

AILA Title III Vote Positions

Amendment	Summary	AILA Position
Blumenthal 2	<p>Limitation on solitary confinement</p> <ul style="list-style-type: none"> This amendment allows facilities to use solitary confinement when it is operationally necessary so long as the use is appropriate, the only means of detention available to accomplish a legitimate facility goal, not harmful to the long-term health or wellness of the immigration detainee, and strictly time-limited in specific cases. 	SUPPORT
Blumenthal 8	<p>Codifies existing policy prohibiting enforcement at sensitive locations</p> <ul style="list-style-type: none"> The amendment safeguards against serious constitutional and human rights concerns. This amendment is an important safeguard to ensure that families are treated with respect and decency and that vulnerable individuals can access the services they need. 	SUPPORT
Blumenthal 14	<p>Restores fairness and due process by helping to end extreme punishment for minor offenses:</p> <ul style="list-style-type: none"> Narrows definition of “conviction” - Brings immigration law into conformity with criminal law Eliminate retroactive application as severe penalties of deportation and mandatory detention should not apply retroactively. 	SUPPORT
Coons 1	<p>Changes from “may” to “shall” the requirement that DHS notify individuals about E-Verify results.</p> <ul style="list-style-type: none"> It is crucial that workers be notified of a System query as soon as possible, and notified directly as opposed to by the employer, because such notification will: 1) alert a worker if someone else is using the workers’ identity and work authorization documents; 2) alert a worker if an employer is unlawfully E-verifying the worker, and 3) if the query is lawful, permit the worker to immediately begin addressing any potential further action notice. 	SUPPORT
Coons 5	<p>Requires that DHS provide persons in removal proceedings with complete copies of their files (except for documents protected from disclosure). Unless persons waive right to receive documents, removal proceedings may not proceed.</p>	SUPPORT
Coons 6	<p>Creates a streamlines system for recording and sharing data between ICE, EOIR, CBP, and USCIS pertaining to the immigration detention system. The agencies would make data available across agencies so that agencies, Congress, and advocate can track detention time and cost.</p> <ul style="list-style-type: none"> The amendment would increase transparency and ensure accountability by agencies. It would save taxpayer dollars by identifying suitable candidates for alternatives to detention. 	SUPPORT
Coons 8	<p>Eliminates current requirement that employment authorization be given to an asylum-seeker only after 180 days</p> <ul style="list-style-type: none"> This amendment would ensure that asylum seekers are not unfairly deprived of the opportunity to support themselves as they pursue legitimate asylum claims. 	SUPPORT
Coons 12	<p>Denies safe haven to human rights violators</p> <ul style="list-style-type: none"> The amendment would deny safe haven to individuals who commit war crimes, crimes against humanity, and genocide 	SUPPORT
Coons 13	<p>Codifies existing policy prohibiting enforcement at sensitive locations</p> <ul style="list-style-type: none"> See Blumenthal 8 	SUPPORT
Cruz 3	<p>Makes unlawful presence a permanent bar to citizenship:</p> <ul style="list-style-type: none"> This amendment has no exceptions and would bar undocumented individuals from RPI status, gutting the legalization provisions of the bill It would also deny individuals, including U visa holders, VAWA petitioners, and asylum-seekers from ever obtaining citizenship. 	OPPOSE

