergency care to undocumented immigrants and by adding H-5A and H-5B workers to the list of persons for whom hospitals may be reimbursed; require periodic reports to Congress on the use of the worker programs established under the bill; provide for the distribution of fees and fines paid by H-5A and H-5B applicants; include H-5A and H-5B workers in the class of individuals protected under the INA's anti-discrimination provisions; and provide special immigrant status for certain women and children at risk of harm.

The Comprehensive Enforcement and Immigration Reform Act (S. 1438): While Senators Cornyn and Kyl correctly diagnose the problems endemic in our current system, S. 1438 provides no solution. If enacted, this bill would make a bad situation worse. It does not deal realistically with the population already here and working in the U.S., as the design of its mandatory departure program would merely discourage participation and create instability in the labor force. In addition, the bill's temporary worker program would not meet the needs of American employers for predictable access to labor. Moreover, the bill's recapture of a small number of unused visas would not result in any resolution to the incredibly lengthy backlogs in family-based immigration nor would it 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, in some cases, counterproductive. The bill includes the following provisions:

- **Mandatory Departure "Report to Deport" Program:** S. 1438 creates a new program for certain undocumented people. The goal of this program is to encourage people to leave the United States. Those meeting the following requirements are eligible for this program: unlawfully present in the US for 12 months as of July 20, 2005; currently employed; pass a health screening and background check; plead guilty to being unlawfully present and deportable; report any Social Security number used without authorization; and turn in any fraudulent documents in their possession. Spouses and children can be considered as derivatives on the application if they meet the same conditions.

Participants in the program have five years in which to leave the U.S. Those who choose immediate departure can leave the country and apply to come back in legally if they qualify for a visa. (However, because the bill does not expand the available legal options, the possibility and timing of any return is questionable.) Those who want to stay and continue to work must pay a fine after year one that begins at \$2,000 and increases annually to year five. These workers will receive evidence of status/documentation, but will be ineligible to obtain permanent residency while in the U.S. After five years, they will have to leave the country. If they do not, they will revert to undocumented status and will be ineligible for any form of immigration relief (except asylum/protection claims) for ten years.

- **A Problematic Temporary Worker Program:** S. 1438 creates a new nonimmigrant visa category, the W Visa, for temporary workers. This visa is deeply problematic because it would require workers to return to their home countries for a year after participating in the program for two years. (This visa can be renewed twice for a total of six years work authorization.) In addition, a W Visa holder cannot apply to adjust status to permanent residency from this program, and family members can visit for only up to thirty days. Employers who participate in this program must conduct a labor market test, first offer the job to any qualified, willing US worker, attest that there are no qualified and willing U.S. workers, that the employer will pay the minimum wage for the position, and that the working conditions provided to the W visa holder will not adversely affect those of similarly-situated workers. The employer also must verify that the W visa-holder or alien with mandatory departure status is work authorized through an electronic program similar to the Basic Pilot Program. The temporary worker must clear background checks and health screening and enter the U.S. and find work with an employer who is authorized to hire W visa-holders. Finally, the program establishes a W Nonimmigrant Investment Fund to capture the visa-holders' FICA contributions in an investment account until the workers permanently return home.
- **Work-Place Enforcement that does not offer foreign workers the same protections as U.S. workers:** H.R. 1438 is largely silent on worker protections. Rather, it mandates the following: DHS and DOL audits of employers who hire W visa-holders; the hiring of 10,000 new DHS investigators dedicated to worksite enforcement; increased penalties for false citizenship claims for purpose of obtaining employment, as well as for the misuse of social security numbers; universal employer participation in the new electronic work authorization system within 12 months of the bill's enactment, including a requirement that every worker obtain a new social security card in order to participate; penalties for employers who fail to comply with the weak wage and working condition provisions of the bill; and a task force to evaluate the W visa program and eventually recommend a program cap.
- **Obligations of Sending Countries:** Before individuals can obtain either W visas or participate in mandatory departure, their country of nationality must have entered into an agreement with the U.S. government. The agreements would include the following requirements. Participating countries must: agree to accept their nationals who have been ordered deported within 3 days; work with the U.S. government to control illegal migration, human trafficking and smuggling, and gang activity; provide the U.S. government access to information on their nationals' travel history and criminal records; and provide health insurance (unless secured by the alien himself or through the employer). Participating countries are also encouraged to provide housing for "returning workers."
- **Enforcement:** Many of the bill's enforcement provisions are excessive and counter-productive and reflect an agenda other than reforming our dysfunctional immigration system. They repackage failed measures from the past, attempt to override key court decisions, and would massively increase current enforcement initiatives that have failed. Indeed, enforcing our current severely dysfunctional system will bring only more dysfunction. Our failed enforcement policies offer glaring evidence that more enforcement is not the solution. During the past decade, we tripled the number of agents on the border, quintupled their budget, toughened our enforcement strategies, and heavily fortified urban entry points. Yet during the same time period, there have been record levels of illegal immigration, porous borders, a cottage industry created for smugglers and document forgers, and tragic deaths in our deserts.

The bill's enforcement provisions include: the hiring of 10,000 additional Border Patrol agents, 1,250 Customs and Border Protection officers, 1,000 DHS investigators, 500 DHS trial

attorneys, 250 DOJ immigration judges, 250 attorneys for the DOJ Office of Immigration Litigation, and 250 Assistant US Attorneys to litigate immigration cases; increasing appropriations for border security technology and physical structures, including \$5 billion for border facilities and additional money for 10,000 new detention beds; permitting the Border Patrol to establish additional checkpoints on roads “close to the borders;” expanding expedited removal along all land borders; authorizing state and local police to enforce federal immigration laws; improving security features of immigration documents and expanding training in fraudulent document detection for immigration inspectors; canceling visas of nonimmigrants who stay beyond their authorized time limit; barring entry to aliens who have failed to submit biometric data when seeking to enter, exit, transit through, or be paroled into the U.S.; setting mandatory bond minimums for certain aliens from non-contiguous countries apprehended at or between the ports of entry on the land borders; providing increased penalties for drug trafficking, alien smuggling, document fraud, and gang violence; authorizing money to reimburse states under the State Criminal Alien Assistance Program; and providing additional detention and removal powers that violate basic due process rights.

