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Congress of the United States
House of Representatives
Washington, DC 20515

October 27, 2000

President Bill Clinton
The White House
1600 Pennsylvania Ave.
Washington, DC 20500

Dear President Clinton:

I am pleased for your support of additional provisions to H.R. 5062, which are important to amend the sweeping immigration laws that went into effect in 1996.

As you know, the House of Representatives has acknowledged the need for reform by passing H.R. 5062. However, further reform of these laws is needed to restore fair processes and legal protections to foreign-born residents. In particular, I urge you to support the following additional provisions to the legislation.

- * **End the practice of mandatory detention.** Restore the Attorney General's discretion to make individualized custody and release decisions for individuals in removal proceedings who are not safety or flight risks.
- * **Restore the Attorney General's authority to exercise discretion in certain individual cases.** For many decades, the Attorney General had the authority to grant long-term legal residents a reprieve from deportation, allowing them to keep their U.S. residence.
- * **Respect due process principles by reestablishing a single level of appeal.** Access to the courts is an essential feature of the entire system of checks and balances on which our system of government is based. In disregard of this time-honored principle, the 1996 laws eliminate review of certain deportation orders and empowered INS officers to make many removal decisions without the involvement of any judicial or quasi-judicial officer.

Thank you for your continued support of H.R. 5062 as you proceed through the negotiations process. As a nation of immigrants founded upon the principle of equal justice under the law, it is important that we restore these guarantees of fairness and due process to our nation's immigration policy.

Sincerely,

M-F

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PAGES TO FOLLOW:

MESSAGE:

Priorities

- ① ~~That~~ Cancellation of Removal
- ② Mandatory Detention
- ③ Judicial Review.

CANCELLATION OF REMOVAL (Formerly 212(c) Relief)

Issue The Attorney General should be able to grant relief from deportation to a long-term permanent resident unless s/he has been sentenced to five years or longer for one or more aggravated felonies.

Background For many decades the Attorney General could grant long-term legal residents a reprieve from deportation, allowing them to remain in the U.S. as permanent residents.

During the consideration of 1996 immigration laws, both the House and Senate voted to allow long-term permanent residents (e.g., with seven or more years legal residence) to apply for relief from deportation only if they had been *sentenced* to less than five years for an "aggravated felony." Anyone sentenced to more than five years would be ineligible for relief. Before 1996, a person was disqualified from relief only if he or she had actually *served* five years or longer for such a conviction.

Meeting behind closed doors, the conference committee inserted a restriction that neither the House nor Senate had approved. Relief would not be available to anyone with an aggravated felony, no matter how minor or long-ago the offense, or how short the sentence. The list of "aggravated felonies" and term "conviction" were also expanded to include offenses before 1996 and dispositions that are not felonies under criminal law. The result is that permanent residents face automatic deportation for relatively insignificant transgressions, as well as for serious ones.

Proposal Restore discretion to the Attorney General to grant relief from deportation to long-term permanent residents whose sentence does not exceed five years for one or more aggravated felonies.

Rationale In the early and mid-1990's Rep. Bill McCollum repeatedly introduced legislation to limit relief to permanent residents who had been *sentenced* to less than five years for an aggravated felony. This restriction ultimately passed the House and Senate in 1996.

Whereas both the House and Senate passed legislation barring relief to permanent residents with sentences greater than five years, neither house voted to prohibit the Attorney General from considering whether a permanent resident should be granted relief on account of a single aggravated felony conviction regardless of the sentence imposed.

The DOJ agrees that discretion to make appropriate decisions should be restored. Immigration judges should be able to evaluate all of the relevant factors in a case, such as the nature of the offense, the extent of one's ties to the U.S., evidence of rehabilitation, and the hardships deportation may cause to U.S. citizen and resident family members.

Permanent residents occupy a special place in U.S. law. Before 1996, only 1 in 10 people in proceedings could even apply for relief and only a portion of those were ever granted. Even fewer individuals would be eligible to apply for consideration under this proposal.

The current law penalizes small infractions as severely as serious crimes. The punishment should fit the crime.

RESTORATION OF DISCRETIONARY RELIEF FROM REMOVAL

- (a) **CANCELLATION OF REMOVAL**- Section 240A(a) (8 U.S.C. 1229b(a)) is amended--
- (1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively; and
 - (2) by amending subparagraph (C) (as so redesignated) to read as follows:
'(C) has not been convicted of an aggravated felony (or felonies) for which the sentence imposed exceeds five years.'

This amendment shall take effect as if included in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. In the case of an alien who is eligible for relief under section 212(c) of the Immigration and Nationality Act (as in effect before the enactment of section 440(d) of the Antiterrorism and Effective Death Penalty Act of 1996) (Public Law 104-132; 110 Stat. 1277), nothing in this Act shall be construed to modify such eligibility.



MANDATORY DETENTION

Issue Mandatory detention is burdensome for the INS, expensive to U.S. taxpayers, and has been found to be unconstitutional by numerous federal courts.

Background The INS *must* detain tens of thousands of people each year at huge expense under a "mandatory detention" provision even if the INS believes that the person does not present a flight risk or danger to the public. The provision went into full effect in October 1998, forcing the INS to rent beds in local and state jails. About 200,000 individuals will have some time in INS custody in FY2000 in 20,000 beds. The INS projects it will have 24,000 detention beds by 2001.

Before 1996, the INS generally set a bond to ensure the immigrant's appearance in immigration court. An immigration judge could review the bond decision and, although rare, that decision was subject to review by the Board of Immigration Appeals (BIA). From October 1996 to October 1998, a transition rule continued to permit the Attorney General to release any lawfully admitted alien who did not "pose a danger to the safety of other persons or of property and is likely to appear for his or her proceedings." The mandatory provision requires detention and eliminates bond and the custody hearing.

The INS also interprets the 1996 law as requiring the continued detention of an alien with a final order of removal if the INS cannot deport him/her in the 90-day period required by law. The INS has developed an internal process to review the custody of these "indefinite detainees" or "lifers" but there is no requirement that they ever be released. The number of such detainees is 4000-5000 and continues to grow.

Detainees, through habeas actions, have challenged the validity of the mandatory provision, with many courts finding detention without bond or an individualized custody hearing to be unconstitutional under the Due Process Clause.

Proposal Restore AG discretion to release individuals with pending removal hearings and provide individualized custody hearings before immigration judges to review custody decisions.

Rationale Detention is expensive and often a headache for the INS. The DOJ has proposed restoring discretion to the AG as before 1996 or under the transitional rule.

Detainees would not be automatically released under this proposal. People who are dangerous or flight risks would still be detained but immigration judges and the BIA could review the INS' custody determination.

Freedom from physical detention is a basic human right that is embedded in our Constitution. Litigating these rights case-by-case is costly and burdensome for the DOJ, detainees, and courts. Restoring administrative discretion would be a win-win-win.

MANDATORY DETENTION

~~This is modified from the proposed DOJ language which gave the AG "sole and nonreviewable discretion" to release someone covered by this provision.~~

Section 236(c) DETENTION OF CRIMINAL ALIENS is amended to read:

"(2) RELEASE. The Attorney General may, in the Attorney General's discretion, release an alien described in paragraph (1)(A), (B), or (C) only if the alien satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or property and is likely to appear for any scheduled proceeding, and:

- (A) the alien was lawfully admitted to the United States;
- (B) the alien cannot be removed because the designated country of removal will not accept the alien; or
- (C) a Federal, State, or local law enforcement agency makes a request for release, and the Attorney General determines, in the Attorney General's sole and nonreviewable discretion, that release of the alien from custody is appropriate where the alien is a witness, a potential witness, a person cooperating with an investigation into a major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation.

A decision by the Attorney General relating to such release shall take into consideration the severity of any offenses committed by the alien. An alien released under this paragraph is not entitled to employment authorization, but the Attorney General may provide for employment authorization pursuant to regulation."

③

RESTORATION OF JUDICIAL REVIEW "A Day in Court"

Issue To promote fairness and consistent treatment, our Constitution demands that before a person is deprived of liberty, the person should have their day in court.

Background Access to the courts is an essential feature of the entire system of checks and balances on which our system of government is based. Judicial review is particularly important in arenas—such as immigration law—where the liberty of an individual is at stake.

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) effectively stripped the courts of jurisdiction to review many actions of the Immigration and Naturalization Service. Judicial review was eliminated even in cases where INS actions were subject to only the most deferential level of scrutiny: abuse of discretion. The INS is an imperfect agency that frequently can make mistakes. Such mistakes can affect thousands of aliens. There is no justification for treating the INS differently from other federal agencies and effectively immunizing it from the judicial scrutiny that can make it a more professional, effective, and consistent.

Proposal Give immigrants their day in court by ensuring that legal questions relating to final orders of deportation are reviewable in court. Repeal Section 242(a)(2)(C).

Rationale Well over a dozen provisions of IIRIRA write the courts out of the process. Many of these provisions are part of an effort to ensure that an immigrant does not get "two bites at the apple"—an opportunity to go to court more than once, or to go to different courts, with claims relating to the same proceeding. However, we focus on one provision added by IIRIRA purports to give some immigrants *no* "bites." Under Section 242(a)(2)(C) of the Immigration and Nationality Act, even aliens who have committed minor offenses are barred from having a federal court determine questions of law relating to their deportation. No court can determine whether deportation is mandatory or can be excused in extraordinary cases.

No "day in court" can cause injustice. For example, in 1996, IIRIRA severely curtailed access to relief from deportation that long time lawful permanent residents had traditionally enjoyed.

Retroactive application of a new immigration law is a legal question historically, and constitutionally, subject to judicial review. Numerous cases were brought to challenge this determination in the federal courts. Because the statute was regarded as barring all direct review of claims relating to this determination, the courts overwhelmingly held that immigrants were entitled to judicial review through *habeas corpus*. E.g., Henderson v. INS, 157 F.3d 106 (2d Cir. 1998) (*cert. denied*) and *Liang v. Reno*, 206 F.3d 308 (3d Cir. 1999). As new legal questions arise, this scenario—*habeas* review in federal district court, followed by review of the final order in the appellate court—will recur.

For reasons of efficiency, the INS wants to consolidate any claims that may be asserted at the appellate court. For noncitizens, the fundamental issue is that some court should be able to hear their claim. Repeal of Section 242(a)(2)(C) would promote efficiency, fairness and consistency, and would help ensure that immigrants get their day—just once—in a federal court.

JUDICIAL REVIEW OF CERTAIN ORDERS AND DETERMINATIONS.

(a) Section 242(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(C)) is repealed, and such repeal shall apply to all cases pending at any stage in any court as of the date of enactment of this Act and to all cases brought on or after such date.

(b) Section 309(c)(4)(G) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104-208) is repealed, and such repeal shall apply to all cases pending at any stage in any court as of the date of enactment of this Act and to all cases brought on or after such date.

Bushman/Chen

DUE PROCESS:
RECENT IMMIGRATION LAWS GO TOO FAR

In 1996, the 104th Congress passed and the President signed into law the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) and the Anti-Terrorism and Effective Death Penalty Act (AEDPA). Touted as legislation that would control illegal immigration, IIRAIRA and AEDPA actually include many provisions that significantly affect American families, legal immigrants and others seeking to enter the United States legally. Many, including Members of Congress and the general public, have recognized the need to revisit and change certain provisions of IIRAIRA and AEDPA. Some of the harshest provisions of IIRAIRA and AEDPA that need to be changed include:

JUDICIAL REVIEW: IIRAIRA contains many provisions that strip the courts of any authority to review the decisions of the INS. Under IIRAIRA, virtually all discretionary decisions affording relief to eligible individuals may no longer be reviewed by a court. This "court-stripping" is unprecedented and unconstitutional.

