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NEWS from U.S. Senator HARRY REID

ASSISTANT DEMOCRATIC LEADER FROM NEVADA

For immediate release

Contact: Mark Schuermann/David Cherry (202) 224-3542

Thursday, July 27, 2000

REID JOINS WITH SENATE DEMOCRATS, HOUSE HISPANIC CAUCUS IN SUPPORT OF LATINO AND IMMIGRANT FAIRNESS ACT

Washington, D.C. – Assistant Senate Democratic Leader Harry Reid (D-NV) joined with Senate Democrats and members of the House Hispanic caucus today to show support for passage of S.2912, the Latino and Immigrant Fairness Act of 2000.

"I am proud to join with my fellow Democrats today in reaffirming our absolute commitment in both chambers to passing the Latino Fairness agenda. This legislation will correct flaws in America's current immigration policy which have separated families and denied individuals the ability to apply for legal immigrant status. Time is quickly running out on the legislative calendar and we must continue to press for these important changes in the law," Reid said.

During Thursday's news conference in the U.S. Capitol, Reid also called upon members of the GOP to join with Democrats in passing the Latino Fairness agenda.

"Contrast the unwavering Democratic support for the Latino fairness agenda, including the support of Vice-President Gore, with our colleagues on the other side of the aisle. Republicans and their candidate for President are good at talking the talk, but now it is time to show the compassion that they so often talk about. If Governor Bush wants to look at laws that keep families apart, he should call upon his GOP colleagues in both the House and the Senate to take up, and pass, the Latino and Immigrant Fairness Act," said Reid.

One provision included in the Latino and Immigrant Fairness Act of 2000, mirrors stand alone legislation introduced by Senator Reid earlier this year. The provision would change the date of registry for those seeking legal status and eventual citizenship. Under the provision, immigrants who have been in the U.S. since 1986, and have met other specific criteria, would be allowed to apply for permanent residence.

"Changing the current registry date reflects the federal government's on-going recognition that we should allow immigrants who have become deeply-rooted and who have contributed to our economy, and to their communities, a chance to reside in the United States on a permanent basis," Reid said.

The bill would also aid immigrants from Haiti and Central America by extending them same rights granted under the existing *Nicaraguan and Central American Relief Act, or NACARA*.

"The Central American and Haitian Parity Act, otherwise known as NACARA parity, would grant many of the same rights to Central Americans and Haitian immigrants as those currently granted to Nicaraguans and Cubans who come to the United States," said Reid.

The third provision of the act would re-authorize section 245(i) of the immigration code, which would allow immigrants meeting certain criteria to remain in the United States rather than being forced to leave the country while their status is being adjusted.



The American Jewish
Committee

OFFICE OF GOVERNMENT AND INTERNATIONAL AFFAIRS

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July 24, 2000

Dear Senator:

I write on behalf of the American Jewish Committee, the nation's premier human relations organization with some 105,000 members and supporters in 32 cities nationwide, to urge your support for the "Latino and Immigrant Fairness Act," which may come up for a Senate vote as an amendment to pending legislation this week.

Since its founding in 1906, AJC has recognized the myriad ways that immigration to the United States has enriched our society, and has worked to ensure that the U.S. maintains its role as haven for those fleeing persecution and adopts fair and generous immigration and refugee policies. Consistent with these principles, we support passage of the "Latino and Immigrant Fairness Act," legislation that would regularize the status of a number of immigrants who, with their families, have lived and worked in the U.S. for many years after fleeing persecution and violence in their own lands.

The "Latino and Immigrant Fairness Act" would improve U.S. immigration laws in significant ways. This legislation would extend to qualified war refugees from El Salvador, Guatemala, Honduras and Haiti the same opportunity to adjust to permanent resident status offered to Cubans and Nicaraguans by the 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA). NACARA provides relief to Nicaraguan and Cuban war refugees from deportation under the 1996 immigration reform law, but leaves unprotected war refugees from those countries mentioned above who suffered under similar political and economic conditions. And this legislation would restore Section 245(i) of the Immigration Act, allowed to expire by Congress in 1997, that permitted immigrants on the verge of becoming permanent residents to apply to adjust their status in the United States, rather than having to apply from their home country. Now, immigrants who are out of status are forced to leave their families and jobs behind and spend many years outside the U.S. while their applications are pending.

It is our hope that the Senate, with your support, will avail itself of any opportunities that arise to vote on the "Latino and Immigrant Fairness Act" during the remaining days of the 106th Congress, and move it to final passage.

Thank you for your consideration of our views on this important matter.

Sincerely,

Richard T. Foltin
Legislative Director and Counsel

National Immigration Forum

PRESS RELEASE

FOR IMMEDIATE RELEASE
July 26, 2000

Contact: Judy Mark
(202) 544-0004, ext. 14

National Immigration Forum Calls on Senate to Enact the “Latino and Immigrant Fairness Act”

Senate Action Expected this Thursday

The National Immigration Forum, one of the nation's leading immigration policy organizations, calls on the Senate to approve S.2912, the “Latino and Immigrant Fairness Act.” The Senate is expected to take up this measure on Thursday, July 27th. If enacted, the bill would reward hard working immigrant families, most of who are currently trapped in legal limbo because of past government mistakes.

According to Frank Sharry, National Immigration Forum Executive Director, “This measure resolves the bureaucratic limbo of a discrete group of immigrants who are already here, already working, and already contributing to our nation's record prosperity. For a nation of immigrants that is experiencing tight labor markets, this bill represents a common sense approach that will keep workers working, keep our economy growing, and keep families together.”

The provisions would 1) provide the same treatment for Central Americans and Haitians that Congress enacted for Nicaraguans and Cubans in 1997; 2) update the “registry date” to 1986 to recognize the equities of deeply-rooted long-time workers; and 3) restore the lapsed 245i provision that allows immigrant workers on the verge of permanent status to reunite with families and remain in their jobs rather than leave the country for 10 years.

In addition to the three provisions combined as part of the “Latino and Immigrant Fairness Act,” the Forum is supporting measures to reduce family backlogs, restore health benefits to legal immigrants, restore basic due process rights to immigrants, and restructure the Immigration and Naturalization Service.

Added Sharry, “No matter *how* these matters of basic fairness and good policy get done this year, they need to get done this year.”

THE SENATE SHOULD PASS THE LATINO AND IMMIGRANT FAIRNESS ACT

The Senate may imminently be voting on the *Latino and Immigrant Fairness Act*, a bill that would correct for past government mistakes and misdeeds that have kept long-established, hard-working immigrant families in bureaucratic limbo. The bill would also help sustain our nation's prosperity by making permanent and legal defined groups of immigrants who are already here and already working. By taking a common sense approach, this legislation would keep workers working, families together, and our economy strong.

The Latino and Immigrant Fairness Act includes three issues. These issues are:

- ✓ **Updating a provision of immigration law known as "registry"** by which our government recognizes that it makes more sense to allow long-time resident, deeply-rooted immigrants who are contributing to our economy to remain here permanently. The amendment would change the registry cutoff date so that undocumented immigrants who have been residing in the country since before 1986 would qualify to remain here permanently.
- ✓ **Parity for Central Americans** to correct for past unequal treatment among different groups of similarly-situated Central American and Caribbean refugees. Some refugees have been offered an opportunity to adjust to permanent status. Others—equally rooted in our country with jobs and family—face the prospect of deportation.
- ✓ **Restoration of Section 245(i) of the Immigration Act**, a provision of immigration law that sensibly allows persons here, who are on the verge of gaining their immigration status, to remain in the U.S. to complete the process.

WHO ARE THE IMMIGRANTS AND WHAT SHOULD BE DONE?

There are particular groups of immigrants who are already living in the United States but have been thwarted in their quest for resident status by a combination of administrative delays, unfair treatment by a hostile bureaucracy, and congressional neglect. But for the government's failure to properly administer and update the laws, most of these immigrants would have already become American citizens.

Fighting the Bureaucracy for Over a Decade. One group of immigrants has been living in the U.S. since 1982. They qualified to apply for a legalization program that Congress enacted 14 years ago. Unfortunately, the immigration bureaucracy bungled implementation of this program, and some immigrants were turned away even though they qualified. Ever since, these immigrants have been in legal limbo while the Immigration Service has fought them in the courts. Today, even though these immigrants have now been in the country for nearly two *decades*, the Immigration Service is taking away their permission to work. To make matters worse for these immigrants, Congress neglected, when it passed sweeping legislation in 1996, to update a provision of law that rewards hard-working immigrants who have resided in the country for a long time. This provision of law—called "registry"—was last updated in 1986.

The bureaucracy refuses to own up to its mistakes, keeping these immigrants in legal limbo and wasting taxpayer dollars in the process. The "registry" cutoff date must be updated. Regardless of whether they

are part of the ongoing lawsuits, immigrants should, after so many years of working in this country, gain the ability to adjust to permanent status so that they may eventually become citizens.

Refugees Who Would By Now Be Citizens. A second group of immigrants are refugees who fled civil wars and political chaos in Central America and Haiti in the 1980s and 1990s. Instead of finding refuge in the U.S., these immigrants were met with unsympathetic bureaucrats and judges with a bias against granting them permanent asylum. For years, they have lived in temporary statuses while trying—through the courts and in Congress—to permanently resolve their situation. If treated fairly by the bureaucracy when they originally sought protection, most would be U.S. citizens today.

In 1997 and 1998, Congress, recognizing the contributions of long-resident Central American, Cuban, and Haitian war refugees to their communities in the U.S., passed legislation intending to allow them to resolve their legal limbo and become permanent residents. Unfortunately, the laws helped some, but not others in similar circumstances. The *Latino and Immigrant Fairness Act* would tweak the original law so that groups left out of that legislation will similarly be allowed to adjust their status, continue to work and support their American families, and eventually become eligible to earn U.S. citizenship.