108th Congress: Several measures were introduced in the 108th Congress and President Bush, in both January 2004 and 2005, focused on the need to reform our immigration laws. Measures introduced in the 108th Congress included:

- The Safe, Orderly, Legal Visas and Enforcement (SOLVE) Act of 2004 (S. 2381/H.R. 4262), introduced by Senator Edward Kennedy (D-MA), Representatives Robert Menendez (D-NJ) and Luis Gutierrez (D-IL), and others. This bill included: an earned adjustment for eligible people already living and working in the U.S., family reunification through backlog reduction, and a new “break-the-mold” temporary worker program.
- The Immigration Reform Act of 2004 (S. 2010), introduced by Senators Chuck Hagel (R-NE) and Tom Daschle (D-SD) in January 2004, also included the components necessary for comprehensive immigration reform. This bill shared a framework and many provisions with the SOLVE Act. S. 2010 was significant because it was the first BIPARTISAN comprehensive reform bill, and bipartisanship is essential for any measure to pass Congress. S. 2010 included a different enforcement regime than did the SOLVE Act. S. 2010’s worker protection provisions included a complaint-driven procedure in which the DOL and the Department of Justice’s Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) would have investigated claims and provided for mediation and, in certain instances, hearings and further appeals. Employer groups and unions could have petitioned for these workers.
- Bills introduced by Representatives Flake (R-AZ), Kolbe (R-AZ) and Senators McCain (R-AZ) (H.R. 2899/S.1461) and Cornyn (R-TX) (S. 1387) also took important steps toward achieving reform. It is very significant that Senators from border states recognize the need for a legalization program for eligible people living here as well as a worker program. It is also significant that these Senators recognize, as clearly articulated by Senator McCain, that our nation cannot achieve border security unless we reform our immigration laws

S. 1461/H.R. 2899 would have allowed undocumented immigrants living and working in the U.S. to become lawful temporary workers, permitted them to change employers, and provided them with an option to become legal permanent residents through either an employer-sponsored petition or a self-petition. These provisions appeared to have encompassed those who would have fallen under the current H-2A, H-2B and H-1B programs (without terminating these programs). (AILA believed that agricultural workers and foreign professionals should have been addressed separately.)

More specifically, S. 1461/H.R. 2899 would have created two new nonimmigrant worker visa categories: the H-4A and H-4B temporary worker categories. H-4A workers would have been admitted initially for a three-year period that was renewable for an additional three years. This bill also would have offered the opportunity for undocumented people to apply for temporary H-4B status. Such individuals must have entered the U.S. before August 1, 2003, and resided in the U.S. in an unlawful status after such date and through the application for H-4B status. These individuals must also have been employed since that date and through the date of application or be the spouse or child of an H-4B worker. To apply for permanent residence, they must have remained in valid H-4B status for three years and then applied for a change to H-4A status. From H-4A status, they could have applied for permanent residence either through employer sponsorship or self-petitioning.

The legislation also created an electronic job registry to satisfy the job recruitment requirements and to advertise the job to non-US workers, as well as an employment eligibility confirmation system that would have confirmed a person's identity and employment authorization.

Senator Cornyn's bill (S. 1387) would have created a guest worker program with any country entering into an agreement with the U.S. Workers enrolled in the program would have been eligible for a "W" visa and been placed in job openings in the U.S. The program would have encompassed both seasonal and nonseasonal employment, with no limitations on the types of employment for which a W visa could have been utilized. Seasonal guestworkers would have been limited to 270 days in any calendar year, and nonseasonal guestworkers to 12 months -- with two, one-year extensions permitted. Workers would have been required to return to their home countries for six months before reapplying. W nonimmigrants who worked in the program for three continuous years would have been eligible to apply from their home countries for legal permanent resident status. Priority would have been granted based on a point system, including factors such as whether the worker was sponsored, received promotions and pay increases, paid taxes, was proficient in English, was educated, and refrained from illegal activity.

President Bush's Support for Reform: In mid-January 2005, President Bush called for immigration reform, noting that he intends to spend political capital this year to force a debate in Congress because "we have a problem in America," and that our current situation is a "bureaucratic nightmare" that must be solved. He continued by noting that: "We've got people living in the shadows of our society, and we've got a border patrol that's overstressed because we've got people streaming across. The system has broken down. And I think that by legalizing workers, we take a lot of pressure off our borders."

The Bush Administration, on January 7, 2004, unveiled an immigration proposal that reflected the President's views about the important contributions that immigrants have made to our nation. The Administration's reform proposal essentially was an uncapped temporary worker program intended to "match willing foreign workers with willing U.S. employers when no Americans can be found to fill the job." The program would have granted program participants temporary legal status and authorized working participants to remain in the U.S. for three years, with their participation renewable for an unspecified period. Initially, the program would have been open to both undocumented people as well as foreign workers living abroad (with the program restricted to those outside of the U.S. at some future, unspecified date). American employers would have had to make reasonable efforts to find U.S. workers. Under this proposal, participants would have been allowed to travel back and forth between their countries of origin and "enjoy the same protections that American workers have with respect to wages and employment rights." The proposal also included incentives for people to return to their home countries and called for increased workplace enforcement as well as an unspecified increase in legal immigration.

AILA's POSITION: Our immigration system needs to work for America. Congress and the Administration must address this issue because the status quo is unacceptable. AILA supports reform that reflects the following:

1. **Immigration Reform Must Be Comprehensive:** Since many of the problems with the U.S.'s current immigration system are interrelated, reform must be comprehensive to successfully address our nation's needs and realities. Such reform must create legal avenues for people to enter the U.S; address the long backlogs in family immigration; allow people already here to earn the opportunity to adjust their status; and create and implement a national strategy for border security and enforcement.
2. **Immigration Reform is an Important Component of Our Enhanced National Security and Effective Enforcement:** Immigration reform that offers hard-working people already here the opportunity to adjust their status and that creates a new worker program will help the U.S. government focus resources on enhancing security, not on detaining hard-working people who are filling vacancies in the U.S. labor market and/or seeking to reunite with their close family members. In addition, addressing the situation of people here would encourage these people to come out of the shadows and be scrutinized by our government. A new worker visa program will create a legal flow through which people can enter and leave the U.S. The legality that results from these initiatives will contribute to our national security by helping to focus resources on those who mean to do us harm. Such legality also will facilitate enforcement efforts by allowing our government to focus resources. Enforcing a dysfunctional system only has led to more dysfunction, not better enforcement.
3. **Immigration Reform Must Address the Situation of People Living and Working Here:** People who work hard, pay taxes, and are learning English should be allowed the opportunity to earn their permanent residency. These people are not the problem, but the symptom of the problem: our broken immigration system. Such reform is necessary and realistic: necessary because it would allow our government to know who resides in our country; realistic because voters understand that it is unrealistic to deport millions of undocumented immigrants. Those who suggest that these people don't want to be part of America because they have not fixed their immigration status do not understand that no current law exists to allow them to do so.
4. **Immigration Reform Must Include a "Break-the-Mold" Worker Program:** Current immigration laws do not meet the needs of our economy or workers. A "break-the-mold" program would provide visas, full labor rights, and the ability to change jobs and a path to permanent residence over time for those who would not displace U.S. workers. It also would diminish significantly illegal immigration by creating a legal avenue for people to enter the U.S. and return, as many wish, to their countries, communities, and families.
5. **Immigration Reform Must Reunify Families:** Legal permanent residents often wait up to 20 years to reunite with their spouses and children. Such long separations make no sense in our pro-family nation and reflect poorly on us.

Support for Reform is Widespread: Public opinion research released on April 7, 2005 demonstrates American voters' overwhelming support for comprehensive, bipartisan immigration reform. Support for this proposal is strong along party lines, regional lines and demographic lines. American voters support a system that combines toughness with fairness, and provides a path to citizenship with reasonable requirements, implements an effective guest worker program, and reunites families. Voters want a system that rewards immigrants who come here to work hard, pay taxes, and learn English.