Judicial review of individual decisions by INS officers and of INS procedures and applications should be restored to ensure justice and protect against mistake and abuse.

BARS TO ADMISSIBILITY: IIRAIRA creates new bars to entering the U.S. for people who have been unlawfully present in the U.S. for six months or longer. Under these new provisions, anyone who tries to enter the U.S. who has previously been in the country unlawfully for more than 180 days but less than one year will be barred from reentering the U.S. for three years. Anyone who is in the U.S. unlawfully for one year or more will be barred from reentering for ten years. The 1996 law provides only very limited waivers and exceptions to these bars.

The three and ten year bars should be repealed. Alternatively, the waivers and exceptions to the bars should be expanded to, at a minimum, include parents of U.S. citizens and lawful permanent residents; and provide that the period of time during which a person is in removal proceedings (including any appeal period) will not count toward the period of unlawful presence (since the person is required by law to remain in the U.S. during that period).

"212(c)" RELIEF: Prior to the passage of IIRAIRA, Section 212(c) of the Immigration and Nationality Act provided relief from deportation for long-term lawful permanent residents who had committed a crime but merited a "second chance." In order to be eligible to apply for "212(c)" relief, an applicant had to show that he or she had been a lawful permanent resident for at least seven years, had served less than five years of a sentence if the underlying crime was classified as an "aggravated felony," had been rehabilitated, and had no other criminal record. If the applicant was able to establish these factors, the immigration judge had the discretion not to deport the applicant. However, IIRAIRA completely bars anyone who has been convicted of an aggravated felony from even applying for this type of relief. This provision essentially denies any opportunity for rehabilitation for long-term permanent residents who have family here and ties to the community. Given the broadly expanded definition of aggravated felony under IIRAIRA and its retroactive application, reform is necessary.

The ability to apply for "212(c)" relief should be restored for lawful permanent residents who have served a sentence no more than five years and meet all other requirements.

AGGRAVATED FELONIES: IIRAIRA greatly expands the definition of "aggravated felony" for immigration purposes. This definition is unrelated to any criminal definitions and, under IIRAIRA, includes non-violent crimes such as shoplifting and check kiting. Under immigration law, "aggravated felons" are deportable without the possibility of relief from deportation (see "212(c) Relief" above). Furthermore, the new expanded definitions are retroactive. Thus, legal immigrants may be placed into deportation proceedings today for minor offenses they committed decades ago. *This is true even if the offense was not defined at the time as an aggravated felony (and therefore may not have been a deportable offense), and the immigrant has served his/her punishment in the criminal law system.*

The law should be amended to narrow the definition of aggravated felony to include only serious offenses. Moreover, the new definition should not apply retroactively; it should apply only to crimes committed after April 1, 1997, the date of enactment of IIRAIRA. Immigrants should not have the rules changed on them in the middle of the game.

SUSPENSION OF DEPORTATION: IIRAIRA significantly changed a discretionary form of relief that was known as "suspension of deportation" (now called "cancellation of removal"). This relief allowed a judge to suspend the deportation of a person who was not legally residing in the U.S. but who had lived here for a long time and had other extenuating circumstances. To be eligible to apply for suspension of deportation, an applicant had to prove that he or she had been in the U.S. for at least seven years and that the applicant or his/her U.S. citizen or lawful permanent resident family member would suffer extreme hardship if the applicant was deported. If the applicant could establish these factors, the immigration judge, in his or her discretion, could decide to prevent the applicant's deportation. IIRAIRA made this form of relief much more difficult for an applicant to obtain. Under IIRAIRA, an applicant must show that he/she has been in the U.S. for at least ten years and that deportation would result in "exceptional and extremely unusual hardship" to a U.S. citizen or lawful permanent resident family member — hardship to the applicant is not sufficient. If the applicant cannot meet these extremely high eligibility requirements, the judge has no authority to suspend the applicant's deportation.

Congress should restore traditional Suspension of Deportation. At a minimum, the law should be amended to restore hardship to the applicant as a ground of eligibility for this relief. ✓

EXPEDITED REMOVAL: IIRAIRA creates a new expedited removal process in effect at all U.S. ports of entry. Under this expedited process, persons attempting to enter the U.S. with fraudulent documents or no documents can be summarily removed from the U.S. by an Immigration and Naturalization Service (INS) inspector at the port of entry without a hearing. Additionally, persons who attempt to enter by "misrepresentation" also may be removed. Persons summarily removed can be barred from reentering the U.S. for a minimum of five years, and possibly permanently. IIRAIRA explicitly strips the federal courts of any authority to review the INS's decision to remove the entry applicant, thus providing low-level INS employees with broad, unchecked authority to issue final and binding deportation orders. Furthermore, the new expedited removal provisions were intended to apply to persons with facially fraudulent documents or no documents. However, these provisions are overly broad in scope and are being applied to persons who have valid documents, but whom an inspector believes intend to violate the terms of his or her status. Without

Bar for
5 yrs +

too broad

subjective

any meaningful review, unsuspecting travelers can find themselves facing summary deportation based only on the subjective opinion of the inspector.

The expedited removal law should be repealed.

DEPORTATION BASED ON SECRET EVIDENCE: IIRAIRA, together with AEDPA, establishes a new court charged only with hearing cases in which the government seeks to deport aliens based on secret evidence submitted in the form of classified information. The INS already has tried in other courts to use secret evidence against immigrants. In commenting on one such attempt, a court said, "One would be hard pressed to design a procedure more likely to result in erroneous deprivations. ... Secrecy is not congenial to truth seeking. ... No better instrument has been devised for arriving at the truth than to give a person in jeopardy of serious loss notice of the case against him and the opportunity to meet it." This simple statement is a fundamental requisite of any fair legal system. Our adversarial legal system demands no less. Proceedings conducted out of sight of the accused and their attorneys are a feature of totalitarian governments, not of our own.

The law should be amended so that no person should be deprived of liberty on the basis of evidence kept secret from them.

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MANDATORY DETENTION:

Immigrants Detained and American Families Pay the Price

THE ISSUE: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) amended the Immigration and Nationality Act by mandating that the Immigration and Naturalization Service (INS) detain nearly all immigrants who have committed a crime. The list of crimes which subject an immigrant to mandatory detention is extensive, and includes nonviolent crimes, crimes which occurred in the distant past, and crimes for which no sentence was served. Mandatory detention went into effect on October 9, 1998. Since that time, many lawful permanent residents who have been in the United States for many years and who have U.S. citizen family members have been locked away indefinitely in INS facilities and local jails with no possibility for release.

BACKGROUND: Prior to the mandatory detention provisions enacted in the '96 law, INS could exercise its discretion and decide to release a particular detainee if it was determined that the detainee posed no risk to society and was likely to appear for proceedings. An Immigration Judge could hear evidence about a detainee's U.S. family members, length of residency in the U.S., and rehabilitation and decide whether or not he or she deserved to be released. Both INS and an Immigration Judge had the authority to release an individual who posed no danger to the safety of others and was likely to appear for future hearings. By mandating detention without the possibility of release, IIRIRA took away this discretion.

The mandatory detention provisions also operate retroactively, according to the Administration's interpretation, and require the detention of individuals who committed non-violent offenses, including some misdemeanors, even years before IIRIRA became law. Many long-time lawful permanent residents have been detained without the possibility for release for offenses committed years ago.

Any change in the mandatory detention rules requires legislative action. Mandatory detention of lawful permanent residents, however, has been found unconstitutional by a majority of federal courts which have considered the issue.

CURRENT STATUS: INS issued policy guidance on October 7, 1998 indicating its detention priorities. The INS memo began by stating that compliance with the mandatory detention provisions is "virtually impossible," and indicated that individuals released prior to the new detention rules will not be targeted for re-detention. However, when the INS comes into contact with an immigrant subject to mandatory detention, for example during a citizenship interview or upon return to the United States from a trip abroad, the immigrant is likely to be taken into custody without possibility for release.

AILA's POSITION: The mandatory detention provisions of the 1996 immigration law go too far and should be reformed. INS should not detain non-violent immigrants, including refugees, asylum seekers and permanent residents, who pose no risk to society. To do so wastes taxpayer money and diverts much needed resources from the legitimate and necessary task of detaining those violent

aliens with criminal histories. INS, itself, has taken this position. INS must have the discretion to release immigrants who pose no risk to society and are likely to show up for their hearings. The vast majority of immigrants pose no risk to American society and should not be treated like criminals. AILA strongly supports reform of the mandatory provisions. Mandatory detention goes too far and hurts American families.

OTHER RELATED ISSUES:

Indefinite detention - The INS is unable to return some detainees with final orders of deportation or removal to their countries of nationality. These detainees are from Vietnam, Cuba, and other countries with which the United States has no diplomatic relations or which refuse to accept the return of their nationals. Consequently, immigrants from these countries languish in INS detention for years. These individuals are commonly known as "lifers," since there is no end in sight to their detention. Many of the approximately 3,500 "lifers" are lawful permanent residents who entered the United States as refugees when they were children.

On April 30, 1999, INS Commissioner Doris Meissner announced a new mandatory review policy for long-term detainees. This policy calls for the regular review of individuals who have final deportation orders but whose immediate repatriation is not possible. Under previous INS policy, District Directors had this authority. This policy announcement merely requires that these reviews take place and that they are conducted in a regularly scheduled manner. While INS makes a commitment to fairness and consistency in this policy, it is too early to tell whether the April 30th memo will have any meaningful impact on those indefinitely detained.

Indefinite detention has been found unconstitutional by several courts. In *U.S. v. Zadvydas*, where an immigrant was detained for four years beyond the completion of his criminal sentence, the court stated that "the probability of permanent confinement is an excessive means of accomplishing the purposes sought to be served... This result 'shocks the conscience'."

Hubbing - AILA strongly opposes the INS Central Region Hub Site Detention and Removal Plan. Under this INS plan, processing of detained immigrants would be centralized based not upon the place of apprehension, family or community ties—but rather based on the national origin of the detainee. Ostensibly, this plan was supposed to maximize limited agency resources and increase efficiency. While AILA is skeptical about any "resource maximization" outcomes, we are convinced that this plan violates civil rights, raises due process concerns, and will split families apart.

Of particular concern is the probability that foreign nationals who have been "hubbed" would be deprived of adequate legal counsel and representation, and largely denied access to attorneys familiar with their cases and circumstances. Removal proceedings will be hampered because of the inability to access witnesses, documents, and evidence, and also made far more complicated by the loss of family assistance. In addition, those detainees whose convictions have the potential to be reversed or pardoned will be unable to access the courts or counsel familiar with the relevant state process. In all too many cases, the proposed "streamlining" of court proceedings (through videoconferencing or telephone witness examination) will lead to confusion and further delay rather than efficiency.

Civil rights and due process must not fall victim to the agency's needs to balance an increased workload with limited resources. Given the negative consequences of the Hub Site Detention and Removal Plan, we have urged INS to develop alternative plans.

**"Prosecutorial Discretion:"
Inadequate and Not the Point!**

Dogged opponents of any change in the harsh 1996 immigration laws defend their posture by alleging that because the Immigration and Naturalization Service (INS) has "prosecutorial discretion," no changes are necessary. The '96 law retroactively subjects long-term, law-abiding immigrants to deportation, simultaneously mandating detention and denying immigrants their day in court. While we welcome this tacit acknowledgement from opponents that the 1996 laws are harsh and inflexible, so-called "prosecutorial discretion" is NOT the answer. Changing the law to assure that long-term lawful permanent residents and their families are treated fairly is what needs to be done. Congress needs to act, not the INS in the guise of "prosecutorial discretion." Congress needs to take responsibility for ameliorating the draconian impact of the 1996 immigration laws on American families.