On the Verge of Gaining Residency and Forced to Leave. A final group of immigrants are those whose family or employer ties make them eligible for official immigrant status and are on the verge of gaining permanent legal status. This group of immigrants has been in the country with their family or working for a U.S. employer while awaiting their status adjustment. Although they technically should be waiting outside of the U.S. until their relative's or employer's petition can be considered by the bureaucracy, U.S. law recognized, until recently, that it *made no sense* to force someone who may have already begun to work and support their family in the U.S. to leave the country to get permission to come back and live permanently. In 1997, however, Congress did not renew the provision of law that allowed these immigrants to remain in the country. As a result, these immigrants find themselves facing the choice of leaving the country for a lengthy separation from their families or risk being denied residency for up to 10 years. In effect, our law now says that punishing immigrants for a simple status violation is more important than keeping them on the tax rolls, supporting their families, and serving as essential employees to American businesses. This simply does not make sense.

The *Latino and Immigrant Fairness Act* would restore this provisions of law, (called "Section 245(i)") so that immigrants on the verge of gaining their immigrant visa will be able to remain with their families and American employers while they complete the final stages of the immigration process.

Time to Take a Common Sense Approach. America today needs workers committed to this country and to their families. The particular groups of immigrants defined above have already proven their value to their communities, to our economy, and to our country. They have, for the most part, been here for many years, supporting their families, paying taxes, and working for American businesses. We should not, whether by government neglect or bureaucratic indifference, make it impossible for them to support their families, and pay their fair share of taxes. It makes no sense to focus limited enforcement resources on removing immigrants who have sunk deep roots in this country. It makes no sense, in these prosperous economic times when we need *more* legal workers, to banish hard-working, tax-paying immigrants for up to 10 years, leaving their families to fend for themselves and forcing their employers to find new workers to replace these trained and productive employees.

The Senate should support the *Latino and Immigrant Fairness Act*.

CONGRESS SHOULD COMPLETE A JOB IT HAS ALREADY BEGUN: RESOLVE THE STATUS OF HARD-WORKING REFUGEES SO THEY MIGHT CONTINUE TO CONTRIBUTE TO OUR COUNTRY

This year, Congress has an opportunity to complete a job it started in 1997, by allowing a group of Central American and Caribbean war refugees to remain permanently in the U.S. and continue to work legally, support their families, and pay their fair share of taxes. Congress has already recognized that war refugees from the region have been treated unfairly by our immigration bureaucracy. In 1997 and 1998, Congress passed laws that will help many long-resident Central Americans, Cubans, and Haitians resolve their legal limbo and become permanent legal immigrants. However, some Central American and Haitian refugees have been arbitrarily excluded from the legislation that has passed in the last three years, even though their circumstances are virtually identical to some who have been allowed to adjust their status. Congress must act again to help the remaining individuals who have become, now more than ever, essential workers to American employers.

The Problem: A Bad Law and Piecemeal Corrections

The *Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA)*, passed in 1996, changed a provision of immigration law ("Suspension of Deportation") that offers a means for certain immigrants who have been in the U.S. for many years to remain here permanently if they can demonstrate that deportation would have harmful effects on their U.S. citizen or permanent resident spouses or children. The 1996 law made this form of relief from deportation much more difficult to obtain, and the law was applied retroactively — meaning persons who had met the standards of the old rules now had to make their case based on the new, more difficult rules. The largest group of immigrants affected by this change came to the U.S. after fleeing civil wars in Central America. For the most part, these immigrants have been living for many years in various temporary statuses, and expected to use the provision of law (now called "Cancellation of Removal") to gain their permanent residence.

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One year later, in 1997, Congress passed the *Nicaraguan Adjustment and Central American Relief Act (NACARA)*. Authors of this legislation sought to correct the problems created by the 1996 law. However, in its final form, NACARA left the job unfinished. Instead, Congress created two tiers of benefits for war refugees long-residing in the United States who have similar histories. As a result, new legislation is needed to ensure that all individuals with similar histories receive the same treatment.

In 1998, Congress passed the *Haitian Refugee Immigration Fairness Act (HRIFA)*. Congress passed this law to correct for the fact that Haitian refugees, who were in the U.S. in similar circumstances to the Central Americans and Cubans who benefited from NACARA, were left out of that legislation. However, this law left many Haitians behind, in part because the law too narrowly prescribed the refugees who were eligible, leaving many refugees unable to apply.

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In 1999, new legislation was introduced to correct the problems created by NACARA and HRIFA. The *Central American and Haitian Adjustment Act* was introduced in the House (H.R. 2722) by

Representative Christopher Smith (R-NJ) and 27 co-sponsors, and in the Senate (S. 1592) by Senators Richard Durbin (D-IL) and Edward Kennedy (D-MA). The legislation extends to qualified persons from El Salvador, Guatemala, Honduras, and Haiti the same opportunity to adjust to permanent residence as was offered to Cubans and Nicaraguans by the 1997 *Nicaraguan Adjustment and Central American Relief Act* (NACARA).

Treatment of Different Nationalities to Date:

- **Nicaraguans and Cubans.** By passing NACARA in 1997, Congress created an opportunity for Cubans and Nicaraguans to gain permanent residence if they had been present continuously in the U.S. since December 1, 1995. If these individuals do not have characteristics that would disqualify them from permanent residence such as having committed certain crimes—they qualify for permanent residence under NACARA. NACARA set a deadline of March 31, 2000 for Nicaraguans and Cubans to apply.
- **Salvadorans and Guatemalans.** By contrast, the path to permanent residence laid out in the 1997 law for Salvadorans and Guatemalans included not just a screening for disqualifying characteristics, but also a process in which they must prove they should not be deported. Furthermore, several requirements narrowed the pool of those potentially eligible to apply. First, persons from Guatemala and El Salvador had to be in the U.S. since 1990. Even then, only persons who had registered as a class member in the *American Baptist Churches* lawsuit (which challenged the political bias against Salvadorans and Guatemalans in the asylum system in the 1980s), or for Temporary Protected Status, or who applied for asylum are eligible to apply. Only if a person falls into one of those categories do they move on to the next step: applying for “Suspension of Deportation” (or “Cancellation of Removal”). This is a process in which persons must prove continuous residence in the U.S. for seven or more years, and that they or their U.S. citizen or permanent resident spouse, parent, or children would suffer “extreme hardship” if they were deported. In this process, the INS can decide that they agree or disagree with a person’s claim that they would suffer extreme hardship. While regulations guiding the decision-making process have been written to ease the burden of proving extreme hardship, the process is still complicated, and many may not get through it.
- **Haitians.** The *Haitian Refugee Immigration Fairness Act* (HRIFA) permits Haitians to apply for permanent residence, but contains conditions that exclude certain Haitians, even if they resided in the U.S. by the cutoff date. The law did not explicitly make allowances for the method by which many Haitians fled to the U.S., and regulations failed to correct for that mistake. Though HRIFA was signed into law a year later than NACARA, Haitians were given the same deadline to apply—March 31, 2000. Final regulations guiding implementation of the law were published just one week before the deadline for application. The spirit of HRIFA—to give Haitian war refugees living in the United States the same opportunity for permanent status as was given those who benefited from NACARA—was ultimately thwarted by the mistakes of Congress and the harshness of INS’s regulations. Many Haitians who should have benefited will instead have to wait additional corrective legislation, or they will be separated from their families and deported.

- **Hondurans.** Hondurans endured a somewhat similar history as the other groups. Many Hondurans came to the U.S. in the 1980s and early 1990s when the country was affected by the civil wars that tore apart the region. Yet, Hondurans have not been included in any relief legislation that has benefited similarly-situated groups. (Hondurans have been granted temporary relief from deportation until July 5, 2000, due to the devastation in their country caused by Hurricane Mitch in 1998.)

Why Additional Legislation is Needed

- **The refugees who would benefit are here, they are working, they are paying taxes, and our economy cannot afford to lose them.** We are in the midst of an unprecedented economic expansion. In many areas of the country, employers, from the information technology industry to the hotel and restaurant industries, are desperate for workers. It makes no sense to take workers *out* of the workforce at this time. By resolving the status of these immigrants today, Congress can help to stabilize a workforce that employers have relied on. When these immigrants are made permanent residents, employers will be more willing to invest in them, their opportunities will increase, and they will be able to pay their fair share of taxes.
- **To correct past government mistakes and mistreatment.** Many of the individuals who would be covered by the new bill came to the U.S. at a time when our asylum system was crippled by political bias. They have a history of being treated unfairly by a hostile bureaucracy. Recently-passed relief legislation, NACARA in particular, has unfortunately perpetuated the discriminatory treatment faced by these war refugees by treating similar groups differently. The individuals covered by the Central American and Haitian Adjustment Act all have similar histories. All have fled civil conflict that affected their home countries. All have resided for a long time in the United States—most in temporary statuses that have kept them in legal limbo. Their lives are now deeply rooted in the U.S., with families, jobs and community ties. If Congress does not pass the new law, some war refugees will get permanent residence, while others similarly-situated may ultimately face deportation. It is time for Congress to get it right and allow all those with similar histories to adjust their status.
- **To stabilize the emerging democracies of Central America.** Remittances—money sent home by immigrants in the U.S.—amount to a significant source of income for the countries from which these war refugees have come. (In 1997 alone, it is estimated that Salvadorans in the U.S. sent back an estimated \$1.2 billion.) Losing this income would be devastating for Central American economies struggling to recover from civil wars and, more recently, from Hurricane Mitch. In addition, these countries would be forced to absorb more workers at a time when unemployment is high. Together, these changes may destabilize the young and fragile democracies of the region. This result would be contrary to our foreign policy interests.

CONGRESS MUST UPDATE THE STATUTE OF LIMITATIONS FOR IMMIGRANTS WITH DEEP ROOTS IN THIS COUNTRY

Our immigration law contains a provision—called "registry"—that gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here a long time and have nothing in their background that would disqualify them for immigrant status. This year, Congress is considering legislation to update the cutoff date for this "statute of limitations," which is now set at 1972. When Congress passed sweeping immigration reform legislation in 1996, they neglected to update this part of the law. The last time the registry provision was updated was 1986. The *Date of Registry Act* (S. 2407, introduced by Sens. Harry Reid (D-NV) and Edward Kennedy (D-MA), and H.R. 4138, introduced by Reps. Sheila Jackson Lee (D-TX) and Luis Gutierrez (D-IL)) would make this long-overdue change. S. 2407 would ensure that the registry provision is continuously updated by moving up the registry cutoff date first to 1986 and then by one year each year for the next five years.

Updating the registry date makes sense. Immigrants who have been in the United States for more than a decade have become valuable employees and valuable members of their community. They are working, supporting their families, and paying taxes. In a time when our economy needs *more* workers, it does not make sense to spend limited enforcement resources to apprehend and banish immigrants who are trained and experienced workers.