The following are key findings from this nationwide survey of “likely” voters.

- There is overwhelming and intense support among likely voters for the proposed outlines of bipartisan legislation on immigration reform. Fully 75% of likely voters favor a proposal that has the following components:
 - Registers undocumented workers as temporary guest workers,
 - Provides temporary work visas for seasonal and temporary workers,
 - Provides newly registered workers with a multi-year process for legal residency and eventual citizenship,
 - Provides newly registered workers with no preferential treatment for citizenship,
 - Provides tougher penalties for workers or employers who violate these laws, and
 - Puts a priority on reuniting close family members.
- Each element of this proposal was also tested individually. Every element of this proposal enjoys the support of more than 60% of the likely electorate.
- Support for this proposal is solid across party lines – 78% of Republicans, 77% of Independents, and 70% of Democrats are supportive; and regional lines – 77% of Red State voters, 79% of Blue State voters, and, 72% of Purple State voters are supportive; and demographic lines – 78% of whites, 67% of African Americans, and 70% of Hispanics are supportive.
- On a second test, after voters have heard several positive and several negative messages about the proposal– support among voters remains solid for the proposal as 77% of voters indicate support.
- In thinking about the impact this proposal could have on the upcoming Congressional elections, 69% of likely voters indicate that they would be more likely to support a Congressional candidate who supported this type of immigration proposal.
- More than three-in-four likely voters agree on these statements framing the immigration reform debate:
 - “The immigration system is broken and needs to be fixed.”
 - “If an immigrant has been in this country working, paying taxes, and learning English, there should be a way for them to become a citizen.”
 - “Fixing our immigration system to make it safe, legal, and orderly will make us more secure from terrorists.”

Secure America and Orderly Immigration Act and Immigration Reform (S. 1033/H.R. 2330)

Atlanta Journal-Constitution Editorial, May 22, 2005

Sadly, the lack of a thoughtful national discussion on immigration policy has allowed extremists to dominate the debate with a too-simplistic send-them-all-home message that neither reflects practical reality nor the nation's rich heritage of assimilation. That's why a comprehensive immigration-reform measure introduced by a bipartisan group of U.S. Senate and House members this month merits attention. It contains a substantive list of reforms needed to deal with the impact of an underground economy of 10 million to 12 million immigrants in the country illegally.

Atlanta Journal Constitution Op-ed by Paul Zulkie, President of the American Immigration Lawyers Association, May 3, 2005

The bottom line is that increased enforcement of a dysfunctional system only leads to more dysfunction. What kind of reform makes sense? Comprehensive reform that will create a safe, orderly and legal system, one characterized by just and reasonable rules and consistent with basic American values of fairness and equal treatment under the law.

Arizona Republic, May 13, 2005

The bill introduced Thursday by Senators John McCain, R-Ariz., and Edward Kennedy, D-Mass., is a bipartisan move toward immigration reform that has the support of business and immigrant rights groups. It reflects the realities – not the rhetoric – of illegal immigration. It shows respect for human dignity, family values and national security. It also recognizes current and future labor needs... This is about national security, not amnesty. This is about humane border policies, not amnesty. This is about the needs of this nation's economy, not amnesty.

Arkansas Democrat Gazette Editorial, May 24, 2005

Let's try a thought experiment: Suppose we could put aside all the distracting and provoking rhetoric about illegal immigration and come up with a common, constructive policy? What would it look like?...IN SHORT, a fair and constructive policy would look a lot like the bill just introduced by John McCain and Ted Kennedy in the U.S. Senate, and cosponsored by Congressman Jim Kolbe, Jeff Flake and Luis Gutierrez...The dirty little secret of those leading the charge against illegal immigration, and it's not such a secret, is that it's immigration itself that riles many of them. There will always be those who, when confronted by a system that's broken, would prefer to do almost anything besides fix it. Like jump up and down and generally fulminate. You can see how well that's worked over the past decade. Playing on fear and prejudice may further the careers of politicians who know how to ride bad feelings into office, but it won't help the country.

Why not consider doing the rational, humane and constructive thing instead? Of course that would require a whole new attitude on the part of those who have been the most vociferous on this subject: it's called forgiveness. It's said to heal the past and clear the way for a happier future. Maybe we should all try it; they say it works wonders.

Too much time has been wasted thinking in terms of Them and Us. It's time to think of how best to come together as We. Or, in the founders' phrase, how to form a more perfect union.

Austin America- Statesman Editorial, May 17, 2005

Muttering, complaining and stomping feet won't deter illegal immigration, but provisions in the McCain-Kennedy proposals might at least stem the flow. Included in the proposals are a guest worker program — a common sense approach pushed by the president — and mechanisms to offer incentives for foreign workers to become citizens.

Baltimore Sun Editorial, May 17, 2005

Their aptly named "Secure America and Orderly Immigration Act" addresses numerous concerns of those on the right and left about immigration policy, focusing the debate instead exactly where it should be - on keeping the nation's borders safe, controlling the flow of migrants who illegally cross them daily, meeting the needs of a labor market hungry for low-wage workers, and moving into mainstream society and onto the tax rolls millions of illegal immigrants in this country.

Boston Globe Editorial, May 21, 2005

Immigration and terrorism are largely separate issues. The events of Sept. 11 do mean that it's crucial for the country to increase security. But the Kennedy-McCain bill shows that safety can co-exist with comprehensive immigration reform.

Chicago Tribune Editorial, May 17, 2005

With McCain-Kennedy on the table there is common ground for Congress and the White House to hammer out an immigration reform bill. That is urgently needed to safeguard national security, provide an adequate labor supply and protect the rights of American and immigrant workers.

Chicago Tribune Op-ed by Allert Brown-Gort, the associate director of the Institute for Latino Studies and a fellow at the Helen Kellogg Institute for International Studies at the University of Notre Dame, May 4, 2005

On one hand, we send out a strong message of not wanting these immigrants to stay by denying them such basic services as licenses to drive and making it difficult for their children to pursue higher education. And on the other hand, many express the opinion that these immigrants obviously do not want to learn English or integrate into broader society, as did previous waves of immigrants, because of the proximity to their homeland.

And yet immigrants are of obvious value to our country. Businesses widely recognize that they take the jobs most Americans would not want. It is because of these immigrants that the U.S. economy is not facing the severe depopulation pressures of Europe and Japan. And, according to recent press reports, the vast majority of immigrants pay taxes, including Social Security and Medicare, and receive very few services in return.

It is now said to the point of cliché that our immigration system is broken. So by all means, let's recognize reality and move quickly toward fixing it in as rational and humane a way as we can.

Daily Journal Editorial (NE Mississippi), May 17, 2005

In an atmosphere increasingly hostile to bipartisanship, McCain and Kennedy have crafted a proposed law with huge potential benefit for our nation's safety and prosperity.