INS prosecutorial discretion is not the answer for the following reasons:

- Judges, Should Have Discretion: Some allege that the law does not need to be changed because INS has discretion about whether to begin or terminate a removal proceeding. However, INS prosecutorial discretion is insufficient (see below). Only immigration judges are neutral decision makers trained to evaluate each case based on evidence presented by both the INS and the immigrant. INS prosecutorial discretion should not be the sole and final answer.
- There is No Statute of Limitations in Immigration Law: Even if INS front line officers, trial attorneys, or district directors decide not to proceed, because these decisions are reversible, an immigrant can never be sure that he or she will not be deported in the future. A different low-level INS officer could turn this decision on its head and commence deportation proceedings. An exercise of prosecutorial discretion means that there is no finality for the immigrant. Unlike criminal law, in which the government has a limited amount of time to prosecute a case, the INS has no such time limitation and thus can reverse any decision reached through prosecutorial discretion.
- Inconsistent Application of the Laws Would Increase: The use of prosecutorial discretion, rather than a necessary change in the law, would lead to the law being applied inconsistently throughout the country. INS enforcement officials would have the power to make individual decisions that increasingly would be based on a number of variables including where someone lives, whether they speak English, and who represents them.

- Prosecutorial Discretion Does not Translate into the Immigration Context: Before criminal charges are filed, prosecutors weigh the strength of case and the severity of the offense to decide whether to prosecute. Moreover, in the criminal system, judges, juries and grand juries review the case in pre-trial proceedings. The criminal system does not depend solely on prosecutorial discretion. In immigration law, low level bureaucrats, pressed for deportation numbers, begin proceedings without the review of a neutral decision-maker such as a judge or jury.
- The Immigration System Moves Slowly: Even if a trial attorney or district director, after evaluating a case, decides that an immigrant should not be removed from this country, the decision most likely will not be made until the immigrant has spent months in mandatory detention. Unlike the criminal justice system, where once the police refer a case to a prosecutor, the prosecutor has a very limited amount of time to decide whether to pursue the case in criminal court, an INS immigration attorney is subject to almost no time constraints. It may be months before a person is released from detention pursuant to a favorable exercise of discretion.
- Prosecutorial Discretion Sidesteps the Real Issue that the Law Needs to be Changed: Prosecutorial discretion does not address the real issue: the 1996 immigration laws need to be changed because they are harsh laws, destroy American families, change the rules in the middle of the game and violate basic American values of fairness and due process. The INS itself recognizes, even with prosecutorial discretion, that the mandates of IIRAIRA "undeniably set forth a strong congressional policy for the detention and removal of criminal aliens." It is this mandate that is harsh, overboard and needs to be changed to allow flexibility in this merciless system.

LAWS WITHOUT MERCY AND THE NEED FOR IMMIGRATION REFORM

MYTHS AND REALITIES

Myth: INS deports only hardened, unreformed "criminal aliens."

REALITY: The 1996 immigration law made drastic changes to traditional immigration laws and procedures, subjecting to deportation tens of thousands of long-term, law-abiding legal residents.

Touted as legislation that would control illegal immigration, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) and the Anti-Terrorism and Effective Death Penalty Act (AEDPA) actually include many provisions that significantly affect American families, legal immigrants and others seeking to enter the United States legally. Many, including Members of Congress and the general public, have recognized the need to revisit and change certain provisions of IIRAIRA and AEDPA.

One of the harshest provisions of IIRAIRA and AEDPA is the greatly and irrationally expanded definition of "aggravated felony." This expanded definition, which is unrelated to any criminal law definition, includes minor, non-violent misdemeanors such as shoplifting, perjury and check kiting. By casting this overly broad net, Congress has subjected tens of thousands of long-term legal residents to deportation without the possibility of relief from deportation-- regardless of how long the immigrant has been in the United States, regardless of whether the immigrant has U.S citizen family here in America, regardless of whether the immigrant has straightened out his or her life and demonstrated rehabilitation and regardless of whether the immigrant has made significant contributions to American society. For instance, military service makes no difference. Several Vietnam era veterans are subject to deportation under this draconian provision.

Myth: People do not get deported for minor incidents from years in the past.

REALITY: The new expanded definitions are retroactive. Thus, legal immigrants are placed into deportation proceedings today for minor offenses they committed decades ago. Furthermore, there is absolutely no statute of limitations on this law. This law operates retroactively even if the offense at the time was not considered a serious crime, even if the defendant received a suspended sentence and served no time and even if the crime has been expunged or the immigrant was pardoned.

In many cases, Judges have written letters or spoken on behalf of long-time legal residents who received no jail time for offenses committed in the '70's and '80's. These judges often gave suspended sentences, meaning that under criminal law the immigrant actually never was convicted, never served time in jail, and has no record.

Myth: An immigrant with money, a good lawyer, and family in the United States can always get off or string out his/her case indefinitely with appeals.

REALITY: The 1996 immigration law is merciless, providing for no second chances for many legal residents, even if they have U.S. citizen parents and children and even if they have other equities such as military or community service or proven rehabilitation.

In fact, IIRAIRA and AEDPA contain many so-called "court-stripping" provisions which prevent an immigrant from ever having his/her day in court and prevent many from even applying for case-by-case relief traditionally available. This "court-stripping" is unprecedented and has been found unconstitutional by some courts. Insulating from judicial review an agency with a history of abuses and mistakes raises basic concerns of fairness.

Myth: The law does not need to be reformed because INS can exercise its "prosecutorial discretion" and choose not to deport certain immigrants.

REALITY: "Prosecutorial discretion" means that the deportation of a long-time legal resident depends on the whim of often low-level INS officers. "Prosecutorial discretion" provides no finality. The benevolent whim of one low-level INS officer can be turned on its head by another seeking increased deportation numbers. Moreover, it is no cure for ill-conceived laws that go too far. The '96 law needs reform so that all immigrants are subject to fair, uniform and consistently applied laws.

Myth: Reform of these immigration laws will lead to an open door policy and criminals being allowed in and allowed to remain in the U.S.

REALITY: Reform of the harshest provisions of the '96 law will leave INS with the authority necessary to detain and deport serious offenders, just as INS has for years prior to the '96 law and one that is fair. **No one contests the legitimate INS enforcement function.** But at the same time, U.S. immigration policy must provide for family unity and a second chance for deserving immigrants. Reform will produce a system that is fair and one that reflects America's core values of fairness and due process.

Myth: Immigration, and specifically the '96 law, does not affect my constituents or my district.

REALITY: **WRONG.** Nationwide, from New York to California from Pennsylvania to Texas families and communities are being torn apart. **But equally importantly, our willingness to change these harsh laws tests our national commitment to basic fairness and civil rights.** How we treat people who come to this country, pay taxes, serve in the military and raise families, and how we treat those fleeing persecution or those simply coming to America seeking better opportunity speaks to who we are as a nation. The '96 immigration laws go too far, mercilessly separating families and violating core American values of due process and fairness. Congress needs to reform this ill-conceived legislation by restoring basic fairness to immigration law.



cc: Maria E.

HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

BARNEY FRANK
FOURTH DISTRICT
MASSACHUSETTS

November 17, 2000

Mr. John Podesta
Chief-of-Staff
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear John,

Thank you for including the deportation bill in the letter you sent to Orrin Hatch on the immigration issue. Obviously at this point we don't know exactly what's going to happen in December, and to try to figure it out now is like trying to bet in poker without knowing your cards, but I very much appreciate your inclusion of that and the way in which you approached it in your letter to Hatch. I made sure that the affected groups knew of it and it was very much appreciated by them. I look forward to working with the administration on the question when we return in December. I did have one conversation with Hatch about it after your letter was sent and he told me he was opened to it. I'll be pursuing that with him and I'll stay in touch. Thank you again for giving this important issue the boost that you gave it.

BARNEY FRANK

**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

ID# 432044
PAGE 1

DATE RECEIVED: 11/03/2000

NAME OF CORRESPONDENT: THE HONORABLE MARTIN FROST

SUBJECT: URGES THE PRESIDENT TO SUPPORT ADDITIONAL PROVISIONS TO HR 5062, END THE PRACTICE OF MANDATORY DETENTION, RESTORE THE AG'S AUTHORITY TO EXERCISE DISCRETION IN CERTAIN INDIVIDUAL CASES & RESPECT DUE PROCESS PRINCIPLES BY REESTABLISHING A SINGLE LEVEL OF AP

ROUTE TO: OFFICE/AGENCY		(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
LEGISLATIVE AFFAIRS		CHARLES "CHUCK" BRAIN	ORG	2000/11/03			C 00/11/08
ACTION COMMENTS: <u>PPC</u>							
		<u>B. Park</u>	<u>A</u>	<u>00/11/8</u>			<u>C 00/11/09</u>
ACTION COMMENTS: <u>Cos</u>							
		<u>I. Bueno</u>	<u>A</u>	<u>00/11/9</u>			<u>1/1</u>
ACTION COMMENTS:							
ACTION COMMENTS:							

COMMENTS

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODES:

ACTION CODES:

A - APPROPRIATE ACTION
C - COMMENT/RECOMMENDATION
D - DRAFT RESPONSE
F - FURNISH FACT SHEET
I - INFO COPY/NO ACT NECESSARY
R - DIRECT REPLY W/ COPY
S - FOR SIGNATURE

DISPOSITION CODES:

A - ANSWERED
B - NON-SEPC-REFERRAL
C - COMPLETED
S - SUSPENDED

OUTGOING CORRESPONDENCE:

TYPE RESP = INITIALS OF SIGNER
CODE = A
COMPLETED = DATE OF OUTGOING

REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOB) EXT-62590

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS MANAGEMENT.

MARTIN FROST

24th District, Texas

RULES COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:

2256 Rayburn House Office Building
Washington, DC 20515
(202) 225-3605
www.house.gov/frost/
frost@hr.house.gov

October 27, 2000



432044

President Bill Clinton
The White House
1600 Pennsylvania Ave.
Washington, DC 20500

Dear President Clinton:

I am pleased for your support of additional provisions to H.R. 5062, which are important to amend the sweeping immigration laws that went into effect in 1996.

As you know, the House of Representatives has acknowledged the need for reform by passing H.R. 5062. However, further reform of these laws is needed to restore fair processes and legal protections to foreign-born residents. In particular, I urge you to support the following additional provisions to the legislation.

* **End the practice of mandatory detention.** Restore the Attorney General's discretion to make individualized custody and release decisions for individuals in removal proceedings who are not safety or flight risks.

* **Restore the Attorney General's authority to exercise discretion in certain individual cases.** For many decades, the Attorney General had the authority to grant long-term legal residents a reprieve from deportation, allowing them to keep their U.S. residence.

* **Respect due process principles by reestablishing a single level of appeal.** Access to the courts is an essential feature of the entire system of checks and balances on which our system of government is based. In disregard of this time-honored principle, the 1996 laws eliminate review of certain deportation orders and empowered INS officers to make many removal decisions without the involvement of any judicial or quasi-judicial officer.

Thank you for your continued support of H.R. 5062 as you proceed through the negotiations process. As a nation of immigrants founded upon the principle of equal justice under the law, it is important that we restore these guarantees of fairness and due process to our nation's immigration policy.