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Feinstein 5	Creates pilot program for child experts to assist CBP in screening for UACs	SUPPORT
Feinstein 12	Reaffirms the federal government's supremacy over immigration law. We need one immigration law, not 50 state laws. The amendment would also ensure that federal immigration status information is not misused and protects against racial profiling based on presumed lack of status.	SUPPORT
Franken 1	Employers with 14 or fewer employees must participate in E-Verify at the earlier of: 4 years after regs are issued if the IG can certify that the error rate was .26% or less in the previous year; on Jan 1 of any calendar yr beginning 4 yrs after regs have been issued if the IG can certify that the System had an error rate of .26% or less the previous year; OR 8 years after regs. have been issued. When these employers do participate, fines are reduced to \$1,000 for first-time violators if the error rate is higher than .26%. <ul style="list-style-type: none"> • E-Verify errors are time-consuming, expensive, and alarmingly frequent. • High error rates will hurt two groups more than anyone: small business owners and legal, immigrant workers. 	SUPPORT
Franken 2	Requires audits of E-Verify accuracy rates and reduction of first time penalties for small employers if error rates increase. <ul style="list-style-type: none"> • See points for Franken 1 	SUPPORT
Franken 3	Creates "Office of the Small Business and Employee Advocate" at USCIS. <ul style="list-style-type: none"> • The advocate model is has proven success. (Tax payer advocate) • Major changes to the immigration system require this level of protection. 	SUPPORT
Franken 4	Creates same office as #3, but gives office authority to mitigate penalties for small businesses and to make determinations about if a worker is or is not authorized to work. <ul style="list-style-type: none"> • See Franken 3 	SUPPORT
Franken 5	Requires data on accuracy rates. <ul style="list-style-type: none"> • See points for Franken 1 	SUPPORT
Franken 6	Allows late appeals or further action notices for good cause. <ul style="list-style-type: none"> • E-Verify due process protections are critically important. • Some employers will not give workers notice of an error; that shouldn't bar them from accessing the due process protections. 	SUPPORT
Franken 7	HELP Separated Children Act. <ul style="list-style-type: none"> • Allows parents to make calls to arrange for the care of their children. Reduces the collateral consequences of enforcement on child well-being • Gives ICE personnel clear guidelines for handling cases with an affected U.S. citizen child. 	SUPPORT
Franken 8	Moves responsibility for counsel and child advocates for UACs from HHS to DOJ <ul style="list-style-type: none"> • Representation will make removal proceedings more efficient and less burdensome to immigration judges, as well as fostering the important government interest of increasing appearance rates in immigration court. • The facilitation of legal services is outside HHS' core functions and its inherent expertise in the care, custody, and placement of these children. 	SUPPORT
Graham 1	Terminates asylum/refugee status if person returns to home country without good cause <ul style="list-style-type: none"> • There are a range of urgent situations where a genuine asylee or refugee may make a brief return home that should not result in the withdrawal of the protection the United States has given him or her. • This amendment as currently drafted is ambiguously worded and could be read to apply as a blanket rule to persons previously granted asylum or refugee status who are now permanent residents. 	OPPOSE
Graham 2	Requires DHS to turn over information on any visa overstay to federal law enforcement agencies	OPPOSE

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Grassley 25	<p>Strikes provision related to designation of certain refugee groups (P-2 designations)</p> <ul style="list-style-type: none"> This provision would prevent professional DHS officers to use their interview time more efficiently by focusing on admissibility and security checks during a refugee interview and adjudication, rather than re-establishing that certain groups face persecution, ultimately saving the government money. 	OPPOSE
Grassley 26	<p>Strikes statelessness provision</p> <ul style="list-style-type: none"> The amendment would leave stateless persons in the U.S. in perpetual legal limbo. This amendment is out of sync with U.S. global efforts to identify, reduce and prevent statelessness in other countries. 	OPPOSE
Grassley 27	<p>Strikes portion of the bill that removes the 1-year asylum filing deadline</p> <ul style="list-style-type: none"> This amendment would bar bona fide refugees from asylum and lead to the unnecessary expenditure of government resources 	OPPOSE
Grassley 28	<p>Allows employers to use E-Verify to pre-screen job applicants before an offer of employment</p> <ul style="list-style-type: none"> The amendment essentially authorizes prescreening which harms authorized workers and allows discrimination if specific potential employees can be singled out 	OPPOSE
Grassley 29	<p>Requires an 18-month phase-in for mandatory E-Verify</p> <ul style="list-style-type: none"> Moving forward rapidly without addressing ongoing problems within the system will not help to achieve stated goals and will result in harm to all workers and businesses. An unrealistic timeframe would likely <u>delay</u> implementation of the new system because it leads to inadequate and unrealistic planning and misallocation of resources and taxpayer monies. 	OPPOSE
Grassley 30	<p>Requires SSA and Treasury to join with DHS in establishing a program to share information for the purpose of identifying unauthorized noncitizens.</p> <ul style="list-style-type: none"> This would undermine fundamental protections and erode the reliance Americans place on the confidentiality of social security accounts. It would also promote "off the books" work 	OPPOSE
Grassley 31	<p>DHS must send weekly report of workers who receive a final nonconfirmation to ICE for enforcement</p> <ul style="list-style-type: none"> Compelled disclosure of E-Verify information to ICE will ultimately increase the number of workers in the underground economy. This amendment gives unscrupulous employers a competitive advantage over law-abiding employers. 	OPPOSE
Grassley 32	<p>Allows employers to verify existing employees</p> <ul style="list-style-type: none"> This amendment would give statutory license to unprincipled employers to reverify the status of their employees whenever it suited their own purposes. Giving employers carte blanche to reverify at any time of their own choosing permits reverification to be used as a tool of intimidation and retaliation against immigrant employees whose assertions of workplace rights would be chilled as a result. 	OPPOSE
Grassley 34	<p>This amendment would require that government to prove that the defendant knew the document didn't belong to the defendant, which would lower the standard of proof</p> <ul style="list-style-type: none"> This amendment is overbroad and imposes disproportionate and excessive punishment for the possession or use of fraudulent documents in connection with the hiring or harboring of an unauthorized worker. 	OPPOSE
Grassley 35	<p>Delays preemption of state and local laws until all employers are required to use the System</p> <ul style="list-style-type: none"> It is likely to increase discrimination against authorized workers, including U.S. citizens 	OPPOSE