The Economist, May 21, 2005

America's present immigration law flies in the face of economic reality. The economy is creating far more low-end jobs than American workers are willing to take (the proportion of native-born Americans dropping out of high school has fallen from half in 1960 to just 10% today). Entire industries - agriculture, food-processing, construction - rely on cheap immigrant labour. But America's yearly quotas are far too small to satisfy its needs...

The Kennedy-McCain bill...is a hard-nosed law that tries to align America's immigration laws to the economic realities without rewarding illegal behavior... America has spent millions of dollars trying to tighten up its borders only to see the situation get worse. It now relies on illegal workers to pick its vegetables and build its buildings. Closing the border is impossible without some sort of legalization for the millions in the country; mass deportation would do irreparable harm both to America's economy and to its traditions as an immigrant-friendly nation.

Houston Chronicle Op-ed by Archbishop Joseph Fiorenza of the Archdiocese of Galveston-Houston, May 8, 2005

Instead of revisiting a flawed policy, the president and Congress should pursue a bold and innovative immigration reform plan that addresses every aspect of the U.S. legal immigration system. The status quo, in which the United States (and Mexico, for that matter) benefits from the toil of undocumented migrant workers without extending them the protection of law, is morally unacceptable.

A comprehensive approach is needed to properly repair a broken system.

Long Beach Press Telegram Editorial, May 17, 2005

The status quo is failing miserably. A structured, orderly guest worker program makes economic sense while addressing national security and human-rights concerns. The McCain/Kennedy plan offers a realistic, meaningful solution to a broken system. Congress and President Bush ought to put it into action.

Miami Herald Editorial, May 23, 2005

Congress finally has a bill that could mend the country's ailing immigration system. Introduced in the House and Senate last week, The Secure America and Orderly Immigration Act sets realistic immigration levels and adds tough enforcement. In short, the bipartisan bill offers law and order: an enforceable set of rules that would free up federal resources to concentrate on national-security threats. It should begin a thoughtful debate about sensible reforms

Miami Herald Op-ed by Cheryl Little, Executive Director of the Florida Immigrant Advocacy Center, May 18, 2005

While we clearly need to enforce immigration laws, we also need immigration laws that can reasonably be enforced. Establishing temporary and permanent legal channels that respond to the demands of the U.S. labor

market while protecting the rights, wages and working conditions of foreign-born and native-born workers is humane and smart. By permitting those who are in the United States without legal documents to embark on a path to legal status and by controlling future immigration through legal channels, enforcement efforts could focus instead on identifying those with true intent to do us harm.

Milwaukee Journal-Sentinel Editorial, May 15, 2005

At long last, a start on real immigration reform...Sens. John McCain...and Edward Kennedy... have crafted realistic legislation that acknowledges the economic needs (by including a guest worker program) *and* the human suffering and unfairness inherent in a system that forces immigrants to exist in the shadows...Simply, this is win-win. It recognizes that the nation, with an ever-shrinking labor force, requires these workers if the economy is to thrive. But it also recognizes that it is simply un-American to tell immigrants that they are good enough to work for us but not good enough to be one of us.

New York Daily News, May 22, 2005

In the current anti-immigrant climate, the Secure America and Orderly Immigration Act could be a first step toward recovering the country's tradition of welcoming into its fold hardworking newcomers and their families - and by doing so, becoming stronger.

Our elected representatives in Washington should do everything in their power to make it happen.

New York Times Editorial, May 20, 2005

As Congressman Kolbe put it last week, this legislation "doesn't try to solve the hemorrhaging immigration problem with simply a Band-Aid. This is major surgery." The patient is definitely ready.

Newsday Editorial, May 10, 2005

Bottom line: Immigration is a good thing. A more flexible system would let more workers into this country legally - to take jobs in industries where they're needed most. As this happens, the great stampede of illegal workers should ease.

Orlando Sentinel Op-ed by Bishop Thomas Wenski, Diocese of Orlando, May 17, 2005

Real reform should recognize that immigrants are already part of our communities and provide common-sense rules for workers and employers. Many immigrants work in essential but low-paying jobs that most Americans pass over. They care for our children and elderly, clean our office buildings and hotel rooms, harvest and serve our food, and labor on construction sites and other projects in our communities. These immigrant workers should be able to seek a decent wage, health care and respect on the job from employers who may freely hire them without having to worry about legal sanctions.

Orlando Sentinel Op-ed by Myriam Marquez, Columnist, May 4, 2005

A guest-worker program isn't perfect, but it could start bringing some sanity to a system that is riddled with unfair trade-offs. But since The Reckoning of 9-11, Congress seems to prefer to demagogue national security and get Americans all worked up about Mexicans and others who are doing nothing more than every other immigrant group that has come before them: working hard at cut-rate prices.

Republican (Springfield, MA) Editorial, May 16, 2005

As things stand now, people are risking their lives and ignoring the law, moving stealthily back and forth from their homelands to the United States. Others are living and working here but remain nearly completely beneath the radar.

The proposed bill recognizes those facts. And seeks to deal with them, equitably and reasonably. Opponents will doubtless use scare tactics to try to discredit the measure, but they'll be talking about a most unreal world, a place of their own imaginings.

Those who prefer the real world - and real solutions - have a good place to start.

San Jose Mercury News Editorial, May 19, 2005

The federal amnesty of 1986 failed to discourage illegal immigration or deter an underground economy because it lacked teeth. The Kennedy-McCain bill includes stiff employer penalties. It is pragmatic. That's why a surprising coalition of business and labor groups, immigrant-rights activists and economic libertarians support it.

Bush should, too.

The Tennessean Editorial, May 24, 2005

...McCain and Kennedy have put a bill on the table that is practical and humane. The status quo – an undocumented population of 11 million that grows by 500,000 a year – is neither. The McCain-Kennedy bill needs to be the focal point for a long overdue immigration effort in Congress.

Tucson Citizen Editorial, May 17, 2005

There will be opposition from those who want illegal immigrants deported immediately and required to return home to obtain a visa. But that is impractical. The goal is to encourage illegal immigrants to come forward and be part of the system so we know who is in this country and can check their backgrounds.

If this bill is to have any hope of passage, it must be aggressively backed by Bush. His support has been tepid, with a spokesman saying only that the president "is glad to see this contribution to the discussion on immigration."

Bush should embrace this bill and work vigorously to obtain its passage. It is a major step in the right direction.

Wall Street Journal Editorial, May 4, 2005

So long as the U.S. shares a 2,000-mile border with a developing nation, we'll never reduce the illegal flow with punitive measures that ignore the market forces luring foreign workers here in the first place. The best way to decrease the number of illegal crossings, while also satisfying our economic needs, is to give immigrants more legal ways to come.

Washington Post, May 14, 2005

Experience has shown that immigration creates jobs and growth over time, and countries with low immigration, such as Japan, aren't exactly an advertisement for their policies. There are also legitimate concerns about social cohesion. But legal workers are much easier to assimilate than illegals, and the proposed bill requires would-be

citizens to know English and civics. This is a case where common sense and hard-nosed security concerns point in the same direction, and this bill could lead the way.