But that is exactly what is being done now. In fact, the majority of immigrants who would benefit from updating the registry date are those who qualified to apply for legalization in the mid-1980s, but the Immigration and Naturalization Service (INS) misinterpreted the law. If their applications had been accepted and processed properly when they should have been, many, if not most of these immigrants would already be citizens. Instead, they have been fighting the immigration bureaucracy for more than a decade and are now threatened with deportation.

The Immigration Reform and Control Act (IRCA) – In 1986, Congress passed a law that included a "legalization program" giving persons who resided in the U.S. without proper permission since before 1982 the opportunity to adjust to Lawful Permanent Resident status. Undocumented immigrants had one year to apply. Many missed out on their opportunity to legalize through no fault of their own, because INS regulations misinterpreted the law and judged them not to be eligible. In several class-action lawsuits, courts have repeatedly decided that the INS was wrong in the way it interpreted the law, and affected immigrants have been given work authorization pending final resolution of the ongoing court action. *These immigrants have won on the legal merits*, yet they remain in legal limbo due to INS' refusal to provide them with the legal status that the courts have said they were wrongly denied. *More than a decade later*, these immigrants are still fighting in the courts to obtain their permanent residence.

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Immigrants Illegally Denied Legalization – INS regulations and actions wrongly prohibited eligible applicants from applying for legalization. Several class-action lawsuits were filed against the INS by immigrant assistance organizations on behalf of their clients, challenging the regulations. In each of these lawsuits, the courts agreed with the plaintiffs that the INS had misinterpreted the law.

A Decade of Intransigence – Court decisions in these cases came near the end of the one-year application period. Fairness dictated that the application period be extended, so that the INS would have time to disseminate correct eligibility information and allow immigrants who had been illegally denied legalization a reasonable opportunity to apply. When the courts tried to extend the application period, the INS contested the courts' jurisdiction over these lawsuits, and the judges' authority to extend the application period. Immigrants benefiting from these lawsuits were given work permits, while their cases dragged on.

In 1993, the Supreme Court ruled that the courts did have jurisdiction over the legalization lawsuits. The Court left it up to the lower courts to determine which applicants had claims that deserved a remedy. When lower courts started to make those determinations, the INS again appealed.

The INS spent \$40 million fighting the legalization of these immigrants and consistently lost in the courts. In 1996, Congress stepped in not to remedy the wrong, but to strip away the courts' authority to grant relief for most of the wronged legalization applicants. Section 377 of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA) stripped the courts of jurisdiction over the claims of immigrants who were denied access to the legalization provision, unless they could show—more than a decade after the fact—that they actually attempted to apply for legalization, but had their application and fee refused.

After Many Years Of Residence, The Prospect Of Deportation – Because of the 1996 law, some of these immigrants are no longer entitled to work authorization or protection from deportation. Their work authorization is expiring and they are reverting back to undocumented status. They could be deported at any time. Compounding their problem, Congress failed, in 1996, to update the registry provision. Updating the registry cutoff date will be the simplest way to have the bureaucracy do what it should have done 13 years ago.

It's Time to Give Long-Time Residents Their Permanent Status – It does not make sense to spend limited enforcement resources to pursue the removal of immigrants who have lived and worked in this country for more than a decade. The U.S. does not benefit when these immigrants revert to undocumented status and lose their work permits (or are removed from the country). American employers lose legal, productive workers in a labor market so tight they may have nowhere else to turn. Immigrant families are torn apart. And broken families leave communities where immigrants live weakened. This can be simply avoided if Congress makes a common sense change to our registry law and pass the *Date of Registry Act*.

A COMMON-SENSE PROVISION OF LAW SHOULD BE RESTORED SO THAT IMMIGRANTS ON THE VERGE OF GAINING THEIR "GREEN CARD" ARE NOT SEPARATED FROM FAMILIES AND EMPLOYERS

A Common-Sense Provision. Until recently, our immigration law contained a provision (Section 245(i) of the Immigration Act) that allowed individuals who qualify for a permanent immigrant visa ("green card") to obtain their immigrant visa in the U.S. if they were already in the country. The law allowed people to continue to work and to stay with their families during the final step in obtaining their green card. The law recognized that it did not make sense to force those already in the country and in the last stages of obtaining an immigrant visa to leave their families and jobs to have their visa processed in their home country.

In 1997, Congress allowed Section 245(i) to expire. Instead, Congress "grandfathered" a limited number of persons who had paperwork filed for them with the Immigration and Naturalization Service or the Department of Labor by January 14, 1998. As a result, immigrants not covered by this "grandfather" provision who are on the verge of gaining their green card must leave the U.S. and return to their home country in order to get their immigrant visa. Because of other provisions of the law enacted in 1996, these immigrants may be barred from returning to the U.S. for as long as ten years. The result: families are torn apart, and businesses lose skilled and trained personnel.

Qualified Immigrants. To be eligible to "adjust status" under Section 245(i), a person first had to qualify for an immigrant visa by having a close relative or employer petition for the immigrant. The government reviews all petitions for immigrant visas to ensure that the intending immigrant does not have disqualifying characteristics. Persons are not eligible for an immigrant visa if they have committed serious crimes, have certain health problems, are judged likely to become a "public charge," have committed fraud or misrepresentation, or are otherwise "inadmissible." Finally, the immigrant visa must be immediately available. That is, the intending immigrant must be first in line among all those who have an application pending for an immigrant visa. Visas are allocated on a first-come-first-serve basis, according to the rules of the various employment and family visa categories in our highly-regulated immigration system.

No Special Treatment. It is important to note that, even though a person may already be in the United States, he or she must wait in the immigrant visa line like anyone else. Until the immigrant visa is obtained, there is no protection from deportation, if the immigrant is here without proper permission and is discovered by immigration enforcement officers. Section 245(i) does not change the rules of the game. It does not give anyone special treatment. All it does is determine *where* an immigrant's visa is processed.

Punishing Qualified Immigrants. Because Congress allowed Section 245(i) to expire in 1997 (except for immigrants who were "grandfathered" with petitions filed by January 14, 1998), immigrants (except those covered by the "grandfather" provision) who are already in the country must now return to their home country to have their visa processed by the U.S. consulate in that country. However, in 1996, Congress added harsh new provisions to the immigration law that bars anyone who has been in the U.S. without proper permission from re-entering the U.S. for a period of three or ten years (depending on the length of time of illegal stay). Now, obtaining an immigrant visa for which these individuals qualify would mean separating from their families and employers for three or ten years. This makes no sense.

Punishing Families. Without the ability to adjust to immigrant status while remaining in the country, qualified immigrants are faced with a tough choice: leave the U.S. to obtain their immigrant visa, and risk separation from family members for many years, or forgo the opportunity to gain legal status, and live underground. Either way, immigrant families lose.

Punishing Employers. By not renewing Section 245(i), Congress also punished employers, many of whom go out of their way to ensure their workers are legal. While a separate provision of law has been available to certain employees since 1998, the provision is a narrow one and many are not helped by it. An immigrant who is barred from reentering the U.S. for three or ten years is a trained and experienced worker who the employer must replace.

Restoring Section 245(i) Makes Sense for Everyone. America is in the midst of its longest economic expansion in history. Our economy continues to produce more jobs than there are workers to fill them. Even Alan Greenspan worries about the availability of workers, and has said that immigration plays an important role in maintaining our economic prosperity. Yet, our law now says that qualified immigrants already in the U.S., already working, and already paying taxes, must leave the country to obtain their immigrant visa in their home country, and must stay outside of the U.S. for three or ten years.

Our immigration laws must be enforced, but they must be enforced in a way that makes sense. A qualified immigrant already living in the U.S. and on the verge of obtaining an immigrant visa should have that visa processed in the U.S. H.R. 1841, sponsored by Reps. Luis Gutierrez (D-IL) and Connie Morella (R-MD), would restore Section 245(i) to our immigration law. Rather than punishing families, employers, and our country, this common-sense provision would allow a qualified immigrant to keep working, stay with his or her family, and obtain an immigrant visa in the U.S. To punish the immigrant for having been in the U.S. without permission, the provision would fine, rather than banish the immigrant.

Congress should restore this common-sense provision.



MASSACHUSETTS IMMIGRANT & REFUGEE ADVOCACY COALITION

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**Statement at July 27, 2000 Press Conference
on S. 2912, *Latino and Immigrant Fairness Act***

by the Massachusetts Immigrant and Refugee Advocacy Coalition

**Massachusetts Immigrant Coalition Urges Senate
to Pass the *Latino and Immigrant Fairness Act***

The Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA), a statewide multi-ethnic, multi-racial coalition with over 130 organizational members, urges Senate to approve S.2912, the *Latino and Immigrant Fairness Act*. The bill would correct past legal omissions that penalize working immigrant families. The measure would resolve the bureaucratic limbo of a limited group of immigrants who are already here, already working, and already contributing to our nation's record prosperity.

In Massachusetts alone, immigrants were responsible for 82% of the growth of the workforce during the past two decades, fueling the booming economy. If not for immigrants, the labor force of Massachusetts--and its economy--would have shrunk. For a nation of immigrants that is experiencing tight labor markets, this bill represents a common sense approach that will keep workers working, keep our economy growing, and keep families together.

The provisions would 1) provide the same treatment for Central Americans and Haitians that Congress enacted for Nicaraguans and Cubans in 1997; 2) update the registry date to 1986 to include long-time workers; and 3) restore the lapsed 245(i) provision that allows immigrant workers on the verge of permanent status to reunite with families and remain in their jobs rather than leave the country for 10 years.

This measure would provide a basic level of fairness for immigrants who are contributing immensely to our nation's prosperous economy.



UNITED FARM WORKERS of AMERICA, AFL-CIO

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PRESS RELEASE – FOR IMMEDIATE RELEASE

CONTACT: Marc Grossman
Phone: (916) 441-0746

July 26, 2000

Keene, California.

The United Farm Workers of America, AFL-CIO, founded by labor and Latino civil rights leader Cesar E. Chavez, is proud to announce its support for Senate Bill 2912, which will be sponsored by United States Senators Edward Kennedy, Richard Durbin and Harry Reid, and which will address some of the most egregious flaws in our immigration system.