Sincerely,

MARTIN FROST

Member of Congress

Please reply to office checked

ME/fng
Fort Worth, TX 76140

☐ 3020 S.E. Loop 820
(817) 293-9231
1-800-846-6213

Dallas, TX 75208

☐ 400 S. Zang Blvd., Suite 506
(214) 948-3401
1-800-937-2056

Corsicana, TX 75110

☐ 100 N. Main, Suite 534
(903) 874-0760
1-800-292-4423

THE WHITE HOUSE

WASHINGTON

November 8, 2000

MEMORANDUM FOR BRUCE REED
DOMESTIC POLICY COUNCIL

FROM: KAY CASSTEVENS
LEGISLATIVE AFFAIRS

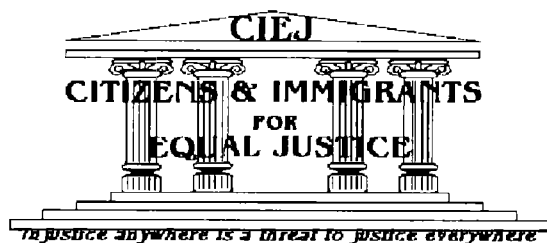
SUBJECT: PRESIDENTIAL CORRESPONDENCE

Enclosed please find a copy of a letter that was sent to the President from Rep. Martin Frost (D-TX).

I do not believe this letter requires a Presidential response at this time. Please review the attached letter and respond directly to the Member(s) of Congress. Please forward a copy of the response to the Office of Records Management, Room 72 Old Executive Office Building.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Courtney Crouch, Office of Legislative Affairs, at 456-7500.

Enclosure



FACSIMILE COVER PAGE

Date: 10/31/00
Time: 12:39:00
Pages: 19

To: Maria Echeveste
Company: The White House
Fax #: 202-456-2461

From: Laurie & Danny Kozuba
Company: CITIZENS & IMMIGRANTS FOR EQUAL JUSTICE
Address: 1625 Woodlawn Pkwy
Mesquite, TX 75149
USA
Fax #: 972-329-7080
Voice #: 972-329-7080

Message:

Ms. Echeveste,

I faxed this letter to you a couple of weeks ago with the hope that you would encourage the President to not only push for legislation such as the Lation Immigrant Fairness Act, but to also include restoring a fair process for Legal residents who now find themselves mandatorily detainable and deportable due to the harsh provisions in the 1996 immigration acts.

I am faxing it to you again and urging you to please make the President aware of the need for the legislation mentioned in the letter, at the very least HR 5062. Our families need this legislation. Without it countless more American/Legal Resident families will be destroyed.

Thank you,
Laurie Kozuba
Executive Director
CIEJ

Milton Choy
 Christopher Chai
 Brigitte Malleestt
 Marlene Henry-Stnius
 Choya Oxford
 Marilyn Allison
 Rachelle Desire
 Deborah Clarke
 Gerardo Lewis
 Geneva harris
 Dorette Richards
 Olive Williams
 Mavis Reynolds
 Jean lewis
 Ava lindo
 Daisey White
 Laura Kelly
 Donna Timothy
 Bevalee Crooks
 Jean Morgan
 Arthur johnson
 Audrey johnson Jacques Laroche
 Yvette Laroche
 Evelyn Byndloss
 Delwin Byndloss
 Audrey Coombs
 Gladys Crouse
 Sabrins Ramirez
 Jean Desire
 Ruth Pendo
 Dasie Harris
 Kennebrew Frank
 Elain Simmons
 Rosa Griffin Brown
 Delores Pruitt
 Natasha Simmons
 John Hall
 John Hinson
 Cassandra Etherly
 Donald Hollis
 Tehko Hill
 Karen Webb
 Oasie Hollis
 Jeffrey Clarke
 Delores Johnson
 Terrance Kelsey
 Clarence Cryer
 Phyllis Johnson
 Vanassa Barnee
 Rochell Adger
 Verelyn Webster
 Edna Grant
 Yvette Davidson
 Florida

Don Daly
 Roy Chan
 Suzette Finlagan
 Kathy Mendez
 Cathlene Annakie
 Jackie Hunter
 Florida

Fay Richardson
 Andrew Sloan
 Ileen Sampson
 Minnie Wilson
 Devon Behaire
 Zenna Russell
 Mariam Hunter
 Hyacinth Meyers
 Mary Smith
 Florida

Adrian Sanchez
 Juliana Garcia
 The Darbinians
 Hilda Zuvaleta
 Cathy Yanes
 Linda Alvarez
 California

Nuria Alfarro & Family
 California

Andrea & Michael AlaTorre &
 Family
 California

Vesna Ash' & Family
 California

Aarron Burton & Family
 California

Eva Delmonte & Family
 California

Stephanie Klakovich & Family
 California

Andrew Leist & Family
 California

Suzette Montes & Family
 California

Susan Orlowsky & Family
 California

Darlene Pachot & Family
 California

Ruth Parrelles & Family
 California

Omar Perez & Family
 California

Arnold Pineda & Family
 California

Booker Robinson & Family
 California

Rodrigo Rojas & Family
 California

Ann Marie Ryan & Family
 California

Emelda Sanchez & Family
 California

Sesca Solis & Family
 Northern California

Evelyn Wright & Family
 California

Joel Varga & Family
 California

Total: 1211

Dianne Richmond
Florida

The Smiths
Florida

C. McIntyre
North Carolina

Jennifer Johnson
Florida

David Grant
New York

Christina Travieso
Florida

Linda Stevens
Florida

Atty. L. McLain
Washington, DC

Elizabeth Degnan
Florida

The McKays
Florida

Donna Lingo
Florida

The Kalvodas
Minnesota

Roberto Ferrari
Florida

Doug Fraley
Florida

The George Family
North Carolina

The Hanovers
California

Elizabeth Scott
Virginia

The Waller Family
Florida

The Colisimos
Florida

Sharon Tobias
Florida

The Bonilla & DeRavens Family
Virginia

Joel McNair
Florida

The Swansons
Florida

Melissa Rich,
Florida

Bob Richmond
Georgia

Frankie McIntee
Florida

The Arguello family
Alabama

James Bishop
Indiana

Anthony Grier
Florida

Familia Espinoza
Oregon

The Martins
Florida

The HalloAgenturs
Germany

Darlene Murphy
California

The Webbs
Florida

Hank Corriggio
Florida

The Shermans
New York

Ben Martin
Florida

Michelle Ross
Florida

The Shermans
Texas

Bill Freel
Florida

Carsten McNair
Florida

The Alfaraches
Texas

Birgitte Jergensen
Denmark

The Levy Family
Illinois

The Morales Family
South Carolina

Bruce Younker
Florida

Alex, Justin & Catherine - US
citizens on behalf of our beloved
father/husband
Delaware

Edward Parrish
Annette Parrish
Wilbert Edwards
Lola Battle
Audrey Chai
Maline Rawls
Kenneth Claor
Lorna Wilson
Michael Stewart
Florida

Vivian Faier
Florida

Wilson Family
Florida

The Mortons
Florida
Chris South
Florida

David Latham
Texas

Steve & Becky Fields Jr.
Ohio

Ottavis LittleGene
Mastro
Florida

Jorge Karona
Theola Traylor
Florida

Patricia Johnson (2nd with same
name, differnt party & different
address)
Florida

Sandra Desormeau
Maria Cruz
Brenda johnson
Ana Moyer
Floreen Moore
Sandra Cook
Lillian Cespedes
jenna hoffman
Christina Basso
Florida

Evelyn Taylor
Matha Montenegro
Elizabeth Rodriguez
P Rodriguez
Raisa Pereda
Mirman Danz
George Swensson
Ruby Dade
Dorthon Dade
Jacques Deshommes
Jean Garcia
Marcelle Comeau
Florence Riou
Edgar Comeau
William Martinez-Brown
Florida

The Velasquez Family
Pennsylvania

Nuria Alfarro & Family
California

Andrea & Michael AlaTorre &
Family
California

Vesna Ash' & Family
California

Aarron Burton & Family
California

Eva Delmonte & Family
California
Ruth Fisher
Mae Gidden
Marie Blake
Daphnie Burless
Lesnide Mondelus
Marie Noisette
Reginald Lewis
Renee Renoit
Augustine Paldand
Millicit Pitgrave
Orestes Truentes
Salome Swedna
Florida

Stephanie Klakovich & Family
California

Andrew Leist & Family
California

Suzette Montes & Family
California

Susan Orlowsky & Family
California

Darlene Pachot & Family
California

Ruth Parrelles & Family
California

Omar Perez & Family
California

Arnold Pineda & Family
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Booker Robinson & Family
California

Rodrigo Rojas & Family
California

Ann Marie Ryan & Family
California

Emelda Sanchez & Family
California

Sesca Solis & Family
Northern California

Joel Varga & Family
Califonria

Chastity Albuquerque
Rhode Island

Julie Corbitt
Florida

Elizabeth Degnan
Florida

Jennifer Abbott
Florida

Lester & Kathy Gonzales
California

John & Geri Drake
Minnesota

Joe & Marianne Fuscaldo
Pennsylvania

Mike & Barbara Pelligrino
Pennsylvania

Raymond and Nancy Harris
Pennsylvania

Henry & Barbara Brolly
Pennsylvania

Larry & Michaelle Fadgen
Pennsylvania
Edward & Kathy Velasquez
Christopher Velasquez
Lenore & Vinvent Seavers
Lola & John Delaguardia
Jenny Velasquez
Pennsylvania

Officer Johnson
Florida

Mary Johnson
Florida

Wade Family New Jersey	The De Andrade Family Texas	Norman & Stella Newcomb Matt & Kim Kraft Dwight & Gloria Berube Ms. Rhonda Curd Rick & Connie Frazee Indiana
Shaw Family New Jersey	The Moein Family California	
Samuels Family New Jersey	The Alavi Family California	
Richardson Family New Jersey	The Nouhi Family Maryland	Sonia McIntosh Willies Wright Eva Payne Lloyd Hacker Patricia Hacker Robert Mc Kay Claudia Maglione Barbara Ibalmea Elemore Barquin Karen Dickoff Billy Wooden Paillette Beverly Lezette johnson Shirley Clarke Lujean Cryer Barbara Lewis Raymond johnson Clyde Young Wilkes Kemp Anita thompson Cyndia Clarke Marie Deshomms Jacques Deshomms Donald Branker Midsie Branker Lonnie Walker Amanda Walker Josephine Lee Patricia Duncan Daphnie Walker Margie Collins Olga Walker Kimberly Davis John Ainson James Davenport Charles Gray Marlene Purkiss Ida Simmons Marlene boyd Regine Archer Florence Davis Doris Edwards James Cavington Lewis Davis Florence Beverly Florida
Fisher Family New Jersey	The Sanjar Family Maryland	
Johnson Family New Jersey	Karla Banderas & Family California	
Lambert Family New Jersey	Chris Reyes & Family California	
The Carters New Jersey	Dave Hilton & Family California	
The Lamberts New Jersey	Kiplen Gillenwater & Family California	
The Andersons New Jersey	Oy-Yee Wong & Family California	
The Daffins New Jersey	Tomas Rodarte & Family California	
The Greens New Jersey	Romero Varga & Family California	
Melanie Velasquez Florida	Ed Villareal & Family California	
The Beckhams New Jersey	Cecila Lands Paulette Austin Pametto Banks Dorothy Johnson Carolyn king Dorothy McDonough Dorothy McDave Vida Menzies Michael menzies Anthony Dulces Harriet West Harrison West Johnie Gilmore Andrea McIntosh Florida	
Monsignor Donovan New Jersey		
Rev. Taylor Family New Jersey		
Fr. Tibay New Jersey		
Fr. Taylor New Jersey		