West Hawaii Today Editorial, May 17, 2005

At long last, a start on real immigration reform. Not the piecemeal approach that has marked previous efforts to deal with this country's dual personality on the issue.

Sens. John McCain, R-Ariz., and Edward Kennedy, D-Mass., have crafted realistic legislation that acknowledges the economic need (by including a guest worker program) and the human suffering and unfairness inherent in a system that forces immigrants to exist in the shadows.

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Top 10 Falsehoods *Regarding Comprehensive Immigration Reform*

While espousing a failed, enforcement-only strategy that offers no solutions to the problems facing our broken immigration system, opponents are attacking a comprehensive proposal that would make our immigration system safe, legal, orderly and controlled. These attacks grossly mischaracterize this measure, the Secure America and Orderly Immigration Act (S.1033/H.R. 2330).

Falsehood # 1: By enforcing the laws already on the books we can fix our broken immigration system.

- **The truth:** No. Enforcing our current severely dysfunctional system will bring only more dysfunction. In fact, our failed enforcement policies offer glaring evidence that more enforcement is not the solution. During the past decade, we tripled the number of agents on the border, quintupled their budget, toughened our enforcement strategies, and heavily fortified urban entry points. Yet, during the same time period there have been record levels of illegal immigration, porous borders, a cottage industry created for smugglers and document forgers, and tragic deaths in our deserts.

Enforcement will work only when our laws make sense and reflect our security and economic needs and the importance of reunifying families. Such realistic laws, by establishing legal migration channels, will limit the enforcement targets so that we focus our resources on those who mean to do us harm, not on those who are filling our labor market needs or reuniting with their close family members. Our current immigration policy exhibits the same fundamental flaws we saw with laws enacted during Prohibition. It's not realistic, it doesn't reflect our needs, and it makes good, law-abiding individuals into lawbreakers. In short, it's bad policy.

S. 1033/H.R. 2330 would make legality the norm and restore legitimacy to the law. This will help us to differentiate between the law-abiders and the law-breakers and will allow for a more efficient allocation of enforcement resources.

Falsehood # 2: This proposal will lead to more illegal immigration.

- **The truth:** No it will not. Comprehensive immigration reform would replace the current illegal flow with a legal flow. Programs that would match willing essential workers with willing employers, reduce the backlogs on family immigration, and offer people the opportunity to earn their permanent legal status would eliminate incentives to skirt our immigration laws. Such programs would create a safe, legal, and orderly avenue for those who seek employment in the U.S as well as those who seek to reunify with family members. With these alternatives in place, immigrants would eschew dangerous border crossings in favor of a safe, controlled visa process. And because this bill mandates that people must be residing in this country by the date of its introduction to be eligible, this measure would not function as a magnet for others.

Comprehensive reform also would end the incentive to hire undocumented workers. Employers who still resort to using illegal workers could be targeted with tough new penalties. Under the new plan, employers would be able to verify electronically that a foreign worker is authorized to work. Any employer who participates in the program would be required to use this system, with stiff fines levied on employers who knowingly violate immigration or labor laws. This verification system also would include safeguards to ensure that employers do not discriminate against job applicants, and would allow workers to verify personal information and appeal to the government to address any inaccuracies in the system.

S. 1130/H.R. 2330 also would focus resources at our borders, providing for better technology and a process by which the Department of Homeland Security (DHS) can monitor and address changing border enforcement needs. The bill specifically targets efforts to combat human smuggling and increases coordination and information sharing among officials responsible for border control.

Falsehood # 3: This proposal is really an “amnesty” for illegal immigrants.

- **The truth:** This proposal is nothing of the sort. Opponents of immigration reform assign the emotionally charged label of “amnesty” to all practical proposals because they have no proposal of their own other than more enforcement of a dysfunctional system. In fact, the Secure America and Orderly Immigration Act is far from an amnesty. Rather, it creates a more orderly system of rules and penalties to replace the current system of chaos. Under this measure, immigrants must register, get in the back of the line for citizenship, and follow the rules or they will be sent home.

S.1330/H.R. 2330 recognizes that most Americans believe it is unrealistic to deport the eleven million undocumented immigrants living and working in our country – and that we must act in the national interest to deal with this underground community. The bill requires the undocumented to come forward, register, pay a substantial fine, and meet a prospective work requirement before they can apply for a permanent visa. Only those who pass rigorous background and security screening and prove they are learning English will be eligible to apply.

Falsehood # 4: Isn't this proposal unfair to those who are patiently waiting in line?

- **The truth:** No. This proposal does not allow anyone to “cut in line.” One of the priorities of this measure is to decrease the family backlogs to allow families to reunify in a timely manner. One symptom of our current failed policies is that families can be separated for many years. Immigrants without papers already living in the United States will go to the back of the line. After first registering for temporary admission they must work for six years before they can earn the opportunity to permanently adjust their status.

Falsehood # 5: Comprehensive immigration reform will take jobs away from American workers.

- **The truth:** A comprehensive reform plan will help immigrant workers fill jobs that are currently going unfilled because the large majority of Americans are over-qualified and are unwilling to take these jobs. While 27.3% of the foreign-born age 25 and over held a bachelor's degree or more in 2003, many less educated immigrants come to the U.S. because there is a high demand for workers in important sectors of our economy.

According to the Bureau of Labor Statistics, among the 20 occupations expected to experience the largest job growth during the 2002-2012 period, 14 will require only short-term on-the-job training (not a high school or college education): salespersons, food preparation and serving workers, cashiers, janitors, waiters and waitresses, nursing aides, receptionists, security guards, office clerks, teacher assistants, home health aides, personal and home care aides, truck drivers, and groundskeepers. Overall, 57.7 percent of total job openings in the 2002-2012 period will be in occupations that require only short-term or moderate-term on-the-job training. Given that native-born workers are more likely than immigrants to have a high school diploma, vocational training, or several years of college – and that the native-born population is rapidly growing older as the baby boomers reach retirement age and birthrates decline – less-skilled immigrants are needed to fill these positions.

It also is important to note that there is no correlation between increased immigration and the displacement of U.S. workers. A study by economists Richard Vedder, Lowell Gallaway, and Stephen Moore found that states with relatively high immigration actually experience low unemployment. The economists believe that

immigration likely opens up many job opportunities for natives. They wrote, “First, immigrants may expand the demand for goods and services through their consumption. Second, immigrants may contribute to output through the investment of savings they bring with them. Third, immigrants have high rates of entrepreneurship, which may lead to the creation of new jobs for U.S. workers. Fourth, immigrants may fill vital niches in the low and high skilled ends of the labor market, thus creating subsidiary job opportunities for Americans. Fifth, immigrants may contribute to economies of scale in production and the growth of markets.”¹ Rather than cost American workers their jobs, immigration and comprehensive immigration reform, will help create jobs.

Falsehood # 6: This proposal will lead to wage depression for U.S. workers.