Senate Bill 2912 would allow long term refugees from Central America, Haiti and Liberia to adjust from temporary protected status to permanent resident alien status under uniform rules already afforded to other groups of refugees, thus relieving the threat of deportation faced by many immigrant working families.

Senate Bill 2912 would allow immigrants who have lived in the United States without proper documents since 1986 to adjust their status to legal permanent resident status. This Bill is consistent with the periodic movement of "registry dates" by Congress (since the 1920s) in order to allow thousands of immigrant workers who should have qualified for lawful status in the 1980s, but were denied such status by wrongful conduct of the INS.

Senate Bill 2912 would extend Section 245(i), which allows persons who qualified for a green card or work authorization to obtain a visa without first leaving the country, an unnecessary requirement that forces wage earners and primary caretakers to leave their jobs and families for months at a time.

The United Farm Workers of America, AFL-CIO, strongly urges support for these important changes in our immigration laws. Many affected immigrants are parents of children who are U.S. citizens by birth or the spouses of U.S. citizens. However, these immigrants live in constant fear of deportation of a primary wage earner or care giver. Many of these immigrants are long term residents who remain vulnerable to employers who violate basic labor laws, landlords who supply shoddy, overpriced housing, and criminals who know that such immigrants are reluctant to report crimes or cooperate as witnesses because of their undocumented status.

These changes to current immigration law are necessary to send a message to those immigrants who toil as agricultural laborers (often in the worst of employment conditions in the country) that the nation is truly committed to sharing the promise of a better life for those who work so hard to produce our food. These changes are necessary to further the dream of Cesar E. Chavez – that farm workers and Latino immigrant workers in this country be treated with dignity, respect, and equality in the workplace.

¡Con Unión Se Vive Mejor!.

Founded by César E. Chávez (1927-1993)





MALDEF Press Statement

Mexican American Legal Defense and Educational Fund

1717 K Street N.W., Suite 311 • Washington, DC 20036 • 202-293-2828 • Fax 202-293-2849

For Immediate Release
July 27, 2000

Contact: Marisa J. Demeo
Triana R. D'Orazio
202/293-2828

MALDEF SUPPORTS NEW IMMIGRATION BILL S. 2912 **Legislation Covers Three Important Issues To Latino Community**

(Washington, D.C.) After many and frequent appeals to Congress to consider legislation addressing critical immigration provisions that would truly benefit the Latino immigrant community, the Mexican American Legal Defense and Educational Fund (MALDEF) is pleased to support S. 2912, a bill co-sponsored by Senators Edward Kennedy (D-MA), Harry Reid (D-NV), Richard Durbin (D-IL), and Bob Graham (D-FL).

"This bill, which absolutely needs to be passed before the end of this congressional session, would rectify very specific provisions in the existing immigration law which have been obstacles for many long-time immigrant residents, who have been waiting years for legal status," said Marisa J. Demeo, Regional Counsel for the Washington, DC office of MALDEF. "For certain members of Congress even to be considering other legislation which would benefit mostly multi-million dollar industries and bring in new immigrants without addressing the issues facing immigrants already here is unjustified."

MALDEF urges Congress to vote on and pass S. 2912. This bill would: 1) change the registry date, allowing individuals who have been in the country since before 1986 to apply for legal residence; 2) restore Section 245(i) of the Immigration and Naturalization Act (INA), therefore permitting thousands who qualify for an immigrant visa, but who must return to their home country in order to obtain it, to remain in this country while they await their visas; and 3) provide parity to nationals from El Salvador, Guatemala, Honduras and Haiti who have been in the U.S. continuously since December 1, 1995, but who were given less or left out of the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA) designed primarily for Cubans and Nicaraguans.

"These three specific provisions of S. 2912 will greatly benefit a group of people that has been patiently waiting for over a decade; waiting, but still working, paying taxes, contributing to their communities

- MORE -



A MERGER OF THE AMALGAMATED CLOTHING & TEXTILE WORKERS UNION & THE INTERNATIONAL LADIES' GARMENT WORKERS' UNION

UNITE Urges Passage of Immigrant Fairness Package

UNITE, the Union of Needletrades, Industrial and Textile Employees, today called on Congress to pass the Latino and Immigrant Fairness Act, S. 2912, as soon as possible. Debate on the bill was expected to begin today in the Senate.

"Hundreds of thousands of workers are contributing to our booming economy but are not sharing in its fruits, simply because of their immigration status," said UNITE President Jay Mazur. "Many of these workers are members of UNITE or members of their families. On behalf of our union family and the other workers in the same situation, we urge Congress to bring fairness and justice to these long-time residents of the United States by correcting some serious inequities in our immigration laws."

Mazur called on the Senate to begin the process that will permit workers to live in the United States without fear of separation from their families and without the threat of exploitation by their employers. He noted that S. 2912 will correct three injustices. The bill will change the "registry" date to allow immigrants who have lived in the United States continually for more than 14 years to apply for permanent residence. It will provide to Salvadorans, Guatemalans, Hondurans and Haitians the same opportunity Congress afforded to Nicaraguans and Cubans in 1997 to apply for permanent residence. The bill will also restore and make permanent Section 245i of the Immigration and Nationality Act, which permits immigrants sponsored by close family members or employers to apply for visas in the U.S., without the expense and risk of returning to their country of origin.

Mazur concluded that passage of the Latino and Immigrant Fairness Act this year is essential. "We in UNITE are concerned," he said, "that Congress might increase the number of H-1B visas this year, for the benefit of businesses that want to bring additional foreign workers to this country to fill relatively high-wage jobs, while ignoring immigration issues that affect workers who are already living in the United States and working in relatively low-wage jobs. This would be unacceptable. We believe those immigrant workers who are in the United States already, contributing to our economy, supporting their families, and building our communities deserve at least equal attention."

July 27, 2000

For further information contact: Muzaffar Chishti 212-627-0600 or Ann Hoffman 202-347-7417

UNION OF NEEDLETRADES, INDUSTRIAL AND TEXTILE EMPLOYEES, AFL-CIO, CLC

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For Immediate Release

For information: Lane Windham 202/637-3962

Statement by John J. Sweeney, AFL-CIO President Demanding a Congressional Vote on Improving Immigration Law July 27, 2000

The Senate should vote on the Latino and Immigrant Fairness Act (S. 2912), introduced yesterday by Senators Kennedy, Reid, and Durbin. This legislation is a long-overdue measure that will correct some of the most egregious flaws in our nation's immigration system and bring basic justice to the lives of hundreds of thousands of America's working families. It will address outstanding inequalities in current law regarding legalization and permanent residency which result in unequal treatment of similar immigrant groups. It should be enacted before this Congress ends.

To our great dismay, Senate Republicans prevented a vote on this critical bill today. We call upon the Senate to put aside procedural gamesmanship when the Congress resumes after the August recess and pass S. 2912.

It is time to stand with our nation's immigrant workers who have played and continue to play such a fundamental role in the strengthening of our local communities and our economy. This vote is an important first step in formally acknowledging the tremendous contributions of energy, talent, and commitment that new arrivals from every continent have brought to the United States.

REMARKS

U.S. REP. LUIS V. GUTIERREZ (D-ILL)

RE: IMMIGRATION FAIRNESS

7-27-00

First, I want to point out the genuine appreciation that I have for the ongoing commitment demonstrated by the members of the Senate who are here today.

And for the efforts that they undertaking today-- action that represents a real step forward, gives us important momentum, as we try to make best use of the precious time we have left in this session.

Those of us on the House side, both within and outside of the Hispanic Caucus, who have been working on these issues for many years have enjoyed a strong partnership with some of our friends in the other body.

There are a lot of people in politics who say the right thing when it comes to immigration.

Some actually believe it.

In fact, you might even hear a few of them next week in Philadelphia who are perfectly to pay lip service to the cause of diversity and the contributions of new Americans.

The question is, "what are they doing about it?"

And: "do they even know-- with some level of specificity-- what should be done?"

These lawmakers here today have shown a real appreciation for the specific issues, the key details, at work.

And these lawmakers are doing something about it: fighting for equitable relief for refugees, adjustment of status for long-term residents, and a renewal of 245(i).

In November of 1997, when NACARA was first adopted very late in the appropriations process, that several of our friends-- most notably Senators Durbin, Kennedy and Graham-- quickly took to the Senate floor.

They pointed out-- before the ink was even dry on the roll call

vote-- that what Congress had then just approved was a positive but incomplete and inequitable approach to the crisis affecting refugees from Central America and the Caribbean.

They pointed out that hundreds of thousands of people from that region were still at risk.

That equity-- applying relief equally to all people who entered the U.S. for the same reasons, from the same region, during the same period of time -- must be the hallmark of our nation's immigration policy.

So, I very much want to thank them for their consistent and constant efforts working along side us.

And, even with that long history of commitment and involvement that they have shown, today is a significant day.

Today marks something different.

And, I think, it could mark the beginning of the end.

These Senators have already succeed in placing a comprehensive immigration fairness bill on the legislative calendar.

Whether or not we enjoy the same level of accomplishment in the House is not a matter that we can predict.

But, let me make it clear:

Despite what you might think, we stand here today not merely as opponents of the majority party; in fact, we are giving an opportunity to the Republican party. To prove who they are.

Is their party that "compassionate"?

Then, show some compassion for refugees who fled political violence, civil war and persecution.

Are they looking to the future?

Then don't stay locked in a cold war mentality. Don't simply assist those who fled regimes that our nation once opposed.

Is theirs a party that supports family values?

Then keep families together. Reinstate the 245(i) visa program.

Look-- flowery rhetoric extolling the virtues of immigrants.

But, they also understand that unless those words are backed up by real legislative action, it will do nothing to overturn a deportation order from the INS.

I can guarantee you: no immigration judge is going to give a Honduran national any relief-- even if she has lived here for decades, is the mother of U.S. citizens-- simply because of a nice stump speech, or compassionate campaigning.

The Senators here today are taking action.

We House members stand ready to do the same.

We urge the majority party to give us that chance.