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Grassley 37	<p>Removes DHS Secretary’s ability to determine that another document, such as those issued by a federally recognized Indian tribe, can be used to prove identity and work authorization.</p> <ul style="list-style-type: none"> • S.744 already narrows which documents can be used as part of the E-Verify process. This amendment goes further by stripping away DHS’ ability to authorize the use of other documents in the future. It also strips away the DHS’ ability to prohibit the use of certain documents. Flexibility is necessary. 	OPPOSE
Grassley 39	<p>Requires study of workload at EOIR before increasing EOIR staff</p> <ul style="list-style-type: none"> • The amendment is not necessary. Bipartisan reports on extremely overloaded immigration courts already exist. The amendment would only delay much-needed improvements. 	OPPOSE
Grassley 40	<p>Strikes current counsel provisions in the bill and substitutes with discretionary appointments for UACs and mentally incompetent individuals.</p> <ul style="list-style-type: none"> • Counsel is essential to basic due process and fairness. 	OPPOSE
Grassley 41	<p>Strikes codification of Legal Orientation Program (LOP).</p> <ul style="list-style-type: none"> • Legal Orientation Programs and the Office of Legal Access Programs are efficient, cost-effective, and facilitate access to critical legal information. • LOP contributes to immigration court efficiency. 	OPPOSE
Grassley 42	<p>Strikes 3-panel BIA judges.</p> <ul style="list-style-type: none"> • Eliminating 3-judge panels threatens immigrants’ due process rights. • Eliminating the necessity of comprehensive written opinions decreases the dissemination of critical, uniform guidance to immigration judges. 	OPPOSE
Grassley 43	<p>Broadens gangs provision by not requiring a conviction.</p> <ul style="list-style-type: none"> • This amendment imposes guilt by association. It imposes harsh penalties (inadmissibility, deportability, legalization ineligibility) based only on the government’s assertion that a person is merely a member of a criminal street gang. • It gives no opportunity for the alleged gang member to present his/her case to a judge • Relying on factors like tattoos, style of dress, ethnic background, or neighborhood associations could lead to discriminatory enforcement and stereotyping. 	OPPOSE
Grassley 44	<p>Makes 3 drunk driving offenses an aggravated felony.</p> <ul style="list-style-type: none"> • The amendment is not necessary. The bill already provides tough DUI provisions. The amendments would mandate automatic detention and permanent exile, regardless of how old the offense is, U.S. family ties, or evidence of rehabilitation • The retroactive application of the penalty offends our basic notions of due process and fairness. 	OPPOSE
Grassley 45	<p>Expands criminal penalties for illegal entry and reentry.</p> <ul style="list-style-type: none"> • The amendment would lead to the imprisonment of more immigrants for what is essentially a status offense. This wastes taxpayer dollars, worsens prison crowding problems, and diverts law enforcement from going after traffickers, smugglers, and other dangerous criminals. • It removes an exception for Good Samaritans, turning those who are trying to provide life-saving assistance into criminals. 	OPPOSE
Grassley 46	<p>Makes DV a ground of inadmissibility.</p> <ul style="list-style-type: none"> • The amendment does not take into account the severity of the crime, and would impose punishments that are disproportionate to the crime • It would break up families and put domestic violence survivors at risk of deportation. Often, both parties in a domestic dispute are arrested, and at times, the person who speaks less English or is undocumented is mistaken for the abuser. 	OPPOSE