- **The truth:** By creating legal channels for foreign workers, this measure will buoy the wages and working conditions of U.S. workers. Currently, some undocumented workers are forced to accept submarket wages and working conditions because their status makes them vulnerable and unable to protect themselves against unscrupulous employers. By according them legal status, the Secure America and Orderly Immigration Act will put them on the same footing with employers as native-born workers.

In addition, by creating a legal guest worker program with tough enforcement provisions, the bill will help to reduce unfair competition, as temporary workers and newly legalized immigrants enjoy the same freedoms and protections as do native-born workers.

Studies also have shown that those lesser-skilled U.S. citizen workers who compete most closely with lesser skilled immigrant workers experience very little downward pressure on their wages. It is estimated that a 10% increase in the share of foreign born workers reduce natives’ wages by less than 1%. Recent history drives this point home. During the 1990s boom, a period of high immigration, real wages rose across the income scale (and the national unemployment rate fell below 4%) – including for the poorest 20% of American households.

Falsehood # 7: We tried something like this proposal before, in 1986. We shouldn’t go down this path again.

- **The truth:** This proposal in fact differs dramatically from what we tried in 1986. The 1986 Immigration Reform and Control Act (IRCA) focused only on symptoms, the undocumented population, not the cause: an immigration system that did not reflect the needs of U.S. businesses and families. IRCA did not create any legal channels for future workers or family members while creating an enforcement regime that was bound to fail. The effectiveness of enforcement policies is directly linked to the rationality of the underlying rules.

The Secure America and Orderly Immigration Act addresses both the symptoms and the cause, combining legal future channels with tough enforcement and border provisions, along with a path to permanent legal status for those already here and working.

Falsehood # 8: Terrorists could use this new visa program to enter the U.S.

- **The truth:** Individuals granted visas under this comprehensive reform proposal would face stringent security checks. Their identities, photos, and fingerprints will be checked against watch lists and criminal databases. From a security perspective, this is a vastly superior alternative to our current system which actually opens avenues for terrorists to exploit. This dysfunctional system has spawned a robust human

¹ Richard Vedder, Lowell Gallaway, and Stephen Moore, *Immigration and Unemployment: New Evidence*, Alexis de Tocqueville Institution, Arlington, VA (Mar. 1994) at p. 13.

smuggling trade which terrorists could tap into for entry into the U.S. Moreover, our failed policies have forced large numbers of people into a shadow culture, with some having to rely on fraudulent documents for their survival. That reality, in turn, has fueled a burgeoning black market in fraudulent documents.

The Secure America and Orderly Immigration Act will help shut down the human smuggling and fraud industries whose existence depends on those who, out of desperation, come to this country by any means in search of a better life. By funneling these workers into legal and secure channels, the market for these nefarious industries will shrink, thereby denying terrorists access to resources they need to maneuver freely. This proposal also would encourage those already here to come forward to be reviewed by our government.

The truth of the matter is that finding terrorists is like finding a needle in a haystack. A smart comprehensive immigration reform plan that separates hardworking individuals from those who mean to do us harm will help shrink that haystack and make America safer.

Falsehood # 9: Americans don't support this kind of reform.

- **The truth:** A recent survey of likely voters found that there is overwhelming and intense support for comprehensive reform that includes the following components:
 - Registers undocumented workers as temporary guest workers,
 - Provides temporary work visas for seasonal and temporary workers,
 - Provides newly registered workers with a multi-year process for legal residency and eventual citizenship,
 - Provides newly registered workers with no preferential treatment for citizenship,
 - Provides tougher penalties for workers or employers who violate these laws, and
 - Puts a priority on reuniting close family members.

Support for this proposal is solid across party lines: 78% of Republicans, 77% of Independents, and 70% of Democrats are supportive; and regional lines: 77% of Red State voters, 79% of Blue State voters, and, 72% of Purple State voters are supportive; and demographic lines; and 78% of whites, 67% of African Americans, and 70% of Hispanics are supportive. In addition, More than three-in-four likely voters agree on these statements framing the immigration reform debate:

- o “The immigration system is broken and needs to be fixed.”
- o “If an immigrant has been in this country working, paying taxes, and learning English, there should be a way for them to become a citizen.”
- o “Fixing our immigration system to make it safe, legal, and orderly will make us more secure from terrorists.”

Falsehood # 10: Immigrants are a drain on our economy.

- **The truth:** On the contrary, our economy is “highly dependent on immigration, legal and illegal, temporary and permanent,” according to a 2004 report issued by the Chicago Council of Foreign Relations. Another 2004 report notes that “the challenge facing the American workforce in the coming 20 years” is that “we will not have enough people to fill it.”

A comprehensive 1997 report issued by the National Academy of Sciences reinforces the positive impact of immigration on our economy. This study concluded that immigrants benefit the U.S. economy overall, have little negative effect on the income and job opportunities of most native-born Americans, and annually may add as much as \$10 billion to the economy. As a result, the report concluded, most Americans enjoy a healthier economy because of the increased supply of labor and lower prices resulting from immigration.

Additionally, in a poll of eminent economists conducted by the CATO Institute in the mid-1980s and updated in 1990, 81 percent of the respondents opined that, on balance, twentieth-century immigration has had a “very favorable” effect on U.S. economic growth. The Cato Institute also concluded in a 1997 study that immigrant households paid an estimated \$133 billion in direct taxes to federal, state, and local governments. The message from those who are charged with crunching the numbers is simple: immigration is good for our economy.

34TP4004 6/7/05

Comprehensive Immigration Reform

Our immigration system is broken and desperately needs fixing because a safe, legal, orderly and controlled system is essential to our national security, our national economy, and helps families reunite. Our current system keeps hardworking immigrants in the shadows, separates families for years, is a barrier to American employers getting the workers they need, and creates black markets that represent a weak spot in our national security. And continuing to try to enforce this system will lead to less control and more dysfunction.

Opponents of comprehensive reform propose “easy fix” solutions that simply will not work. Like insisting a square wheel is faster than a round one, anti-immigrant proponents insist that increased enforcement of this broken system is all that is needed and will enhance our national security. These easy fixes have less to do with security than with a failure to acknowledge their plan just won’t work.

What will work? The comprehensive immigration reform that makes up the “Secure America and Orderly Immigration Act of 2005” (S. 1033/H.R. 2330), introduced by Senators John McCain (R-AZ) and Edward Kennedy (D-MA), and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL). This measure would create a safe, orderly, and legal immigration system, by:

- Addressing the situation of people living and working here: People who are working hard, paying taxes, and learning English should be offered the opportunity to earn their permanent residence. **[IF YOU HAVE AN EXAMPLE OF AN IMMIGRANT IN THIS SITUATION, PLEASE PUT IT HERE.]**
- Creating a “break-the-mold” worker program: Current immigration laws do not meet the needs of our economy or workers. **[IF YOU HAVE AN EXAMPLE OF A BUSINESS WHICH THRIVES DUE TO ITS IMMIGRANT EMPLOYEES, OR NEEDS A LOW OR SEMI-SKILLED WORKER, OR AN IMMIGRANT WHO IS HARDWORKING, PLEASE PLACE IT HERE.]**
- Reunifying families: Legal permanent residents often wait up to 20 years to reunite with their spouses and children. Such long separations make no sense in our pro-family nation and reflect poorly on us. **[IF POSSIBLE, PLACE AN EXAMPLE OF A SEPARATED FAMILY HERE.]**

The Administration and Members of Congress from both parties are calling for reform. President Bush has noted that “As a nation that values immigration and depends on immigration, we should have immigration laws that work and make us proud. Yet today we do not.” I call on the President to help make his words a reality, and along with Congress, to support the passage of the Secure America and Orderly Immigration Act of 2005. This measure recognizes that our current immigration system is unworkable, outdated, and in disarray.