#

from the office of
Senator Edward M. Kennedy
of Massachusetts

FOR IMMEDIATE RELEASE
July 27, 2000

CONTACT: Will Keyser
(202) 224-2633

**STATEMENT OF SENATOR EDWARD M. KENNEDY AT THE
LATINO AND IMMIGRANT FAIRNESS ACT PRESS CONFERENCE**

We're here today to express our strong support for the Latino and Immigrant Fairness Act. Our proposal contains these essential provisions to bring simple justice to our current unfair immigration laws. The Act gives long-overdue parity to immigrants from nations in Central America and Haiti. It restores a basic provision of immigration law that lapsed in 1997 and that had enabled immigrants to apply for their green cards here in the United States instead of returning to their native lands to submit the application. And it updates the registry cut-off date, so that undocumented immigrants can qualify for permanent residence in the United States if they have lived here since before 1986, instead of before 1972.

The immigrant community -- particularly the Latino community -- has waited far too long for the fundamental fairness that this legislation will provide. We intend to do all we can to see that it is enacted into law before Congress adjourns this year.

These issues are not new to Congress. In 1997, the Republican Congress granted permanent residence to Nicaraguans and Cubans who had fled from dictatorships in those two countries. But that Congress shamefully denied the same protections to equally deserving refugees from El Salvador, Guatemala, Honduras and Haiti. It is long past time to end the arbitrary and unfair second class status of these immigrants. Frankly, I regard it as a blatant violation of equal protection of the law, and I condemn it unequivocally.

We have also tried again and again to deal with the green card issue and registry date issue. The longer we delay, the more unfair the current law becomes. So far, the Republican leadership in Congress, behind closed doors, has denied every reasonable effort we have made to move this legislation. It is time to force this fairness issue to a vote.

This should not be a partisan issue. Where is the compassion of conservatives for immigrant families who live in constant fear that their son, their daughter, their husband, or their wife will be deported? Where is the compassion of conservatives for family unity? Where is the compassion of conservatives for parents who will lose their jobs, for families who will be separated, and for the irreparable harm that will be done in so many other ways?

-more-

These fairness issues are the top priority of the Latino community, and they will benefit many others as well. These issues are pro-business and pro-family. We are proud to have the support of a diverse coalition of conservative and progressive organizations for our legislation, including the National Restaurant Association, the AFL-CIO, the U.S. Catholic Conference, Americans for Tax Reform, the League of United Latin American Citizens, and others.

Passage of this legislation will be a victory for all who believe in justice, fairness, and the American dream, and we urge the Republican leadership in Congress to lead on this issue, or get out of the way.



AMERICAN IMMIGRATION LAWYERS ASSOCIATION

AILA NEWS RELEASE

FOR IMMEDIATE RELEASE
Wednesday, July 27, 2000

CONTACT:
Matt Tallmer, Public Affairs Manager
202-216-2404

IMMIGRATION LAWYERS URGE SENATE: RESTORE FAIRNESS, AMERICAN VALUES TO IMMIGRATION

WASHINGTON, D.C. — The American Immigration Lawyers Association (AILA), the national voluntary bar association for immigration attorneys, today announced its strong support for S. 2912, "The Latino and Immigrant Fairness Act."

S. 2912, introduced by Senators Edward Kennedy (D-MA), Harry Reid (D-NV), Richard Durbin (D-IL) and Robert Graham (D-FL), would enhance family values by helping immigrants remain with their families; continue the longest economic boom in our nation's history by allowing employers to retain valued workers; recognize the value of long-term residents who have been treated unfairly; and expand fairness by treating all refugees of similar circumstances similarly. Specifically, the measure would restore Section 245(i), update the registry date to 1986 and create parity for similarly situated Central Americans and Caribbean refugees left out of NACARA.

"Immigrants, their families and supporters should applaud Senators Kennedy, Reid, Durbin and Graham for introducing S. 2912. This legislation would restore fairness, justice, and family values to America's immigration system," said Jeanne A. Butterfield, Executive Director of AILA.

Butterfield explained that restoring Section 245(i) would allow eligible immigrants who have passed all appropriate INS screenings to apply for green cards here, rather than be separated from their families, their occupations and their communities for up to 10 years. In its last year of existence, Section 245(i) generated approximately \$200 million a year for the INS at no cost to taxpayers. That money could be used to reduce current backlogs.

S. 2912 also would continue the immigration reform initiatives undertaken by the Reagan Administration by updating the registry date, thereby allowing long-time residents to adjust their status. President Reagan in 1986 granted long-time out-of-status residents one year to become lawful permanent residents. But the INS misinterpreted the law and turned away thousands of applicants. The Supreme Court ordered the INS to process those applications, but Congress in 1996 slammed the courthouse door in the applicants' face by stripping federal courts of the authority to review those cases. Updating the registry date for the sixth time since 1929 would allow those people denied justice the chance to have their applications processed.

Finally, Butterfield noted, S. 2912 would extend NACARA parity to certain Central American and Caribbean refugees. NACARA granted some people fleeing civil conflicts the right to become legal residents. But people from other countries facing similar circumstances were not allowed to apply for legal permanent residency. NACARA parity would remedy that injustice.

"These issues are of vital importance to immigrants nationwide. They represent justice, fairness, and family values for thousands of immigrants and their families. We call on Congress to enact this measure and 'just get it done' before this session ends," Butterfield said.



**Statement of Skip Roberts
Director of Legislation, SEIU
On Need for Immigration Reform
July 24, 2000**

ANDREW L. STERN
International President

BETTY BEDNARCZYK
International Secretary-Treasurer

ANNA BURGER
Executive Vice President

PATRICIA ANN FORD
Executive Vice President

ELISEO MEDINA
Executive Vice President

PAUL POLICICCHIO
Executive Vice President

Immigrant workers support our economy in the most basic ways each and every day. They clean and maintain residential and commercial buildings, and care for patients in our hospitals, homes and health care facilities. They make beds in hotels and keep the wheels of industry turning.

But yet they are caught in a bureaucratic limbo that denies them the regular legal status they need to participate fully and equally in our society.

We are a nation of immigrants and we should not turn our backs on hard working people who pay taxes and contribute to this country by caring for the nation's children, our elderly, our sick, and disabled citizens.

Senator Kennedy's proposed amendments would help to restore fairness and balance to our immigration laws. Congress should not pass up this opportunity to release millions of hard-working immigrants from bureaucratic limbo. Doing so will help to stabilize our workforce and sustain our economic prosperity.

###

SERVICE EMPLOYEES
INTERNATIONAL UNION
AFL-CIO, CLC

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July 20, 2000

Dear Senator:

On behalf of millions of working Americans, we urge Congressional Leadership not to forget low-wage workers who support our booming economy but may not share fully in its rewards because of their immigration status. We are very concerned by recent reports that Congress intends to expedite passage of a bill that would increase the number of H-1B visas, while ignoring critically important immigration-related issues that would benefit low-wage immigrant workers already in this country.

We represent thousands of essential low-wage workers who support our economy in the most basic ways each and every day. They clean and maintain residential and commercial buildings; care for patients in hospitals, homes and health care facilities. They make beds in hotels and keep the wheels of industry turning. These are all low-wage essential workers who support our economy. They are caught in a bureaucratic limbo that denies them the regular legal status they need to participate fully and equally in our society.

It would be a mistake to pass legislation that will bring new temporary workers to our country, without restoring fairness and balance to our immigration laws. Congress must do more than increase the number of H-1B visas for temporary workers. Congress should take steps to revise our immigration laws to correct past government mistakes and misdeeds that have kept hard-working immigrant families in bureaucratic limbo far too long.

Immigrants who are already here working deserve a program to provide additional visas for family members of citizens and permanent residents so as to reduce unacceptable backlogs. In taking these steps, Congress will not only restore some balance in our immigration laws, but will also help to stabilize our workforce and sustain our economic prosperity.

At a minimum, we believe the following issues demand immediate attention:

- **Change the "Registry" Date** - Allow adjustment of status to all persons of good character who have resided in the United States and established ties to American communities by updating the "registry date" (the date by which immigrants must prove that they have lived continuously in the U.S. in order to apply for permanent residency).
- **Fairness for Central Americans and Haitians** - This proposal would simply offer Salvadorans, Guatemalans, Hondurans, and Haitians the same opportunity to apply for permanent residence as was extended to

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International President

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International Secretary-Treasurer

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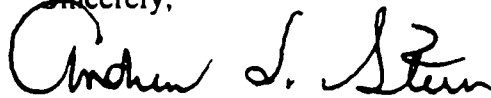
Nicaraguans and Cubans in 1997. Because immigrants from these countries have experienced similar violence and hardship, it is only fair to extend to them the same generous treatment as provided similarly situated Nicaraguans and Cubans.

- Restoration of Section 245(i) of the Immigration and Nationality Act - This expired provision of law would allow immigrants sponsored by close family members or employers to finish the final stage of their applications for permanent residence from the U.S. instead of their countries of origin. Without Section 245(i), immigrants are forced to spend up to 10 years separated from their families and jobs as they wait to be readmitted to the United States. Reinstating Section 245(i) would ensure that employers do not have to lose valuable workers and families do not have to endure painful years of separations.
- Reunite families - Reunite families by establishing a program to provide additional visas for family members of citizens and permanent residents so as to reduce unacceptable backlogs and help stabilize the workforce. A serious backlog has developed in the family-immigration system and as a result, many U.S. citizens and legal immigrants are forced to wait many years (some as long as 20 years) before they can be united with close family members. The number of visas for family members of citizens and legal residents should be increased to reduce this backlog.

We are a nation of immigrants, and we should not turn our backs on hard working people who pay taxes and contribute to this country by caring for the nation's children, our elderly, sick, and disabled citizens. We are the service workers who clean the floors and empty the trash. We are the workers on the bottom end of the digital divide, and are the workers who truly support the economy in very fundamental ways.

Any immigration legislation enacted this year should not just benefit the businesses that want to increase in the number of H-1B visas and temporary workers, legislation should also benefit businesses that employ essential low-wage workers and who are already in this country contributing to our economy. We feel that any immigration law should reflect this reality.