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Grassley 47	<p>Strikes bond hearing provisions in bill.</p> <ul style="list-style-type: none"> The amendment undoes long-needed improvements to the fairness and efficiency of the immigration custody review process. It strips away from S.744 important due process protections. It also eliminates a provision that would align bond determinations with criminal justice standards. 	OPPOSE
Grassley 48	<p>Study of workload at EOIR, which is linked to increase in judges.</p> <ul style="list-style-type: none"> There is a desperate need for additional immigration court and BIA staffing that must be addressed immediately. The increases are a reasonable response to the huge immigration case backlog. 	OPPOSE
Grassley 49	<p>Allows profiling based on country of origin.</p> <ul style="list-style-type: none"> Allowing “profiling based on country of origin” would give law enforcement officers unclear guidance on how to conduct their activities. Law enforcement officers need clear standards for carrying out their duties – instructing them to do something “as permitted by the Constitution and the laws of the United States” without specific application is impractical and unrealistic. 	OPPOSE
Grassley 50	<p>Eliminates judicial review of visa revocation.</p> <ul style="list-style-type: none"> The amendment violates fundamental fairness. In our system of government, the judicial system is the safeguard against arbitrary executive or administrative action. The amendment would eliminate this very limited safeguard. 	OPPOSE
Grassley 51	<p>Strikes the secure alternatives program that is created in S.744.</p> <ul style="list-style-type: none"> The amendment strikes an attempt to create a cost-efficient and fair system of alternatives to detention. 	OPPOSE
Grassley 52	<p>Requires report on Boston bombing before provision eliminating the 1-yr filing deadline for asylum, provision allowing asylum officers to adjudicate defensive asylum claims, and dual intent provisions can be implemented.</p> <ul style="list-style-type: none"> This amendment makes a false link between dual intent and the Boston bombings and will unnecessarily delay updating our immigration law into the 21st century. Dual intent is a very important provision that will put the decision of whether a student intends to become an immigrant at the right phase in the process -- the end of their studies if they choose to apply for a green card or other immigrant status, and not when they are applying for a visa before they have begun their studies, nor each time they return home to see family during their studies. 	OPPOSE
Grassley 53	<p>Extends DHS authority to detain persons with a final removal order, imposes a clear and convincing standard in bond hearings, precludes individuals detained under 236(c) to be released on bond, and imposes strict post-order framework on persons detained after final orders</p>	OPPOSE
Hatch 1	<p>This amendment would require that government to prove that the defendant knew the document didn't belong to the defendant, which lower the standard of proof</p> <ul style="list-style-type: none"> This amendment is overbroad and imposes disproportionate and excessive punishment for the possession or use of fraudulent documents in connection with the hiring or harboring of an unauthorized worker. 	OPPOSE

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Hatch 2	<p>Increases penalties for certain drug offenses on federal lands: provides for a sentence of up to 10 years in addition to any other sentence provided under 21 USC 841(b)(5), and directs the U.S. Sentencing Commission to amend the Sentencing Guidelines by adding a 2-level increase for a violation of section 841, if the cultivation or manufacture of controlled substances on federal property involves hazardous materials, degrades the environment or pollutes bodies of water, or results in diversion of bodies of water or clear cutting, or involves use or possession of a firearm.</p> <ul style="list-style-type: none"> Federal courts are overwhelmed with staggering immigration and criminal caseloads. The proposed amendment will only add to these problems. The current laws provide adequate criminal punishment for cultivating and manufacturing on Federal property. While the enhanced penalties required by this amendment do not result in stacking mandatory minimum sentences, it does require stacking of a possible 10 year sentence on top of a mandatory minimum. The USSC concluded that stacking penalties can be excessively severe and unjust, particularly in circumstances in which there is no physical harm or threat of physical harm. 	OPPOSE
Hatch 6	<p>Mandatory biometric exit at airports with the highest volume of international air travelers.</p> <ul style="list-style-type: none"> There is concern whether 2 years is a reasonable or attainable timeframe for the implementation of a functional biometric exit system at the 10 busiest airports 	OPPOSE
Hirono 19	<p>Expands prohibition on profiling based on race and ethnicity to include religion and national origin.</p> <ul style="list-style-type: none"> This proposed amendment is needed to ensure that law enforcement agencies do not engage in discriminatory practices or policies on the basis of race, ethnicity, religion or national origin. The rights of a broad range of Americans would be protected by this amendment, including African, Latino, Arab, Sikh, South Asian, and Muslim Americans, to name a few groups. 	SUPPORT
Hirono 22	<p>Child Trafficking Victims Protection Act. Requires DHS to provide training, care, transportation to unaccompanied minors. DHS shall also provide trained staff resources major ports of entry. HHS shall ensure that qualified child welfare professionals are also available as such ports of entry to conduct screening in accordance with the TVPRA. Such screening will be used to identify children with appropriate sponsors to avoid transfers from DHS to HHS/ORR.</p>	SUPPORT
Klobuchar 2	<p>Adds elder abuse to list of crimes covered by the U visa</p>	SUPPORT
Lee 2	<p>Replaces current E-Verify title with Grassley E-Verify bill</p> <ul style="list-style-type: none"> A Stand-Alone E-verify Bill without CIR is Costly, Unworkable, Inhumane, and Out of Step with what the Vast Majority of Americans Want. 	OPPOSE
Lee 14	<p>Deletes “casual, sporadic, irregular” etc. work as exempt from employment verification. Instead, exempts “domestic service,” which includes butlers, gardeners and footmen.</p>	OPPOSE
Lee 16	<p>Strikes language in S.744 that focuses penalties for immigration and visa fraud on criminal schemes instead of individuals. S.744 included a significant rewrite of the provision, which broadened the scope of conduct covered by the statute and enhanced the associated penalties. Lee 16 further expands the statute.</p> <ul style="list-style-type: none"> This amendment goes to the core of the bill, which contains a new, negotiated Social Security fraud provision that criminalizes more behavior than the existing provision of law that the amendment would retain. 	OPPOSE