Jun Ramos & Family California	Baluyot Family New Jersey	Howard Family New Jersey
Mark Rojas & Family California	Mallavo Family New Jersey	Thompson Family New Jersey
Shaklin, DDS & Family California	Mallavo Family New Jersey	Howard Family New Jersey
Robert Teller & Family California	Dela Fuente Family New Jersey	Chavis Family New Jersey
Tess Villareal & Family California	Villaceran Family New Jersey	Robinson Family New Jersey
Neal Dent & Family Texas	Sombillo Family New Jersey	Hurt Jr. Family New Jersey
The Peralta Family Florida	Escobar Family New Jersey	Boxley Family New Jersey
Kaid Family New Jersey	Koslow Family New Jersey	Walker Family New Jersey
Bourne Family New Jersey	Mcdonald Family New York	Maholmes Family New Jersey
Njeru Family New Jersey	Dorsey Family New York	Davis Family New Jersey
Adu Family New Jersey	Tso Family New York	Arnold Family New Jersey
Hylton Family New Jersey	Babel Family New York	Fant Family New Jersey
Monroe Family New Jersey	Williams Family New Jersey	Jackson Family New Jersey
Uriarte Family New Jersey	Jackson Family New Jersey	Prather Family New Jersey
Dasco Family New Jersey	Alston Family New Jersey	Nelson Family New Jersey
De Jesus Family New Jersey	South Family New Jersey	Duren Family New Jersey
Bernardo Family New Jersey	Evans Family New Jersey	Edmonds Family New Jersey
Villaruel Family New Jersey	Black Family New Jersey	Reyes Family New Jersey

Michele Lueder & Family California	The Solis Family Northern California	The Kraus Family New Jersey
Frank Martinez & Family California	Yovenne Stanuba & Family California	The Schwimmer Family New Jersey
Michael Mink California	Mary Sum & Family California	The Ward Family New Jersey
Rosie Mishura Northern California	Jasen Tejauro California	The Laurente Family New Jersey
Gayle Mitchell California	Linda Theus California	The Rosenfields New Jersey
John Nunely California	Olga Torrejon & Family California	The Mathis Family New Jersey
Darlene Rose California	The Tosacano & Family California	Ray Aguado & Family California
Bob Rosen & Family California	George Visan & Family California	Brain Dubow, MD & Family California
Juliet Salon & Family California	Deborah Wilson California	Barry Greenberg & Family California
Danny Santana California	Ferrari Family Connecticut	Vicki Chemleski & Family California
Mario Santana & Family California	The Peschiera Family New York	Linda Crowley & Family California
Rudy Salas & Family California	The Koo Family New York	Kent Duron & Family California
Alberto Saavedra & Family California	The Veloso Family New Jersey	Delia Flores & Family California
Rudy Saavedra & Family California	The Veloso Family Massachusetts	Angel Frontier & Family California
Ken Sax & Family California	The Valle Family New Jersey	Kim Kristy, MD & Family California
Phil Sinclair California	The Tetkowsi Family New York	Don Lucas & Family California
Shirley Skinner & Family California	The Esola Family Florida	Lee Miller, MD & Family California
Letty Solis & Family Texas	The Bocchi Family New Jersey	Cathy Mitchell & Family California
		John Ramirez & Family California

The Holcomb Family
Texas

The Palgrim Family
Massachusetts

The Parkash
Canada

The Rodriguez Family
Texas

The Pepe' Family
Michigan

Van Movrik's
Texas

Edwards Family
Texas

The Newtons
Texas

The Neels
Texas

Bond Family
Texas

Boynton Family
Texas

The Grahams
Texas

The Clarkes
Texas

The Wintermutes
Louisiana

The Carters
Texas

The Leach's
Texas

R.J. Mitchell Family
Texas

M. Mitchell Family
Texas

The Lakes
Texas

The Payne Family
Michigan

The Conners
Texas

Jonathan Hudson
New York

The Roys
North Carolina

Laurel Richmond
Utah

The Mullaney's
Arizona

Sylvia Finnigan
Michigan

The Byers
Florida

Gloria Maceiko,
California

Gloria Bender
Texas

Jim Donnelly
California

Gene Saunders
California

Vera Sit
New York

Elizabeth Ambris
wendy Meeks

Marlan Walker

Isabella Riost

Roberto Juarez

Nadya Uribe

California State University San
Marcos

The Covarruvias Family
San Marcos, California

The Brown Family
Texas

The Harmons
Georgia

The Roberts
Georgia

The Harris'
Georgia

The Moss'
Georgia

The Segura's
Indiana

Roy Aberientos & Family
California

Anthony Agoncillo Family
California

Buenafu Family
Nevada

Hector Calon & Family
California

Noel Cruz & Family
California

Bonnie Garcia & Family
California

Garza Family
California

Clyde Goldman & Family
California

Granvel Johnson & Family
California

Doug Jones & Family
California

Vera Landon & Family
California

Debra Roberson
 Linda Jones
 Shirley Clark
 Angela Cannon
 Amelia Brillain-Miguel
 Delilah Williams
 Marlyn Walker
 hilma Francis
 Herald Clarke
 Daria Stehle
 Elizabeth Hitt
 Charles Hitt
 Cardiff Rankin
 Edeline Delus
 Wendy Bordas
 Marc Townsend
 Kelly Moore
 Everett Long
 Gladys Richards
 Nancy Cooper
 Jeremiah Brown
 Henry Parrish
 Robert Smith
 Celo Smith
 Betty Belle
 Gail Minth
 Florida

Everette Rivers
 Michael Bryant
 Florida
 Michael Martin
 Minno Smith
 Elsie Hayes
 Robert Smith
 Eddie Adams
 Anthony Adams
 Robert Smith
 Barbara Williams
 Linda Horston
 Fannie Young
 Betty Belle
 Doris Harton
 Fay Chisholm
 Yolanda Evans
 Joe Givens
 Gilbert Nubert
 Carl Clarke
 Judith Cox
 Solo Grant
 Lucille Pierre
 Lloyd Cohen
 Lesley Webster
 Sheila Finlayson
 Florida

Julia Daly
 Keith Wright
 Cathrine Smith
 Inez Foster
 Karleen Foster
 Caroline Thompson
 Florida

The Valdes Family
 Michigan

Hernandez Family
 Texas

The Rozo Family,
 Florida

The Rozo-Russinyol Family
 Florida

The Rozo-Pineda Family
 Florida

The Cortes Family
 Florida

The Diaz-Rozo Family
 Florida

The Jaramillo Family
 Pennsylvania

The Hernandez Family
 Texas

Greg Simons
 California

Sara & Antonio Chamorro
 Texas

Schwitters Family
 Texas

Sergio Chamorro
 Texas

Mariza Chamorro
 Texas

The Corso Family
 New York

The Fryer/Webber Family
 California

The Hernandez Family
 Oklahoma

Bijan Pirnia
 Colorado

Frank Julian
 Texas

The Singh Family
 Texas

The Wyrick Family
 Texas

Stella Caza
 Florida

The Henneman Family
 Florida

The Milton Family
 Florida

The Barker Family
 Florida

Rob & Victoria Viau
 Texas

Mabel McGahagan
 Maryland

Rudy Bautista
 Maryland

Rhonda Grenier
 Maryland

The Chillari Family
 Maryland

The Mirabile Family
 Maryland

The Smirolodo Family
 Maryland

The Hall Family
 Maryland

Yvette Poirier
 Texas

The Quebbeman Family
New Jersey

The Hughes Family
New Jersey

Jaan Kuuse
New Jersey

REYNA-DE LA PAZ FAMILY
TEXAS

GUILLEN FAMILY
TEXAS

The Orellana Family
Texas

The Serna Family
Texas-California

The Arreola Family
California

The Everetts
Texas
The Mitchells
Texas

J. McPhee
Texas

The Mora Family
Texas

D. Zamora
Texas

C. Pineda
Texas

B. Males
Texas

D. Harris
Texas

The Robertsons
Texas

B. Meggs Family
Texas

B. Manupelli
Texas

Glenda Bennett
Patricia Copeland
Rose Brown
Denise Young
Robert McClenoun
Elizabeth Accardi
John Drapeau
Angel Cintron
Ninnee Young
Jill Shade

Phaedra Brooks
Eendrell Tillett
Mary MacDonnell
Lynne Leverett
Cheryl Boyles
Ann Boyles
Renee Mc Mullen
Ruby Shepherd
John Baldwin
Winston Lewis
Elaine Lewis

Wendy Gerard
Ereso Canpbell
Raquel Bullard
Christine Quesada
Ortando Navon
Cyntuis Mckenzie
Sherri White
Barbara Bane-Stafford
Majorie Johnson
Janice Ramsay
Earnest Gaust
Newman Parker
Lula Murray
Danovan Buchham
Hillman Brown
Andrea thomas
Marrilyn Simmons
Nancy Appleby
Thelma Adams
Robert Welch
Washanta Hams
Gwendolyn Harris
Lateria Morrow
Shammaine Adams
Aulexis Adams
shirley Morrow
Trene miller
Paulene Morrow
Sharon Taylor
Sara Robinson
Patrick Robinson
Florida
The Avolos family
Texas

The Mendiola family
Illinois

The Wegman Family
New York

The Kozlowskis
Tennessee

Mercedes Garcia
Florida

Raymond Gardner
Milton Jarrett
Corell Lavita Lundy
Gladys Richards
Royc Richards
Nancey Allen
Florida

Antonia Garcia
Florida

Giselle Porraspita
Florida
Shirley Hunte
Theresa Vermont
Gladstone Pantry
Beverley Reid
Rosette Dade
Loisteen White
Lucille Knox
Yolanda Estrada
Darel knox
Dionsio Estrada
Myrtle Lawrence
Gloria Littlefield
Stephan Johnson
George Littlefield
Margaret Brown
Florida

Hestella Mosley
Julia Richardson
Denise Sanon
Margret Copeland
Barbara Freeman
Aurilien Jean
Megan Jarrett
Patricia Johnson
George Freeman
Angelia Willis
Douglas McKinnon
Florida

The Filingeri Family
New York

Pamela Gaul
Florida

Hyacinth Levy
Illinois

The McCanns
Texas

Robert A. Levy and Family
Illinois

Evelyn Bilis
Florida

THE PRADHAN FAMILY
TEXAS

AZIZ FAMILY
TEXAS

AKBAR ALI AZIZ FAMILY
LOUISIANA

The Gutierrez Family
New Jersey

The Manzo Family
Georgia & Florida

Mr. & Mrs. Hiep Nguyen
Minnesota

The Muller family
California

Pieper Family
Texas

The Kapp Family
Texas

The de Haan Family
Michigan

The Laudage Family
North Carolina

The Daniel Family
Michigan

The Cook Family
Michigan

Glenda Wofford and family,
Texas

Maurice and Rina Quijano and
Family
Texas

Melida Bruner and Family
Louisiana

John & Carol Dipple
North Dakota

Camille Tiftafeh
Carmela Tiftafeh
Marie Caccavale

John Caccavale
Teri McDemott
Teri Condon
Elizabeth Morriessy
Thomas Arpino Jr.
Vincent Arpino
New York

Emily Saitta
New Jersey ,

Mounir Atallah,
Magdy Atallah,
Jimmy Atallah,
Marco Atallah,
Micheal Atallah,
Hani Tadors,
Mike Awad
New Jersey

Anita Toler
Texas

Arreola Family
California

Baca Family
California

Mikl Family
California

Hernandez Family
California

Krawitz Family
California

Nunez Family
Illinois

Miranda Family
California

Mansour Azizkhani
Marzieh Keifi
Navid Azizkhani
Nahal Azizkhani
Payam Azizkhani
Alabama