Sincerely,



Andrew L. Stern
International President

ALS/alr
OPEIU Local 2, AFL-CIO



AMERICAN IMMIGRATION LAWYERS ASSOCIATION

AILA NEWS RELEASE

FOR IMMEDIATE RELEASE
Wednesday, July 27, 2000

CONTACT:
Matt Tallmer, Public Affairs Manager
202-216-2404

IMMIGRATION LAWYERS URGE SENATE: RESTORE FAIRNESS, AMERICAN VALUES TO IMMIGRATION

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S. 2912, introduced by Senators Edward Kennedy (D-MA), Harry Reid (D-NV), Richard Durbin (D-IL) and Robert Graham (D-FL), would enhance family values by helping immigrants remain with their families; continue the longest economic boom in our nation's history by allowing employers to retain valued workers; recognize the value of long-term residents who have been treated unfairly; and expand fairness by treating all refugees of similar circumstances similarly. Specifically, the measure would restore Section 245(i), update the registry date to 1986 and create parity for similarly situated Central Americans and Caribbean refugees left out of NACARA.

"Immigrants, their families and supporters should applaud Senators Kennedy, Reid, Durbin and Graham for introducing S. 2912. This legislation would restore fairness, justice, and family values to America's immigration system," said Jeanne A. Butterfield, Executive Director of AILA.

Butterfield explained that restoring Section 245(i) would allow eligible immigrants who have passed all appropriate INS screenings to apply for green cards here, rather than be separated from their families, their occupations and their communities for up to 10 years. In its last year of existence, Section 245(i) generated approximately \$200 million a year for the INS at no cost to taxpayers. That money could be used to reduce current backlogs.

S. 2912 also would continue the immigration reform initiatives undertaken by the Reagan Administration by updating the registry date, thereby allowing long-time residents to adjust their status. President Reagan in 1986 granted long-time out-of-status residents one year to become lawful permanent residents. But the INS misinterpreted the law and turned away thousands of applicants. The Supreme Court ordered the INS to process those applications, but Congress in 1996 slammed the courthouse door in the applicants' face by stripping federal courts of the authority to review those cases. Updating the registry date for the sixth time since 1929 would allow those people denied justice the chance to have their applications processed.

Finally, Butterfield noted, S. 2912 would extend NACARA parity to certain Central American and Caribbean refugees. NACARA granted some people fleeing civil conflicts the right to become legal residents. But people from other countries facing similar circumstances were not allowed to apply for legal permanent residency. NACARA parity would remedy that injustice.

"These issues are of vital importance to immigrants nationwide. They represent justice, fairness, and family values for thousands of immigrants and their families. We call on Congress to enact this measure and 'just get it done' before this session ends," Butterfield said.

from the office of
Senator Edward M. Kennedy
of Massachusetts

FOR IMMEDIATE RELEASE
July 27, 2000

CONTACT: Will Keyser
(202) 224-2633

**STATEMENT OF SENATOR EDWARD M. KENNEDY AT THE
LATINO AND IMMIGRANT FAIRNESS ACT PRESS CONFERENCE**

We're here today to express our strong support for the Latino and Immigrant Fairness Act. Our proposal contains these essential provisions to bring simple justice to our current unfair immigration laws. The Act gives long-overdue parity to immigrants from nations in Central America and Haiti. It restores a basic provision of immigration law that lapsed in 1997 and that had enabled immigrants to apply for their green cards here in the United States instead of returning to their native lands to submit the application. And it updates the registry cut-off date, so that undocumented immigrants can qualify for permanent residence in the United States if they have lived here since before 1986, instead of before 1972.

The immigrant community -- particularly the Latino community -- has waited far too long for the fundamental fairness that this legislation will provide. We intend to do all we can to see that it is enacted into law before Congress adjourns this year.

These issues are not new to Congress. In 1997, the Republican Congress granted permanent residence to Nicaraguans and Cubans who had fled from dictatorships in those two countries. But that Congress shamefully denied the same protections to equally deserving refugees from El Salvador, Guatemala, Honduras and Haiti. It is long past time to end the arbitrary and unfair second class status of these immigrants. Frankly, I regard it as a blatant violation of equal protection of the law, and I condemn it unequivocally.

We have also tried again and again to deal with the green card issue and registry date issue. The longer we delay, the more unfair the current law becomes. So far, the Republican leadership in Congress, behind closed doors, has denied every reasonable effort we have made to move this legislation. It is time to force this fairness issue to a vote.

This should not be a partisan issue. Where is the compassion of conservatives for immigrant families who live in constant fear that their son, their daughter, their husband, or their wife will be deported? Where is the compassion of conservatives for family unity? Where is the compassion of conservatives for parents who will lose their jobs, for families who will be separated, and for the irreparable harm that will be done in so many other ways?

-more-



**The American Jewish
Committee**

OFFICE OF GOVERNMENT AND INTERNATIONAL AFFAIRS

1156 FIFTEENTH STREET, N.W., WASHINGTON, D.C. 20005 Telephone (202) 785-4200 Fax (202) 785-4115 Email OGIA@AJC.ORG

July 24, 2000

Dear Senator:

I write on behalf of the American Jewish Committee, the nation's premier human relations organization with some 105,000 members and supporters in 32 cities nationwide, to urge your support for the "Latino and Immigrant Fairness Act," which may come up for a Senate vote as an amendment to pending legislation this week.

Since its founding in 1906, AJC has recognized the myriad ways that immigration to the United States has enriched our society, and has worked to ensure that the U.S. maintains its role as haven for those fleeing persecution and adopts fair and generous immigration and refugee policies. Consistent with these principles, we support passage of the "Latino and Immigrant Fairness Act," legislation that would regularize the status of a number of immigrants who, with their families, have lived and worked in the U.S. for many years after fleeing persecution and violence in their own lands.

The "Latino and Immigrant Fairness Act" would improve U.S. immigration laws in significant ways. This legislation would extend to qualified war refugees from El Salvador, Guatemala, Honduras and Haiti the same opportunity to adjust to permanent resident status offered to Cubans and Nicaraguans by the 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA). NACARA provides relief to Nicaraguan and Cuban war refugees from deportation under the 1996 immigration reform law, but leaves unprotected war refugees from those countries mentioned above who suffered under similar political and economic conditions. And this legislation would restore Section 245(i) of the Immigration Act, allowed to expire by Congress in 1997, that permitted immigrants on the verge of becoming permanent residents to apply to adjust their status in the United States, rather than having to apply from their home country. Now, immigrants who are out of status are forced to leave their families and jobs behind and spend many years outside the U.S. while their applications are pending.

It is our hope that the Senate, with your support, will avail itself of any opportunities that arise to vote on the "Latino and Immigrant Fairness Act" during the remaining days of the 106th Congress, and move it to final passage.

Thank you for your consideration of our views on this important matter.

Sincerely,

Richard T. Foltin
Legislative Director and Counsel

REMARKS

U.S. REP. LUIS V. GUTIERREZ (D-ILL)

RE: IMMIGRATION FAIRNESS

7-27-00

First, I want to point out the genuine appreciation that I have for the ongoing commitment demonstrated by the members of the Senate who are here today.

And for the efforts that they undertaking today-- action that represents a real step forward, gives us important momentum, as we try to make best use of the precious time we have left in this session.

Those of us on the House side, both within and outside of the Hispanic Caucus, who have been working on these issues for many years have enjoyed a strong partnership with some of our friends in the other body.

There are a lot of people in politics who say the right thing when it comes to immigration.

Some actually believe it.

In fact, you might even hear a few of them next week in Philadelphia who are perfectly to pay lip service to the cause of diversity and the contributions of new Americans.

The question is, "what are they doing about it?"

And: "do they even know-- with some level of specificity-- what should be done?"

These lawmakers here today have shown a real appreciation for the specific issues, the key details, at work.

And these lawmakers are doing something about it: fighting for equitable relief for refugees, adjustment of status for long-term residents, and a renewal of 245(i).

In November of 1997, when NACARA was first adopted very late in the appropriations process, that several of our friends-- most notably Senators Durbin, Kennedy and Graham-- quickly took to the Senate floor.

They pointed out-- before the ink was even dry on the roll call

vote-- that what Congress had then just approved was a positive but incomplete and inequitable approach to the crisis affecting refugees from Central America and the Carribean.

They pointed out that hundreds of thousands of people from that region were still at risk.

That equity-- applying relief equally to all people who entered the U.S. for the same reasons, from the same region, during the same period of time -- must be the hallmark of our nation's immigration policy.

So, I very much want to thank them for their consistent and constant efforts working along side us.

And, even with that long history of commitment and involvement that they have shown, today is a significant day.

Today marks something different.

And, I think, it could mark the beginning of the end.

These Senators have already succeed in placing a comprehensive immigration fairness bill on the legislative calendar.

Whether or not we enjoy the same level of accomplishment in the House is not a matter that we can predict.

But, let me make it clear:

Despite what you might think, we stand here today not merely as opponents of the majority party; in fact, we are giving an opportunity to the Republican party. To prove who they are.

Is their party that "compassionate"?

Then, show some compassion for refugees who fled political violence, civil war and persecution.

Are they looking to the future?

Then don't stay locked in a cold war mentality. Don't simply assist those who fled regimes that our nation once opposed.

Is theirs a party that supports family values?

Then keep families together. Reinstate the 245(i) visa program.

Look-- flowery rhetoric extolling the virtues of immigrants.

But, they also understand that unless those words are backed up by real legislative action, it will do nothing to overturn a deportation order from the INS.

I can guarantee you: no immigration judge is going to give a Honduran national any relief-- even if she has lived here for decades, is the mother of U.S. citizens-- simply because of a nice stump speech, or compassionate campaigning.

The Senators here today are taking action.

We House members stand ready to do the same.

We urge the majority party to give us that chance.

#

American Federation of Labor and Congress of Industrial Organizations



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For Immediate Release

For information: Lane Windham 202/637-3962

Statement by John J. Sweeney, AFL-CIO President Demanding a Congressional Vote on Improving Immigration Law July 27, 2000

The Senate should vote on the Latino and Immigrant Fairness Act (S. 2912), introduced yesterday by Senators Kennedy, Reid, and Durbin. This legislation is a long-overdue measure that will correct some of the most egregious flaws in our nation's immigration system and bring basic justice to the lives of hundreds of thousands of America's working families. It will address outstanding inequalities in current law regarding legalization and permanent residency which result in unequal treatment of similar immigrant groups. It should be enacted before this Congress ends.

To our great dismay, Senate Republicans prevented a vote on this critical bill today. We call upon the Senate to put aside procedural gamesmanship when the Congress resumes after the August recess and pass S. 2912.