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Lee 17	<p>Amends S. 744 to prohibit attempted misuse of a passport (in addition to actual misuse).</p> <ul style="list-style-type: none"> Potentially exposes more individuals to criminal penalties for conduct that is merely immigration status-related. 	OPPOSE
Lee 23	<p>Establishes an alternative identity authentication program.</p> <ul style="list-style-type: none"> The amendment is redundant. It would create a system that is largely duplicative of the E-Verify system It adds unnecessary complexity by building a competing system to E-Verify that will make employer and worker compliance harder. 	OPPOSE
Sessions 5	<p>Creates criminal penalties for overstaying a visa.</p> <ul style="list-style-type: none"> The amendment mandates criminal penalties (60 day mandatory minimum imprisonment) for what has always been a civil violation. It compels expensive incarceration for status-based offenses which is an extreme waste of resources. Penalizing minor immigration violations will divert resources from prosecution of serious immigration law crimes. 	OPPOSE
Sessions 7	<p>Discontinues visas to countries that don't repatriate their citizens.</p>	OPPOSE
Sessions 10	<p>Amends public charge ground of inadmissibility to include receipt of Medicaid and SNAP, which is counter to current policy.</p> <ul style="list-style-type: none"> The amendment could bar people from gaining RPI status or going from RPI to LPR status just because they went to a hospital because of an urgent health need. Discouraging use of Medicaid could have negative public health consequences 	OPPOSE
Sessions 12	<p>Imposes bonds of not less than \$5,000 before immigrants from noncontiguous countries are released from detention.</p> <ul style="list-style-type: none"> Mandatory bonds in this amendment targets an arbitrary subset of individuals, does not make communities safer, and negatively affect families and local economies. 	OPPOSE
Sessions 14	<p>Allows nonapplication of the terrorism related inadmissibility grounds (TRIG) to a spouse or child of an individual inadmissible under such grounds for purposes of asylum or withholding where the DHS or DOJ determine that there reasonable grounds do not exist for regarding the spouse or child as a national security threat.</p>	
Sessions 15	<p>Broadens authority of DHS Secretary to refuse or revoke visas. It bars any judicial review of DHS decisions.</p> <ul style="list-style-type: none"> The amendment violates fundamental fairness. It offers a drastic solution for a nonexistent problem. There has not been a demonstrated abuse of the current judicial review exception sufficient to justify its elimination by this amendment. 	OPPOSE
Sessions 32	<p>Affirms inherent authority and denies federal funds to states/localities that don't cooperate with law enforcement</p> <ul style="list-style-type: none"> The amendment stands in contravention to decades-long precedent establishing the federal government's preeminent role in immigration enforcement. It unfairly targets localities that have adopted community policing policies. 	OPPOSE
Sessions 33	<p>Denies COPS funding for "sanctuary cities"</p> <ul style="list-style-type: none"> It undermines public safety. It unfairly targets localities that have adopted community policing policies. 	OPPOSE

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Sessions 35	Affirms inherent authority and requires that immigration violations are listed in NCIC <ul style="list-style-type: none"><li data-bbox="326 310 1317 373">• Inclusion of immigration-status information in criminal databases invites discriminatory practices by anti-immigrant states.<li data-bbox="326 373 1195 405">• Ensuring federal primacy in immigration law protects against racial profiling.	OPPOSE
Sessions 39	Limits racial profiling to only allowing federal officers to consider race as permitted by the Constitution <ul style="list-style-type: none"><li data-bbox="326 489 1317 552">• By allowing profiling on the basis of race and ethnicity as permitted by the Constitution, this amendment guts the purpose of the Section.	OPPOSE