The Rybinsky Family
Tennessee

The Bogo Family
New York

Mary Jo Greil
Tennessee

The Martinez Family
California

The Kelley-Henry Family
Florida

The McKinley Family
Louisiana

The McDougall Family
Delaware

The Cull Family
New Jersey

The Millers
New Jersey

The Mills
New York

The Doverspike Family
Florida and PA

The Osorio
Florida

The Disorbo Family
Florida

Romero Family California	Jose Vasques & Family California	The Leblanc Family Florida
Ronzio Family California	Victorino Family California	The Decosta Family Florida
The Rosenwasser Family California	Villegas Family Illinois	The Barnes Family Florida
Steve Salas & Family California	Susan Williams & Family California	The Raspanti Family Florida
O-Saavedra Family California	The Zavaleta Family California	The McCallister family Florida
LaReya-Saavedra Family California	Nalan Kohler Hawaii	The Livingston Family Tennessee
Sanchez Family California	Mr. & Mrs. Leap Chear North Dakota	The Curry Family Mississippi
Schweitzer Family California	Mr. & Mrs. Kenneth Birst North Dakota	The Sales Family Florida
The Segure Family California	The Gil Family North Carolina	The Cabon Family Florida
Jessica Sequeira Family California	The Dominguez Family Pennsylvania	The Lorenzen Family Florida
James Stewart & Family California	Southmayd Family Michigan	The Hawver Family Florida
Roiti Tahauri & Family California	The Roy Family Michigan	The Gunderlock Family Florida
Taylor Family California	The Garcia family Michigan	The Sherry Family New York
Heidi Torossian & Family California	The Simmerson Family Michigan	The Evangelista Family New York
Jim Tanner California	The Hamilton family Michigan	The Wegman Family New York
Oscar Ureno & Family California	The Welz Family Virginia	Sofia Zorian Nelly Ter-Akopyan Edward Zorian Madlen Zorian Angela Karayan Ruzanna Djibinian Arsen Karapetian Ashot Matevosyan California
Dearn Varga & Family California	The Roberts Family Florida	
Art Vasquez & Family California	The Strachen Family Florida	

Hurtado Family California	The Reece Family California	Rusty Gonzales & Family California
Leno Lirio & Family California	Reyes Liza California	Elda Lazaro & Family California
The Mercedes Lopez & Family California	The Rincon Family California	Joy Lorita & Family California
Oscar Lopez & Family California	N. Smith-Hayles California	The Loya Family California
The Z-Lopez Family California	Torres Family California	Gabriel Mahan California
Karen Lawson & Family California	Reyes Family California	Eliza Manvelyan California
Lipesy Family California	The Orellana Family California	Martha Martinez & Family California
Luna Family California	Brito-Overstreet Utah	Jose F.Monroy Family California
Bill McKinney & Family California	Fuentes Family California	Paul Family California
Ms. A.Mendoza & Family California	Martin Family California	The Phellippon Family Illinois
Rene Mendoza & Family California	Perry Family California	Terry & JohnPotter & Family Texas
Mizuno Family California	The Martinez Family California	Terry Ramirez & Family California
Phillip Paddia & Family California	The Morales Family California	Audrey Reid & Family California
Marcia Posada & Family California	The Garcia Family California	Von Reyes & Family California
Ocha Family California	Garamendie Family California	Susan Riely & Family California
Ortiz Family California	Pat Gouzy & Family California	Greg Reynolds & Family California
Sokie-Ortiz Family California	The Gonzales Family California	Ida Reynolds & Family California
Neredia Ramos & Family California	Fred Gonzales & Family California	The Rocha Family Northern California

John Arellano & Family
California

Amador Family
California

Edward Axley, Jr, & Family
California

Beltran Family
California

Bowman Family
Denver

Chance Family
California

The Castillo Family
California

Diaz Family
California

Edwards Family
California

Hinchcliffe Family
California

Holden Family
Illinois

Larbado Family
Denver

Sonia Lopez & Family
Nevada

Pena Family
California

Portillo Family
California

Jim Qwan & Family
California

Ramirez Family
California

Rodriguez Family
California

Cantu-Romero Family
California

Romero Family
California

Mark DeLa Rosa
California

Lisa Stewart & Family
Denver

Barresi Family
California

Beck Family
California

Bishara Family
California

The Bhagwagar Family
California

Bissoondial Family
California

Luther Baldwin & Family
California

Fran Bibian & Family
California

Yovonne & Jack Brown & Family
California

Roberto Castellanos & Family
California

Mark Cerna & Family
California

Esmeralda Contreras & Family
California

Caroline Delgado & Family
California

DeLaCruz Family
California

Dolomonte Family
California

Edthen Family
Las Vegas, Nevada

Escobar Family
California

The Eshaghian Family
Las Vegas, Nevada

Everline Family
California

The Franco Family
California

Jennifer Freeman & Family
California

Girgan Family
California

Guzman-Franco Family
California

The Hernandez Family
California

A. Hernandez Family
California

Harry Kaklikian & Family
California

Mark King Family
California

Galdamez Family
California

Giron Family
California

Gomes Family
Boston

Gomez Family
California

Hameed Family
California

Johnny Hernandez & Family
California

Marina Davis Florida	The Kafei Family Maryland	Patricia Corrigan New York
The Dee Family Pennsylvania	The Javid Family Maryland	John & Paula San Miguel Georgia
The Bereolos The Parkers The Seymours The Correas The Hernandezs The Davis' Florida	The Kleinhans Family Georgia	Harriet Corrigan New York
Royce Johnson Florida	The Pittet Family Georgia	Lee Connolly New York
Moncada Family Texas	The Kalini Family Georgia	Dipu Haque Ron Haque Nasim Sikder Monowara Sikder Adrian Kawa Amber Lennon Bill Pitman Chris Craig California Edwin Solorzana Evan Gaskin Helen Skler Greg Cenicerros Jeff Goolst Joy Durham Kent Trucnbod Meg Davis Mick Fundaminskey Nicole Chorvet Phill Evans RC Thornton Rick Salomon Rob Hebert Ross Burton Shay Sowden Yeal Winter California
Gonzalez Family Texas	The Chiang Family Ohio	
Hernandez Family Texas	The Jaseb Family Pennsylvania	
Gomez Family Texas	The Williams Family Georgia	
The Kary Family California	The Ruiz Family California	
Nick Haque Californina	The Gasca Family California	
Corinne Lazarz Family California	The Pumarejo Family California	
Laura Torrillo New York	The Gessner Family California	
The Taghavi Family California	The Amaral Family California	
The Parvinian Family Maryland	The Dang Family California	Boldit Family Texas
The Razavi Family California	The Terry Family California	The Abdo Family Georgia
The Fekrat Family Maryland	The Contreras Family California	The Diaz family Maryland
	The Kelly Family West Palm Beach,	Adams Family Texas
	Pat & Jim Lugert New York	Alvarez Family California

Kimball, Family	Stacy Shore	The Beckmanns
Bonsal, Family	Maryland	St. Petersburg, Florida
Martinez, Family		
Ortez, Family	The Lewis Family'	The Farners
Gaits, Family	Delaware	Florida
Benice, Family		
California	Karen Meyers	Selene Duarte
	Texas	Laura Carrillo
		Letty Garcia
Lon & Kheng Cockerill	Gudrun Neumann	Carmen Vasquez
Minnesota	Michigan	Gustavo Altamirano
		Jaime Perez
The Jain Family	Mark Kirstein	Osvaldo Vigil
All over America	Michigan	Mary Griswald
		Oscar Hernandez
Maria Henry & Family	Kim Kirstein	Rosa Ontiveros
Florida	Michigan	Tammy Garcia
		California
The Grodzkis	Ilse Hammers	Izabe Solis
Massachusetts	Michigan	Leticia Luna
		Wendy Gutierrez
The Valentino Family	Karol Massachesie	Sonia Gutierrez
Arkansas	Michigan	Patricia Sanchez
		Ricardo Favela
Robert and Sheila Salas	The Salas Family	Eloy Rosas
(SSgt USAF)	Texas	Pedro Silva
Florida		Hector Decena
The Merson Family	The Buglisi Family	Rosa Mora
Florida	Maryland	Lorena Meza
		Christine Umali
The Diaz Family	The Duarte Family	Georgina Garcia
Florida	California	Saida Munoz
		Celia Martinez
The Roses	Volker Kirstein & family	Lus Maria Gonzales
Massachusetts	Montana	Roberto Martinez
		Cindy Gutierrez
The Cotes	The Zetouna Family	Karla Ontiveros
Massachusetts	Ohio	Miriam Maldonado
		Mireya Gutierrez
The Cardens	B.N. Spurgeon	Charlie Mejia
Massachusetts	Texas	Silverio Haro
		Southern California
The McGraths	The Ryalls	John Summerall Family
Massachusetts	Texas	Swartz Family
		Stevenson Family
The Gahans	The Lemmons	Newman Family
Massachusetts	Texas	California
		Acosta Family
The Greggs	The Evans	Fraser Family
Tennessee	Indiana	Wrighter Family
		Sumnar Family
The Roses	The Carroll Family	Dodsen Family
North Carolina	New York	Slafarski Family
		California

The Martinez Family Southern California	Barbara Felix Florida	The Campbell Family Massachusetts
The Wunderlicks Texas	Phatricha Clarke Florida	The LaFrance Family Florida
The Joseph Socha Family Massachusetts	The Kelly Family Florida	The Reyes Family Illinois
The Leon's Maryland	Maria Barry New York	The Berroa Family Florida
Mrs. Winnifred Chang North Carolina	Michael Corrigan Pauline Deary-Corrigan Upstate New York	The Joseph Family Texas
C. Frederick Cornue North Carolina	The St. John Family Oklahoma	The Garcia Family Texas
The Arevalo Family Texas	The Hunter Family Oklahoma	The Reeves Family Texas
Malinda Jenkins Texas	The Cooper Family Missouri	The Carter Family Texas
Ivan Selever Texas	The Carter Family Missouri	The Gibson Family Texas
The Selevers Texas	The family Of Joao Herbert Ohio	The Nelson Family Texas
The Jenkins North Carolina	The Valdes Family Minnesota	The St. Pierre Family Louisanna
The Jenkins Texas	The Fragomeni Family Florida	The Carr Family Illinois
The Kovacs Slovakia	The Ruiz Family Florida	Bentley Family Cybulski Family Stallard Family WhiteleyFamily California
The Selevers Slovakia	Edward Isidro Texas	The Valdez Family Texas
Ana Martikyan Anna Kazaryan Rita Gevorkyan Angela Karayan California	The Post Family Texas	Rosemary Valdez Texas
Mr. and Mrs. William Furneyo Liverpool, England	The Ossa Family The Diaz Family Florida	John Rodriguez Carissa Rodriguez Janell Bernal Texas
The Grandy Families Virginia	The Williams Family Massachusetts	The Partida Family Texas

Families

The Kozubas
Texas

The Cazas
Florida

The Chahines
North Carolina

The Spurgeons
Texas

The Brier Family
Texas

The Wallace Family
Alabama

The Mickels
Florida

The Finellis
Texas

Pia Levensteins
New York

Sandy Pirrone
Maryland

The Estradas
Minnesota

Evie Henderson
North Carolina

The Martinez Family
California

The Gehris Family
Georgia

The Adam's
The Mannira's
The Mackey's
Florida

The Bouhou Family
Pennsylvania

The Morel Family
Florida

The Munroe family
Florida

The Carter's
The Carmel's
The Stevens
The Miller's
The Moody's
The White's
The Reily's
The Leighty's
The Parham's
The Smith's
The Balint's
Illinois

The Middleton family
Florida

The Harris family
Florida

The Kabba Family
Florida

The Friedman Family
Florida

The Randall Family
Florida

The Vecchio Family
Florida

The Rosario Family
Florida

The Freeman Family
Florida

The Coleman Family
Michigan

The Lockwood Family
Michigan

The Kosturko Family
Michigan

The Bentley Family
Michigan

Zeynep C. Treuherz
Hawaii

Jose M. Alvarez Family
New Jersey

The Bontia Family
New Jersey

The Ferrari Family
New Jersey

The Lobatons
New Jersey

The Zitelli Family
New Jersey

The O'Connors
New Jersey

The Aujero Family
New Jersey

Barragan Family
New Jersey

The Monserrats
New Jersey

The Loys
New York

The Acosta Family
New Jersey

The Zambrano Family
Texas

The Freire Family
New York

The Huntington Family
New York

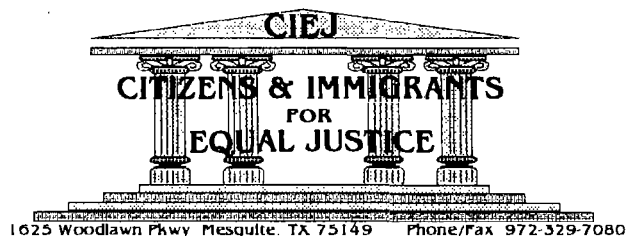
The Carrion Family
New York

The Mulgannon Family
New York

The Lescano Family
New York

President Bill Clinton
The White House
1600 Pennsylvania Ave.
Washington, DC 20500

September 27, 2000



Re:

The "Immigrant Fairness Restoration Act" introduced by Senator Kennedy – MA, and Senator Graham – FL.