It is time to stand with our nation's immigrant workers who have played and continue to play such a fundamental role in the strengthening of our local communities and our economy. This vote is an important first step in formally acknowledging the tremendous contributions of energy, talent, and commitment that new arrivals from every continent have brought to the United States.



A MERGER OF THE AMALGAMATED CLOTHING & TEXTILE WORKERS UNION & THE INTERNATIONAL LADIES' GARMENT WORKERS' UNION

UNITE Urges Passage of Immigrant Fairness Package

UNITE, the Union of Needletrades, Industrial and Textile Employees, today called on Congress to pass the Latino and Immigrant Fairness Act, S. 2912, as soon as possible. Debate on the bill was expected to begin today in the Senate.

"Hundreds of thousands of workers are contributing to our booming economy but are not sharing in its fruits, simply because of their immigration status," said UNITE President Jay Mazur. "Many of these workers are members of UNITE or members of their families. On behalf of our union family and the other workers in the same situation, we urge Congress to bring fairness and justice to these long-time residents of the United States by correcting some serious inequities in our immigration laws."

Mazur called on the Senate to begin the process that will permit workers to live in the United States without fear of separation from their families and without the threat of exploitation by their employers. He noted that S. 2912 will correct three injustices. The bill will change the "registry" date to allow immigrants who have lived in the United States continually for more than 14 years to apply for permanent residence. It will provide to Salvadorans, Guatemalans, Hondurans and Haitians the same opportunity Congress afforded to Nicaraguans and Cubans in 1997 to apply for permanent residence. The bill will also restore and make permanent Section 245i of the Immigration and Nationality Act, which permits immigrants sponsored by close family members or employers to apply for visas in the U.S., without the expense and risk of returning to their country of origin.

Mazur concluded that passage of the Latino and Immigrant Fairness Act this year is essential. "We in UNITE are concerned," he said, "that Congress might increase the number of H-1B visas this year, for the benefit of businesses that want to bring additional foreign workers to this country to fill relatively high-wage jobs, while ignoring immigration issues that affect workers who are already living in the United States and working in relatively low-wage jobs. This would be unacceptable. We believe those immigrant workers who are in the United States already, contributing to our economy, supporting their families, and building our communities deserve at least equal attention."

July 27, 2000

For further information contact: Muzaffar Chishti 212-627-0600 or Ann Hoffman 202-347-7417

UNION OF NEEDLETRADES, INDUSTRIAL AND TEXTILE EMPLOYEES, AFL-CIO, CLC

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PRESS RELEASE – FOR IMMEDIATE RELEASE

CONTACT: Marc Grossman
Phone: (916) 441-0746

July 26, 2000

Keene, California.

The United Farm Workers of America, AFL-CIO, founded by labor and Latino civil rights leader Cesar E. Chavez, is proud to announce its support for Senate Bill 2912, which will be sponsored by United States Senators Edward Kennedy, Richard Durbin and Harry Reid, and which will address some of the most egregious flaws in our immigration system.

Senate Bill 2912 would allow long term refugees from Central America, Haiti and Liberia to adjust from temporary protected status to permanent resident alien status under uniform rules already afforded to other groups of refugees, thus relieving the threat of deportation faced by many immigrant working families.

Senate Bill 2912 would allow immigrants who have lived in the United States without proper documents since 1986 to adjust their status to legal permanent resident status. This Bill is consistent with the periodic movement of "registry dates" by Congress (since the 1920s) in order to allow thousands of immigrant workers who should have qualified for lawful status in the 1980s, but were denied such status by wrongful conduct of the INS.

Senate Bill 2912 would extend Section 245(i), which allows persons who qualified for a green card or work authorization to obtain a visa without first leaving the country, an unnecessary requirement that forces wage earners and primary caretakers to leave their jobs and families for months at a time.

The United Farm Workers of America, AFL-CIO, strongly urges support for these important changes in our immigration laws. Many affected immigrants are parents of children who are U.S. citizens by birth or the spouses of U.S. citizens. However, these immigrants live in constant fear of deportation of a primary wage earner or care giver. Many of these immigrants are long term residents who remain vulnerable to employers who violate basic labor laws, landlords who supply shoddy, overpriced housing, and criminals who know that such immigrants are reluctant to report crimes or cooperate as witnesses because of their undocumented status.

These changes to current immigration law are necessary to send a message to those immigrants who toil as agricultural laborers (often in the worst of employment conditions in the country) that the nation is truly committed to sharing the promise of a better life for those who work so hard to produce our food. These changes are necessary to further the dream of Cesar E. Chavez – that farm workers and Latino immigrant workers in this country be treated with dignity, respect, and equality in the workplace.

¡Con Unión Se Vive Mejor!.

Founded by César E. Chávez (1927-1993)





MALDEF

Press Statement

Mexican American Legal Defense and Educational Fund

1717 K Street N.W., Suite 311 • Washington, DC 20036 • 202-293-2828 • Fax 202-293-2849

For Immediate Release
July 27, 2000

Contact: Marisa J. Demeo
Triana R. D'Orazio
202/293-2828

MALDEF SUPPORTS NEW IMMIGRATION BILL S. 2912

Legislation Covers Three Important Issues To Latino Community

(Washington, D.C.) After many and frequent appeals to Congress to consider legislation addressing critical immigration provisions that would truly benefit the Latino immigrant community, the Mexican American Legal Defense and Educational Fund (MALDEF) is pleased to support S. 2912, a bill co-sponsored by Senators Edward Kennedy (D-MA), Harry Reid (D-NV), Richard Durbin (D-IL), and Bob Graham (D-FL).

“This bill, which absolutely needs to be passed before the end of this congressional session, would rectify very specific provisions in the existing immigration law which have been obstacles for many long-time immigrant residents, who have been waiting years for legal status,” said Marisa J. Demeo, Regional Counsel for the Washington, DC office of MALDEF. “For certain members of Congress even to be considering other legislation which would benefit mostly multi-million dollar industries and bring in new immigrants without addressing the issues facing immigrants already here is unjustified.”

MALDEF urges Congress to vote on and pass S. 2912. This bill would: 1) change the registry date, allowing individuals who have been in the country since before 1986 to apply for legal residence; 2) restore Section 245(i) of the Immigration and Naturalization Act (INA), therefore permitting thousands who qualify for an immigrant visa, but who must return to their home country in order to obtain it, to remain in this country while they await their visas; and 3) provide parity to nationals from El Salvador, Guatemala, Honduras and Haiti who have been in the U.S. continuously since December 1, 1995, but who were given less or left out of the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA) designed primarily for Cubans and Nicaraguans.

“These three specific provisions of S. 2912 will greatly benefit a group of people that has been patiently waiting for over a decade; waiting, but still working, paying taxes, contributing to their communities

- MORE -

and raising their American-born children,” said Demeo. “While there is much more to be done for immigrants – from reducing backlogs in Immigration and Naturalization Service processes, to providing adequate access to healthcare and due process rights – the three issues presented today must be passed this session if the 106th Congress truly wants to meet the needs of the Latino community,” she concluded.

MALDEF is a national civil rights organization which protects and promotes the civil rights of Latinos through advocacy, community education and outreach, leadership development, higher education scholarships and, when necessary, through the legal system.

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MASSACHUSETTS IMMIGRANT & REFUGEE ADVOCACY COALITION

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**Statement at July 27, 2000 Press Conference
on S. 2912, *Latino and Immigrant Fairness Act***

by the Massachusetts Immigrant and Refugee Advocacy Coalition

**Massachusetts Immigrant Coalition Urges Senate
to Pass the *Latino and Immigrant Fairness Act***

The Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA), a statewide multi-ethnic, multi-racial coalition with over 130 organizational members, urges Senate to approve S.2912, the *Latino and Immigrant Fairness Act*. The bill would correct past legal omissions that penalize working immigrant families. The measure would resolve the bureaucratic limbo of a limited group of immigrants who are already here, already working, and already contributing to our nation's record prosperity.

In Massachusetts alone, immigrants were responsible for 82% of the growth of the workforce during the past two decades, fueling the booming economy. If not for immigrants, the labor force of Massachusetts--and its economy--would have shrunk. For a nation of immigrants that is experiencing tight labor markets, this bill represents a common sense approach that will keep workers working, keep our economy growing, and keep families together.

The provisions would 1) provide the same treatment for Central Americans and Haitians that Congress enacted for Nicaraguans and Cubans in 1997; 2) update the registry date to 1986 to include long-time workers; and 3) restore the lapsed 245(i) provision that allows immigrant workers on the verge of permanent status to reunite with families and remain in their jobs rather than leave the country for 10 years.

This measure would provide a basic level of fairness for immigrants who are contributing immensely to our nation's prosperous economy.

Groups and Individuals on the Record Supporting Latino and Immigrant Fairness Issues

As of July 24, 2000

Prominent Individuals

Jack Kemp, Co-Director, Empower America, former Republican Vice-Presidential Nominee
Henry Cisneros, President, Univision Television, Former Secretary of Housing & Urban Development

Labor and Business

AFL-CIO
National Restaurant Association
Service Employees International Union, Andrew Stern, President
American Health Care Association
Union of Needletrades and Industrial Textile Employees (UNITE), Jay Mazur, President
International Association of Amusement Parks and Attractions
Hotel Employees and Restaurant Employees Union, John Wilhelm, President
United Farm Workers of America, AFL-CIO, Arturo Rodriguez, President
Los Angeles County Federation of Labor, Miguel Contreras, Executive Secretary Treasurer

Latino Organizations

National Council of La Raza
National Association of Latino Elected and Appointed Officials
Mexican American Legal Defense and Educational Fund
League of United Latin American Citizens
National Puerto Rican Coalition
Salvadoran American National Network
William C. Velasquez Institute
Dominican American National Roundtable

Conservative Organizations

Americans for Tax Reform, Grover Norquist, President
Center for Equal Opportunity, Linda Chavez, President
Club for Growth, Steve Moore, President
Empower America, J.T. Taylor, President

Editorial Boards

Los Angeles Times
Miami Herald

New York Times
The Washington Post

Other Organizations

Anti-Defamation League
U.S. Catholic Conference
American Immigration Lawyers Association
Lutheran Immigration & Refugee Services
Arab American Institute
Hebrew Immigration Aid Society

National Coalition for Haitian Rights
National Immigration Forum
National Immigration Law Center
Polish American Congress
Southeast Asian Resource Action Center
National Asian Pacific American Legal Consortium

National Immigration Forum

PRESS RELEASE

FOR IMMEDIATE RELEASE
July 26, 2000

Contact: Judy Mark
(202) 544-0004, ext. 14

National Immigration Forum Calls on Senate to Enact the “Latino and Immigrant Fairness Act”

Senate Action Expected this Thursday

The National Immigration Forum, one of the nation's leading immigration policy organizations, calls on the Senate to approve S.2912, the “Latino and Immigrant Fairness Act.” The Senate is expected to take up this measure on Thursday, July 27th. If enacted, the bill would reward hard working immigrant families, most of who are currently trapped in legal limbo because of past government mistakes.