It is time for a serious solution to this serious challenge. We need a secure and controlled immigration system that will help keep us safe, and fulfill the promise of liberty and opportunity that America represents.

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**SAMPLE LETTER TO REPRESENTATIVES:
Support the Secure America and Orderly Immigration Act of 2005,
S. 1033/H.R. 2330**

I urge you to support the Secure America and Orderly Immigration Act of 2005 (H.R. 2330). This bill offers the necessary fix to our broken immigration system: comprehensive reform that combines tough enforcement measures with rational laws that make sense in today's world. This bipartisan and bicameral measure seeks to transform our immigration system into one that is safe, legal, controlled and orderly. It would:

Fix Our Broken Borders: This bill would create a much needed national strategy for border security and enhanced border intelligence. Such initiatives are aimed at deterring those who mean to do us harm but still allow for the orderly, controlled flow of goods and people.

Create a "Break-the-Mold" Essential Worker Program: This bill would create a workable temporary worker program that would decrease illegal immigration by matching willing workers with willing employers and creating a legal avenue for people to enter the U.S. and return, as many wish, to their countries, communities, and families. Among other provisions, this program would provide the necessary visas, allow workers to change jobs, set forth employer obligations, provide labor protections and an enforcement scheme to deal with program violations, and allow people to earn their permanent residency if they would not displace a U.S. worker. **[IF YOU HAVE AN EXAMPLE OF AN IMMIGRANT IN THIS SITUATION, PLEASE PUT IT HERE.]**

Allow People Who Are Here the Opportunity to Earn their Adjustment: This measure would give undocumented immigrants currently in the U.S. who work hard, pay taxes, are learning English, and pass security clearances the opportunity to earn their permanent residency. This measure also includes strict fines and penalties for those already in this country and tough punishments for employers who hire undocumented workers. It would mandate the creation of a secure identification document and an employment eligibility confirmation system so employers will know that people seeking work are here legally. **[IF YOU HAVE AN EXAMPLE OF AN IMMIGRANT IN THIS SITUATION, PLEASE PUT IT HERE.]**

Reunify Families: This bill would clear out the long backlogs in family-based immigration that keep close family members separated, some for up to twenty years. Such long separations make no sense in our pro-family nation, reflect poorly on us, and ultimately encourage illegal immigration. **[IF YOU HAVE AN EXAMPLE OF AN IMMIGRANT IN THIS SITUATION, PLEASE PUT IT HERE.]**

I urge you to support the Secure America and Orderly Immigration Act of 2005 (H.R. 2330). By tackling the tough issues, it would address the problems that have long plagued our current immigration system and help make us more secure.

Sincerely,

[IF YOU DO NOT HAVE ANY EXAMPLES, YOU CAN SEND THE LETTER AS IS.]

**SAMPLE LETTER TO SENATORS:
Support the Secure America and Orderly Immigration Act of 2005,
S. 1033/H.R. 2330**

I urge you to support the Secure America and Orderly Immigration Act of 2005 (S. 1033). This bill offers the necessary fix to our broken immigration system: comprehensive reform that combines tough enforcement measures with rational laws that make sense in today's world. This bipartisan and bicameral measure seeks to transform our immigration system into one that is safe, legal, controlled and orderly. It would:

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[IF YOU DO NOT HAVE ANY EXAMPLES, YOU CAN SEND THE LETTER AS IS.]

SAMPLE LETTER TO THE PRESIDENT:
Support the Secure America and Orderly Immigration Act of 2005,
S. 1033/H.R. 2330

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I urge you to support the Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330). By tackling the tough issues, it would address the problems that have long plagued our current immigration system and help make us more secure.

Sincerely,

[IF YOU DO NOT HAVE ANY EXAMPLES, YOU CAN SEND THE LETTER AS IS.]

**SAMPLE LETTER FROM FAMILIES TO CONGRESS:
Secure America and Orderly Immigration Act Of 2005**

BY FAX

The Honorable _____
United States Capitol
Washington, DC _____

Dear (Representative/Senator _____):

I am writing to urge your support of the “Secure America and Orderly Immigration Act of 2005” (S. 1033/H.R. 2330). Our immigration system is broken and desperately needs the comprehensive reform included in this bill.

Under current immigration law, families often are separated for decades. Asking families to endure such lengthy separation is inconsistent with our nation’s values and creates an incentive for illegal immigration. S. 1033/h.r. 2230 would reduce the backlogs and create a legal system by which families can be reunited.

In addition to keeping families separated, our immigration system prevents undocumented immigrants who live in the U.S. with their American families from legalizing their status. By barring the re-entry of these individuals who could obtain legal status at consulates abroad, we essentially have trapped these people in the U.S. S. 1033/H.R. 2330 would create a plan by which undocumented immigrants currently in the U.S. could earn the opportunity to achieve a permanent r legal status by paying a fine, fulfilling a work requirement, paying taxes, learning English, and passing security clearances. This process would allow spouses and parents to come out of the shadows to become open and even more productive members of our society.

[Explain why you are writing in support of these provisions. e.g. a personal story, or anonymous client example.]

Along with these important reforms, the bill also would benefit our national and economic security. Employers would have access to a legal workforce to fill vacant non-seasonal jobs. This legal flow, in conjunction with new enforcement measures, would reduce the stress on our border personnel who must distinguish those who come to do us harm from those who come to the U.S. to fill our labor market needs. .

I urge you to support the Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330). Such reform that would provide an effective and humane solution to our problems and, help to enhance our security is long overdue.

Sincerely,

38SL5002

**SAMPLE LETTER TO CONGRESS:
Secure America and Orderly Immigration Act of 2005**

BY FAX

The Honorable _____
United States Capitol
Washington, DC _____

Dear (Representative/Senator _____):

On behalf of **[insert company name here]** I am writing to urge your support of the “Secure America and Orderly Immigration Act of 2005” (SAOIA) (S. 1033/H.R. 2330). This bill would create legal channels through which employers could hire workers, enact tough and workable enforcement measures, register the undocumented population, and clear bureaucratic backlogs that keep families separated.