Dear Mr. President,

We, the undersigned are the American/Legal Resident families and friends adversely affected by the 1996 Immigration acts. We are writing you today to urge you to take steps before this legislative year ends, to reform the harsher provisions of the 1996 immigration acts.

Four years ago the harshest immigration legislation in our nations history was signed into law. The result has been the systematic destruction of our families with absolutely no legal avenue to contest it. Gone is the fair process for determining who should be deported and whose merits outweigh their mistakes. Gone are bond hearings, and judicial review among other things. In their place are definitions of a conviction and what can be considered an aggravated felony that make virtually every legal resident with even a minor infraction subject to mandatory detention and deportation.

Our families do not condone criminal behavior, but our loved ones have paid for their mistakes. They are not "aggravated felons", a threat to society or our nation. They are business owners, taxpayers, veterans of our military, and contributors to our society. Many have been here most or all of their lives. They are our fathers, mothers, sisters, brothers, husbands, and wives. Our loved ones are the very persons the old provisions were in place to protect. They are the ones who need that case by case evaluation to make a fair determination as to their worthiness to remain in this country. However it seems that Congress has decided that all men are not created equal and our loved ones are not entitled to the right to due process. With all due respect Mr. President, we all make mistakes and should be entitled to correct them and go on with our lives.

For the last four years our families have been crying out to Congress to hear our stories. Some dismiss us as "criminal aliens" with no knowledge of who we are our contributions to our communities and society, our ties to the U.S. or rehabilitative factors. But most are now listening and agree that these laws need to be corrected as evidenced in the House's bipartisan passage of H.R. 5062, however this legislation does not begin to address many of the problems with the 1996 acts. Mr. Kennedy from Massachusetts and Mr. Graham from Florida recently introduced S 3120, the "*Immigrant Fairness Restoration Act*". This legislation would correct many of the harshest aspects of the 1996 immigration acts.

We urge you Mr. President to put the full weight of the White House behind this legislation and save our families.

Respectfully,
Laurie Kozuba
Executive Director
Texas

Catherine Caza
Regional Director
Florida

Priscilla Chahine
Regional Director
North Carolina

MEMORANDUM

TO: MARIA ECHAVESTE
FROM: IRENE BUENO
RE: MEETING WITH REPRESENTATIVE BARNEY FRANK (D-MA) ON
H.R. 5062, FIX 96 LEGISLATION – Tuesday, September 25, 2000 at 11 am in
2210 Rayburn House Office Building

PURPOSE: Representative Barney Frank has requested this meeting with you to discuss the prospects of H.R. 5062 particularly as part of the “endgame”. Since we support this legislation, I think it is important to get sense of the potential problems and how we can be helpful (see attached SAP).

BACKGROUND: Representative Frank worked with Representatives Hyde and McCullom to develop legislation to ameliorate some of the harshest provisions of Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) and the Anti-terrorism and Effective Death Penalty Act (AEDPA) by granting the Attorney General the discretion to allow long-time permanent residents with significant ties to the United States to remain in the United States, despite certain criminal convictions. Representatives Hyde and McCullom convinced Representative Lamar Smith to accept this legislation but Smith agreed only if no changes to the legislation were made later in the legislation process. The House passed this legislation last week. The Senate may take up this legislation under unanimous consent but the timing is unclear.

The Administration supports the goals of this legislation. Generally, we do not think this legislation goes far enough. On the other hand, DOJ/INS is very worried that the provision that allows individuals who have already been deported to return to the United States would cause administrative burdens. Groups and supportive Congressional members believe that this is an important step to take and they expect there is hope for making additional changes in the future.

The McCullom/Frank legislation summary:

- H.R. 5062 provides that the offense “stop-time rule” does not apply to offenses committed on or before September 30, 1996. The stop-time rule, a new feature of the law after 1996, provides that accrual of the necessary time periods of

continuous residence (for lawful permanent residents (LPRs)) or continuous physical presence (for non-LPRs) in order to be eligible for the discretionary relief of cancellation of removal permanently stops when the individual has committed a criminal offense that renders him/her inadmissible or deportable. The proposed change would be retroactive back to September 30, 1996.

- Currently, LPR aggravated felons are ineligible for cancellation of removal. H.R. 5062 provides that, for purposes of considering eligibility for this relief, an "aggravated felony" does not include offenses committed before 9/30/96 (other than rape or sexual abuse of a minor) are considered to be aggravated felonies by reason of the 1996 changes, but were not defined as such at the time they were committed. This amendment is also retroactively effective back to 9/30/96.
- H.R. 5062 requires the Attorney General to establish a process under which immigrants who have become eligible for cancellation as a result of these changes would be able to apply for it, whether or not their cases have concluded or they have actually deported from the United States. The bill also states that the AG "should exercise the parole authority for the purpose of permitting aliens removed from the United States to participate in the process.

ATTENDEES:

You
Representative Barney Frank
Rob Randhava, staff
Irene
Rep. Filner

Rep. Berman
Rep. Filner

- Mandatory Relief
- Does not help non-criminals
- Only helps crime - pre 1996

- Senate Side
- Abraham's provision - his provision, Phil's attitude
 - Abraham critically rewritten it

- ME
- need to raise the profile ~~of the provision~~ on Fix 96.
 - We could speak to Sen. Kennedy.

- Rep. Berman
- want this in endgame

- Broadening it - open but to Frank cont.

- Quiet strategy with

* ^{DOT} letter to Sen. Abraham - ~~not~~ non-confrontational
+ Kennedy

- LWS broader administratively. Dori's provide them to implement in a broad way re minor changes.

* Call Hyde to ask him to help push.

MEMORANDUM

TO: MARIA ECHAVESTE
FROM: IRENE BUENO
RE: MEETING ON FIX 96/ADMINISTRATIVE ACTIONS – Friday, October 6, 2000 in Maria's office

PURPOSE: This purpose of this meeting is to discuss with DOJ the status of their administrative actions to address the problems that have arisen as a result of the Immigration Reform laws of 1996.

BACKGROUND: DOJ has been working on some administrative actions to address the problems. The following is a list and a status of some administrative actions, some of which were suggested made by AILA and (see attached memorandum):

ADMINISTRATIVE ACTIONS CURRENTLY UNDER CONSIDERATION

1. **Prosecutorial Discretion:** AILA suggests that INS/DOJ could develop guidelines for the exercise of prosecutorial discretion and choose not to proceed with prosecution of certain classes of cases. INS has prepared a legal memorandum establishing legal framework on prosecutorial discretion guideline that would address when cases and charges would be brought. However, many policy issues would need to be worked out before these guidelines are worked out. You ask Bo the status of these guidelines.
2. **Soriano Rule:** AILA argues that because Federal Courts disagreed with the Attorney General retroactive application of provisions of the law that DOJ should change its interpretation. DOJ issued proposed regulations changing its interpretation of the law. However, this regulation would not provide any relief for individuals who have already been deported. AILA and other immigrant and civil rights organizations have commented the regulation suggesting that DOJ has authority to consider those cases. Comment period has been closed. We should find out the status of this regulation.
Administratively complicated. In contrast to our past position.
3. **Detention:** AILA argues that INS could acquiesce to court decisions that find mandatory detention unconstitutional. Instead, the INS continues to detain everyone released to its custody post-

Have them out by 10/23 guideline to District Directors

- Put burden on *insure* ~~insure~~ to ~~apply~~ *apply*
- What are the ~~its~~ *its* = approx 20k
- *others need to be LPR, w/ 7 years*
- *others my apply who not elig. ok.*
- *Comment period needed to address the concerns.*
- *Infrastructure problem - not in other country*
- *Notice.*
- *Legal position - will withdraw on extrajurisdiction.*
- *No legal obstacles but more policy*
- *Unprecedented 2 to make a final order*
- *documented.*

October 1998. INS also continues to oppose bond and custody hearings in some cases where removal is based on pre-IIRAIRA grounds. DOJ cannot find that mandatory detention is unconstitutional but has done some things in this area to add more flexibility in detention but cannot go any further without change in legislation. *Can't take charge on practice*

*② Discretionary of mandatory detention
③ Different standards for non INS position
Should be released soon. worked w/ AUSA. Roll out in a week.*

① Detained group who had mandatory detention.

Limits on Detention for Long-term detainees: AILA

asked that INS limit the detention for long-term detainees who are nationals of country that will not accept their repatriation such as Cuba and Cambodia. *85%* A Federal

District Court found these provisions unconstitutional and directed the INS to release the detainee. INS established guidelines on the release of long-term detainees. *in*

but they have not done it.

SUMMARY EXCLUSION/EXPEDITED REMOVAL: AILA

is seeking to additional safeguards in the expedited removal process to ensure that it meet due process concerns. AILA suggests that the Administration allow independent researchers access to study the process and give persons in expedited removal the opportunity to consult with and be assisted by a competent interpreter. DOJ has reviewed this proposal and asked INS to consider this suggestion. The INS policy council has agreed and asked INS to develop outside parties to observe the process that is not disruptive to the current process. We should ask Bo the status of this proposal. AILA is also concerned about expanding expedited removal and we should find out if INS has any plans to expand it.

new
3. **Repapering Regulation:** DOJ is considering a proposed regulation that would allow people to be considered under the ~~old~~ *old* transitional law rather than the ~~old~~ law if they would do better under transitional law. DOJ is working on this regulation. They hope to get this in a month. We should ask for an update on the status.

ADMINISTRATIVE ACTIONS THAT ARE PENDING IN LEGISLATION (PARITY AND H.R. 5062) BUT THAT WE SHOULD REVIEW IF LEGISLATION DOES NOT PASS

1. **Aggravated Felony Definition:** DOJ has retroactively applied the new aggravated felony definition to crimes that were committed before 1996. AILA suggests that DOJ does not have to interpret the law in this way and should applied retroactively only to felonies serious felonies. In addition, DOJ could issue guidelines on prosecutorial discretion to priorities

*Set up a program similar to UNHCR for term of the work
- INS policy council review
- Human Rights Report - have a look.
- Training could be helpful.
- When AG met w/ the UNHCR with me to work it - not set up to do this.*

the most serious felonies and not prosecute less serious felonies such as hairpulling cases and hundreds of similar other cases. AILA recognizes that this is only temporarily relief until broader legislation is passed. This provision is part of H.R. 5062, the Barney Frank bill. However, if this legislation does not pass DOJ/INS should consider addressing this in its prosecutorial discretion guidelines. *Can't do admin.*

2. **Reinstatement:** AILA argues that old removal orders do not have to be reinstated where the person was both deported and reentered under the old-Pre-1996 law. By reinstating the old order, individuals are ineligible for any relief such as NACARA applicants. AILA argues that the AG has prosecutorial discretion to refuse to move for reinstatement of orders of removal. This problem is addressed in parity legislation but should be reviewed if the parity is not enacted.
3. **Stop-time rule:** The stop time rule is a provision in the 1996 law that cuts off the required period of continuous residence when an offense was committed. The result is that long-term lawful permanent residents are barred from relief from deportation even though they have lived in the US for many years after the offense was committed. AILA suggests that the AG could exercise prosecutorial discretion not to prosecute these cases where the person would have been eligible for relief but for the new stop time rule. *H.R. 5062 addresses this issue.*

ADMINISTRATION ACTIONS THAT AILA WANTS BUT ARE DIFFICULT

JUDICIAL REVIEW: AILA suggests the DOJ modify its litigation posture and not oppose judicial review particularly in cases where 1996 law is ambiguous. DOJ response is that this would be very unlikely.

