



AMERICAN IMMIGRATION LAWYERS ASSOCIATION

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December 14, 2005

Dear Representative:

The American Immigration Lawyers Association strongly opposes the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437), introduced by Representatives James Sensenbrenner (R-WI) and Peter King (R-NY). Besides embodying an “enforcement-only” approach to immigration reform that has proved to be ineffectual in addressing our immigration challenges, this bill presents a boldfaced attack on immigrants and our constitutional commitment to fair process. It would have devastating consequences not only for undocumented immigrants but also for legal immigrants and U.S. citizens.

We have seen time and again that enforcement-only policies do not work. Between 1986 and 2002, the number of Border Patrol officers tripled and the number of hours they spent patrolling the border grew by a factor of eight, but in that same time period, the probability of apprehension along the U.S.-Mexico border dropped from about 33% to 5%. By attempting to criminalize the 11 million undocumented immigrants in this country, H.R. 4437 would do nothing to increase our security; instead, it would push these immigrants further into the shadows. We cannot achieve true border security without a concomitant commitment to realistic immigration policies that provide legal channels for immigrants to enter the country to work, pay taxes, and contribute to society; and allow those who are already here the opportunity to earn their way to legal status.

Unfortunately, H.R. 4437 goes far beyond advancing a wrongheaded approach to immigration reform--it also subverts our democracy’s deeply held values, which are founded on fundamental principles such as the right to a day in court, checks and balances, and freedom from unjust and arbitrary detention. It criminalizes unwitting violations of immigration status—for example, a university student on a student visa whose course load drops below the required number of hours. Additionally, H.R. 4437 sharply restricts judicial review, broadly expands mandatory detention policies, and, outrageously, broadens the definition of alien smuggling and harboring to reach family members, employers, teachers, and immigrant advocates.

The Border Protection, Antiterrorism, and Illegal Immigration Control Act is an assault on our immigration policies, not a solution to the challenges we face. To fix our broken immigration system, we must enact legislation that not only enhances border security but also implements an effective guest worker program, provides a path to citizenship with reasonable requirements, and reunifies families. We must restore the rule of law to our immigration system, with fair rules that are evenly enforced, not expansive enforcement that can never be implemented. We strongly urge you to oppose H.R. 4437 and instead support realistic, comprehensive reform.

Sincerely,

Jeanne Butterfield
Executive Director