Current immigration law largely prevents the hiring of foreign essential workers. No mechanism currently exists that permits **[company]** to hire non-seasonal temporary workers for non- or semi-skilled positions. While our company recruits U.S. workers, we have been unable to find enough available American workers, and a legal program would enable us to **[Explain how you would use this program. e.g. fill positions/ expand operations.]**

Provisions in S. 1033/H.R. 2330 would solve these problems for **[company]** while simultaneously transforming our immigration system into one that is safe, legal, controlled and orderly. The bill would create a temporary worker program to correspond with our economy’s needs, provide the necessary visas, set forth clear employer obligations, put all workers on the same footing regarding labor protections, provide a clear path to permanent residency, and create an enforcement scheme to deal with program violations.

In addition to having access to new workers entering the country, there is a large undocumented population of hard-working individuals who are either employed with incorrect or outdated authorization or hired by unprincipled employers. An immigration system that creates a shadow-class of workers that provides unfair rewards to unscrupulous employers is the wrong direction for our immigration policy and our national security. Good American employers need real relief from employers who hire and exploit undocumented workers and access to these hard working individuals with the necessary experience and skills. **[Give examples of how this aspect of the program would benefit your company.]**

To bring these people out of the shadows, the bill would give undocumented immigrants the opportunity to earn their permanent legal status by paying a fine, fulfilling a work requirement,, paying taxes, learning English, and passing security clearances. Employers would then use the secure identification document to verify that the person has work authorization.

I urge you to support the Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330). By tackling these tough issues, this bill offers a win-win-win situation that is good for business, good for workers, and good for our national security.

Sincerely,
8SL5001

The Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330): A Brief Overview

On May 12, 2005, Senators John McCain (R-AZ) and Edward Kennedy (D-MA), and Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL) introduced the Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330). Reflecting the universal consensus that our immigration system is broken, S. 1033/H.R. 2330 would reform our immigration laws so that they enhance our national security and address the concerns of American businesses and families. The legislation contains provisions to address the problems that have long plagued our current immigration system, as briefly outlined below.

Title I of the bill would create a national strategy for border security and enhanced border intelligence by:

- mandating the development and implementation of various plans and reports dealing with information-sharing, international and federal-state-local coordination, technology, anti-smuggling, and other border security initiatives;
- authorizing the development of a Border Security Advisory Committee made up of various stakeholders in the border region to provide recommendations to the Department of Homeland Security regarding border security and enforcement issues;
- requiring the Secretary of State to provide a framework for better management, communication and coordination between the governments of North America, including the development of multilateral agreements to establish a North American security perimeter and improve border security south of Mexico.

Title II of the bill would reauthorize the State Criminal Alien Assistance Program for fiscal years 2005 through 2011 and provide that such funds may only be used for correctional purposes. In addition, Title II authorizes additional funding to states for reimbursement of the indirect costs relating to the incarceration of undocumented aliens.

Title III would establish a new essential worker visa program with the following characteristics:

- a new temporary (H-5A) visa would allow foreign workers to enter the U.S. and fill available jobs that require few or no skills;
- applicants would be required to demonstrate the availability of a job in the U.S., pay a \$500 fee in addition to application fees, and clear all security, medical, and other checks;
- the H-5A visa would be valid for 3 years, and could be renewed one time for a total of 6 years; at the end of the visa period the worker would have to return home or be in the pipeline for a green card. The visa would be portable;
- the initial cap on H-5A visas would be set at 400,000, with the annual limit gradually adjusted based on demand in subsequent years;
- an employer could sponsor the H-5A visa holder for permanent residence or, after accumulating 4 years of work in H-5A status, the worker could apply to adjust status through self-petition;
- the bill sets forth various employer obligations under the program, detailed worker protections, and an enforcement scheme to deal with violations of these provisions;
- the bill sets up a task force to evaluate the H-5A program and recommend improvements, and requires updating of America's Job Bank to ensure job opportunities are seen first by American workers.

Title IV deals with enforcement and would:

- require all new visas issued by the Secretary of State and immigration-related documents issued by the Secretary of Homeland Security to be biometric, machine-readable and tamper-resistant, within 6 months of the bill's enactment;
- mandate the establishment of a new Employment Eligibility Confirmation System which will gradually replace the existing I-9 system, and which will contain certain safeguards to prevent the unlawful use of the system and a process by which individuals can correct false information;
- amend the IIRIRA to provide for the collection of biometric machine-readable information from an alien's immigration-related documents upon arrival and departure from the U.S. to determine the alien's status;
- broaden the Department of Labor's investigative authority to conduct random audits of employers and ensure compliance with labor laws, and include new worker protections and enhanced fines for illegal employment practices.

Title V is designed to promote circular migration patterns by:

- authorizing the establishment of labor migration facilitation programs with foreign governments whose citizens participate in the new temporary worker program. The programs would facilitate the flow of foreign nationals to jobs in the U.S., with an emphasis on encouraging the re-integration of foreign nationals returning to their home countries;
- encouraging the U.S. government to work with Mexico to promote economic opportunities for Mexican nationals in their home country to reduce migration pressures and costs.

Title VI would promote family unity and reduce backlogs by, among other things:

- exempting immediate relatives of U.S. citizens from the 480,000 annual cap on family-sponsored immigrant visas and reallocating the family-sponsored numbers;
- increasing the number of employment-based numbers from 140,000 to 290,000 per year, reallocating the distribution of those numbers, and providing for the recapture of unused numbers;
- increasing the per-country limits for both family- and employment-based immigrants;
- lowering the income requirements for sponsoring a family member from 125% of the federal poverty guidelines to 100%, and removing other obstacles to ensure fairness.

Title VII provides a mechanism by which eligible undocumented immigrants present in the U.S. on the date of the bill's introduction can adjust to temporary nonimmigrant (H-5B) status with an initial period of stay of 6 years.

- applicants would be required to undergo criminal and security background checks, submit fingerprints and other data, pay a fine, and establish a previous work history in the U.S. Spouses and children would also be eligible for adjustment under this section;
- the bill provides a subsequent mechanism by which H-5B nonimmigrants could adjust to permanent residence status upon meeting a prospective work requirement, paying a fine, and fulfilling additional eligibility criteria. Children and spouses would again be eligible for such adjustment.

Title VIII seeks to protect individuals from immigration fraud by defining who is an authorized representative for purposes of representation in an immigration matter and providing eligibility for "U" nonimmigrant status for certain individuals who have suffered substantial harm at the hands of an unauthorized representative.

Title IX deals with civics integration, authorizing the establishment of the United States Citizenship Foundation, as well as a competitive grant program to fund civics and English language classes.

Title X would promote access to health care by extending the authorization of federal reimbursement for hospitals that provide emergency care to undocumented immigrants and by adding H-5A and H-5B workers to the list of persons for whom hospitals may be reimbursed.

Title XI comprises various miscellaneous provisions, including provisions that would:

- require periodic reports to Congress on the use of the worker programs established under the bill;
- provide for the distribution of fees and fines paid by H-5A and H-5B applicants;
- include H-5A and H-5B workers in the class of individuals protected under the INA's anti-discrimination provisions;
- provide special immigrant status for certain women and children at risk of harm.

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