ATTENDEES:

You
James Castello
Brad Glassman
Bo Cooper
Beth Nolan
Dawn Chirwa
Irene

TO: Maria Echaveste
From: American Immigration Lawyers Association
RE: Items for Administrative Action
DT: April 14, 2000

Thank you for meeting with AILA's Executive Committee to discuss a range of immigration issues. As you requested, here is a short summary of issues where we believe the Administration could take useful action to mitigate the harsh impact of the 1996 immigration laws, while at the same time pursuing legislative initiatives that would change the law.

1. **Judicial Review:** The Administration should modify its litigation posture and not oppose judicial review, especially in cases where the statute is ambiguous. The goal of the 1996 legislation was to streamline the judicial review process and to prohibit protracted and repetitive recourse to the federal courts as a means of delaying deportation. That goal can be achieved by consolidating more claims into the final order of removal and eliminating the fragmentation of litigation that occurred before 1996. However, the goal of streamlining does NOT require imposing the kinds of prohibitions on judicial review that have themselves led to protracted litigation.
2. **Retroactivity:** The INS/DOJ have interpreted the law as being retroactive rather than prospective in many instances. There are many cases in which the statute does not require retroactive interpretation, and many cases where the INS/DOJ could simply develop guidelines for the exercise of "prosecutorial discretion" and choose not to proceed with prosecution of certain classes of cases. For example:
 - a. **Soriano:** At least 6 circuits (First, Second, Third, Fifth, Sixth and Eleventh) have ruled against the Attorney General's *Soriano* decision and have determined that the provisions of the Anti-Terrorism and Effective Death Penalty Act (AEDPA) do NOT require disqualifying from relief those whose applications for 212(c) relief were pending as of the date of enactment of AEDPA.

We have asked that the Attorney General withdraw her decision in *Soriano* to ensure consistent and just application of the law across the country. Several advocates briefed the Solicitor General and the Deputy Attorney General on this matter; it has been "under consideration" for several months at the Justice Department.

- b. **Aggravated felony definition:** The new aggravated felony definition does NOT have to be applied to old crimes. At the very least, the Administration should direct that the term "aggravated felony" be applied only to *felonies* and that such felonies be *serious*. In addition, the INS/DOJ could issue guidelines for the exercise of prosecutorial discretion which provide that convictions that were neither aggravated felonies nor even deportable offenses when committed, and that were committed more than 10 (or 5, or 15) years ago will not be priorities for prosecution. While such guidelines would not provide lasting and sure relief for lawful permanent residents, they would temporarily hold off the initiation of deportation proceedings while the Administration attempts to effect legislative change. Such "prosecutorial discretion" would help the Administration avoid the negative publicity that has resulted from blindly proceeding with cases such as that of Mary Ann Gehris (a 14-year old conviction for "hairpulling"), Jesus Collado (a 25-year old conviction for statutory rape), and literally hundreds of others.
- c. **Reinstatement:** Old removal orders do NOT have to be reinstated where the person was both deported AND re-entered under the old pre-1996 law. The INA provides for reinstatement of removal orders against persons illegally re-entering the U.S. The result is that the prior order of removal is reinstated from its original date and the person is not eligible for any relief.

The INS has taken the position that the reinstatement provision applies to those persons eligible for NACARA! It is estimated that this posture will result in the denial of literally thousands of NACARA applications and worse, the removal of thousands of NACARA-eligible persons who have resided in the U.S. for years. This position is contrary to the clear intent of both Congress and the Administration to provide relief for NACARA-eligible persons.

At the very least, the Administration could request that the Attorney General use her prosecutorial discretion and refuse to move for reinstatement of orders of removal in those cases where the person is eligible for relief under NACARA.

- d. **Stop time rule:** The "stop time rule" is a provision in the 1996 law that cuts off the required period of continuous

residence when an offense was committed. The result is that long-term lawful permanent residents are barred from relief from deportation, even though they have lived in the U.S. for many years after their offense was committed. This is particularly troublesome in cases where the individual's offense was not even a basis for deportation prior to 1996. Again, the Administration could exercise "prosecutorial discretion" and not prosecute cases where the person would have been eligible for relief but for the new "stop time rule".

- TPSR expired*
~~here~~
3. **Detention:** The INS could acquiesce to court decisions that find mandatory detention unconstitutional. Instead, the INS continues to detain everyone "released" to its custody post-October 1998. INS continues to oppose bond and custody hearings in some cases where removal is based on pre-IIRIRA grounds (Richardson).

Further, the INS could put a limit on how long it will continue to detain someone after a removal order has been issued, and release anyone it has failed to deport by that time.

4. **Summary exclusion/expedited removal.**

- a. **Transparency:** The new expedited removal process lacks vital safeguards. Despite assertions to the contrary by INS personnel, the process has never been reviewed by the courts to determine whether it satisfies due process concerns. (The sole legal challenge allowed by the statute was dismissed based on jurisdiction and standing grounds; the judge in the case expressed grave concerns with the actual procedures.)

The INS has barred all access to outside parties to observe the process. The Administration should allow independent researchers access to study the process and should give persons in expedited removal the opportunity to consult with, and be assisted by, a competent interpreter.

- b. **Expansion:** The Administration should not expand the expedited removal process to persons already inside the U.S. On September 20, 1999, the INS issued a notice indicating its intention to expand expedited removal to certain criminal aliens held in federal, state and local

jails. The expansion will begin with a pilot program in three contract facilities in Texas.

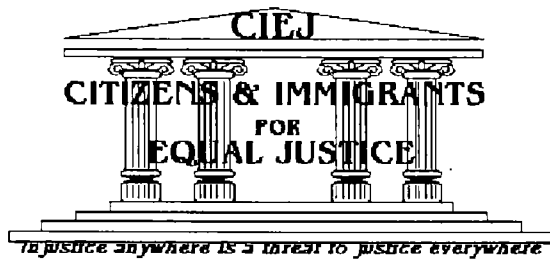
The Administration opposed expedited removal legislation in 1996, arguing that it only sought such authority in "emergency" situations. The 1996 statute not only instituted the procedure at every port of entry, it also gave the Attorney General the authority to extend expedited removal to persons who have been in the U.S. less than two years.

The Administration should not expand expedited removal, but should afford persons in the U.S. the right to have their case adjudicated in immigration court.

5. Other enforcement issues:

- a. **Racial profiling:** The INS should abandon the use of racial profiling for immigration enforcement purposes. INS collaboration with state and local law enforcement agencies should be subject to strict guidelines and oversight.
- b. **No criminal prosecution of victimless immigration crimes:** The criminal prosecution of victimless immigration crimes also has dramatically increased, stressing court systems and public defenders, and resulting in criminal records for immigrants who have no prior arrests. These cases have traditionally been handled through deportation, not the federal criminal prosecution. Such prosecutions should be guided by national standards and not left up to each district.
- c. **Secret evidence:** The Administration should agree to CIPA-like processes in the secret evidence cases, so that persons attempting to defend themselves would at least be provided with an adequate summary of the alleged evidence against them.
- d. **Late legalization:** The Administration should modify its position regarding the "unresolved legalization cases", and provide a mechanism for adjudication and resolution of these cases, pending some further legislative action.

For Irene:



FACSIMILE COVER PAGE

Date: 10/11/00
Time: 13:08:22
Pages: 19

To: Maria Echaveste
Company: The White House
Fax #: 202-456-2461

From: Laurie & Danny Kozuba
Company: CITIZENS & IMMIGRANTS FOR EQUAL JUSTICE
Address: 1625 Woodlawn Pkwy
Mesquite, TX 75149
USA
Fax #: 972-329-7080
Voice #: 972-329-7080

Message:

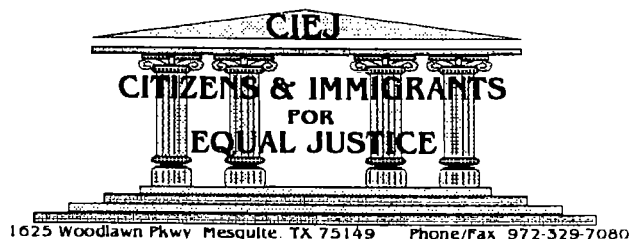
I was advised to send a copy of this letter, faxed to the President Thursday October 5, 2000 and again Tuesday October 10, 2000, to you.

I hope that you will take our plea to the President. Our families are desperate for legislative change this year and need the President's support in getting it.

Thank you,
Laurie Kozuba
Executive Director

President Bill Clinton
The White House
1600 Pennsylvania Ave.
Washington, DC 20500

September 27, 2000



Re:

The "Immigrant Fairness Restoration Act" introduced by Senator Kennedy – MA, and Senator Graham – FL.

Dear Mr. President,

We, the undersigned are the American/Legal Resident families and friends adversely affected by the 1996 Immigration acts. We are writing you today to urge you to take steps before this legislative year ends, to reform the harsher provisions of the 1996 immigration acts.

Four years ago the harshest immigration legislation in our nations history was signed into law. The result has been the systematic destruction of our families with absolutely no legal avenue to contest it. Gone is the fair process for determining who should be deported and whose merits outweigh their mistakes. Gone are bond hearings, and judicial review among other things. In their place are definitions of a conviction and what can be considered an aggravated felony that make virtually every legal resident with even a minor infraction subject to mandatory detention and deportation.

Our families do not condone criminal behavior, but our loved ones have paid for their mistakes. They are not "aggravated felons", a threat to society or our nation. They are business owners, taxpayers, veterans of our military, and contributors to our society. Many have been here most or all of their lives. They are our fathers, mothers, sisters, brothers, husbands, and wives. Our loved ones are the very persons the old provisions were in place to protect. They are the ones who need that case by case evaluation to make a fair determination as to their worthiness to remain in this country. However it seems that Congress has decided that all men are not created equal and our loved ones are not entitled to the right to due process. With all due respect Mr. President, we all make mistakes and should be entitled to correct them and go on with our lives.

For the last four years our families have been crying out to Congress to hear our stories. Some dismiss us as "criminal aliens" with no knowledge of who we are our contributions to our communities and society, our ties to the U.S. or rehabilitative factors. But most are now listening and agree that these laws need to be corrected as evidenced in the House's bipartisan passage of H.R. 5062, however this legislation does not begin to address many of the problems with the 1996 acts. Mr. Kennedy from Massachusetts and Mr. Graham from Florida recently introduced S 3120, the "Immigrant Fairness Restoration Act". This legislation would correct many of the harshest aspects of the 1996 immigration acts.

We urge you Mr. President to put the full weight of the White House behind this legislation and save our families.

Respectfully,
Laurie Kozuba
Executive Director
Texas

Catherine Caza
Regional Director
Florida

Priscilla Chahine
Regional Director
North Carolina