According to Frank Sharry, National Immigration Forum Executive Director, “This measure resolves the bureaucratic limbo of a discrete group of immigrants who are already here, already working, and already contributing to our nation's record prosperity. For a nation of immigrants that is experiencing tight labor markets, this bill represents a common sense approach that will keep workers working, keep our economy growing, and keep families together.”

The provisions would 1) provide the same treatment for Central Americans and Haitians that Congress enacted for Nicaraguans and Cubans in 1997; 2) update the “registry date” to 1986 to recognize the equities of deeply-rooted long-time workers; and 3) restore the lapsed 245i provision that allows immigrant workers on the verge of permanent status to reunite with families and remain in their jobs rather than leave the country for 10 years.

In addition to the three provisions combined as part of the “Latino and Immigrant Fairness Act,” the Forum is supporting measures to reduce family backlogs, restore health benefits to legal immigrants, restore basic due process rights to immigrants, and restructure the Immigration and Naturalization Service.

Added Sharry, “No matter *how* these matters of basic fairness and good policy get done this year, they need to get done this year.”



NEWS from U.S. Senator HARRY REID

ASSISTANT DEMOCRATIC LEADER FROM NEVADA

For immediate release

Contact: Mark Schuermann/David Cherry (202) 224-3542

Thursday, July 27, 2000

REID JOINS WITH SENATE DEMOCRATS, HOUSE HISPANIC CAUCUS IN SUPPORT OF LATINO AND IMMIGRANT FAIRNESS ACT

Washington, D.C. – Assistant Senate Democratic Leader Harry Reid (D-NV) joined with Senate Democrats and members of the House Hispanic caucus today to show support for passage of *S.2912*, the Latino and Immigrant Fairness Act of 2000.

“I am proud to join with my fellow Democrats today in reaffirming our absolute commitment in both chambers to passing the Latino Fairness agenda. This legislation will correct flaws in America’s current immigration policy which have separated families and denied individuals the ability to apply for legal immigrant status. Time is quickly running out on the legislative calendar and we must continue to press for these important changes in the law,” Reid said.

During Thursday’s news conference in the U.S. Capitol, Reid also called upon members of the GOP to join with Democrats in passing the Latino Fairness agenda.

“Contrast the unwavering Democratic support for the Latino fairness agenda, including the support of Vice-President Gore, with our colleagues on the other side of the aisle. Republicans and their candidate for President are good at talking the talk, but now it is time to show the compassion that they so often talk about. If Governor Bush wants to look at laws that keep families apart, he should call upon his GOP colleagues in both the House and the Senate to take up, and pass, the Latino and Immigrant Fairness Act,” said Reid.

One provision included in the Latino and Immigrant Fairness Act of 2000, mirrors stand alone legislation introduced by Senator Reid earlier this year. The provision would change the date of registry for those seeking legal status and eventual citizenship. Under the provision, immigrants who have been in the U.S. since 1986, and have met other specific criteria, would be allowed to apply for permanent residence.

“Changing the current registry date reflects the federal government’s on-going recognition that we should allow immigrants who have become deeply-rooted and who have contributed to our economy, and to their communities, a chance to reside in the United States on a permanent basis,” Reid said.

The bill would also aid immigrants from Haiti and Central America by extending them same rights granted under the existing *Nicaraguan and Central American Relief Act, or NACARA*.

“The Central American and Haitian Parity Act, otherwise known as NACARA parity, would grant many of the same rights to Central Americans and Haitian immigrants as those currently granted to Nicaraguans and Cubans who come to the United States,” said Reid.

The third provision of the act would re-authorize section 245(i) of the immigration code, which would allow immigrants meeting certain criteria to remain in the United States rather than being forced to leave the country while their status is being adjusted.

Reid
Kennedy
Graham

Roybal-Allard
Gutierrez
Sanchez
Napolitano
Belem
Rodriguez
Hindjosa

- Sperling
- Echaveste

Reid - New bill to push for labor fairness.

Roybal-Allard - Doesn't just talk about supporting



NEWS RELEASE

FOR IMMEDIATE RELEASE:

Thursday, July 27, 2000

CONTACT: Douglas Hattaway
Chris Lehane
615-340-3251

STATEMENT BY AL GORE

On Ensuring Fairness and Equity for Immigrants

NASHVILLE – Today, I am announcing my support for recently introduced legislation, S. 2912, to ensure fairness and equity for certain immigrants and their families already in the United States. I call upon George W. Bush to make clear his stance on this issue and join me in challenging Congress to pass this essential legislation.

Specifically, the bill amends the Nicaraguan Adjustment and Central American Relief Act, which allows Nicaraguans and Cubans fleeing human rights violations to become legal immigrants, but does not allow similarly situated Central Americans and Haitians to do so. I believe we should correct this longstanding injustice, and I urge Congress to pass this legislation to ensure equitable treatment for other Central Americans and Haitians who fled human rights abuses or unstable conditions. This will not only ensure equitable humanitarian protections, but also advance our commitment to the stability of emerging democracies.

The legislation also amends section 249 of the Immigration and Nationality Act (INA), allowing qualified long-term migrants who have resided in the United States since 1986 to become legal permanent residents. This provision, also known as the registry date, has existed since 1929 and has enabled many long-time migrants in the United States to deepen their ties to this country, including the establishment of families, homes, and communities. Congress should pass this legislation to revise the 1972 registry date and allow qualified long-term migrants who have lived in the United States since 1986 to become lawful permanent residents.

Finally, the legislation reinstates section 245(i) of the Immigration and Nationality Act allowing certain immigrants who are eligible for residency to have their papers processed here in the United States rather than force them to return to their home country. Families who are in this country legally should be allowed to remain together in the United States while immigration applications are pending.

I am committed to the overall fair and even-handed treatment to immigrants with substantial ties to this country. This legislation will give them the fair and just treatment they deserve. I urge Congress to give this important legislation prompt and favorable consideration.

###

THE SENATE SHOULD PASS THE LATINO AND IMMIGRANT FAIRNESS ACT

The Senate may imminently be voting on the *Latino and Immigrant Fairness Act*, a bill that would correct for past government mistakes and misdeeds that have kept long-established, hard-working immigrant families in bureaucratic limbo. The bill would also help sustain our nation's prosperity by making permanent and legal defined groups of immigrants who are already here and already working. By taking a common sense approach, this legislation would keep workers working, families together, and our economy strong.

The Latino and Immigrant Fairness Act includes three issues. These issues are:

- ✓ Updating a provision of immigration law known as "registry" by which our government recognizes that it makes more sense to allow long-time resident, deeply-rooted immigrants who are contributing to our economy to remain here permanently. The amendment would change the registry cutoff date so that undocumented immigrants who have been residing in the country since before 1986 would qualify to remain here permanently.
- ✓ Parity for Central Americans to correct for past unequal treatment among different groups of similarly-situated Central American and Caribbean refugees. Some refugees have been offered an opportunity to adjust to permanent status. Others—equally rooted in our country with jobs and family—face the prospect of deportation.
- ✓ Restoration of Section 245(i) of the Immigration Act, a provision of immigration law that sensibly allows persons here, who are on the verge of gaining their immigration status, to remain in the U.S. to complete the process.

WHO ARE THE IMMIGRANTS AND WHAT SHOULD BE DONE?

There are particular groups of immigrants who are already living in the United States but have been thwarted in their quest for resident status by a combination of administrative delays, unfair treatment by a hostile bureaucracy, and congressional neglect. But for the government's failure to properly administer and update the laws, most of these immigrants would have already become American citizens.

Fighting the Bureaucracy for Over a Decade. One group of immigrants has been living in the U.S. since 1982. They qualified to apply for a legalization program that Congress enacted 14 years ago. Unfortunately, the immigration bureaucracy bungled implementation of this program, and some immigrants were turned away even though they qualified. Ever since, these immigrants have been in legal limbo while the Immigration Service has fought them in the courts. Today, even though these immigrants have now been in the country for nearly two *decades*, the Immigration Service is taking away their permission to work. To make matters worse for these immigrants, Congress neglected, when it passed sweeping legislation in 1996, to update a provision of law that rewards hard-working immigrants who have resided in the country for a long time. This provision of law—called "registry"—was last updated in 1986.

The bureaucracy refuses to own up to its mistakes, keeping these immigrants in legal limbo and wasting taxpayer dollars in the process. The "registry" cutoff date must be updated. Regardless of whether they

are part of the ongoing lawsuits, immigrants should, after so many years of working in this country, gain the ability to adjust to permanent status so that they may eventually become citizens.

Refugees Who Would By Now Be Citizens. A second group of immigrants are refugees who fled civil wars and political chaos in Central America and Haiti in the 1980s and 1990s. Instead of finding refuge in the U.S., these immigrants were met with unsympathetic bureaucrats and judges with a bias against granting them permanent asylum. For years, they have lived in temporary statuses while trying—through the courts and in Congress—to permanently resolve their situation. If treated fairly by the bureaucracy when they originally sought protection, most would be U.S. citizens today.

In 1997 and 1998, Congress, recognizing the contributions of long-resident Central American, Cuban, and Haitian war refugees to their communities in the U.S., passed legislation intending to allow them to resolve their legal limbo and become permanent residents. Unfortunately, the laws helped some, but not others in similar circumstances. The *Latino and Immigrant Fairness Act* would tweak the original law so that groups left out of that legislation will similarly be allowed to adjust their status, continue to work and support their American families, and eventually become eligible to earn U.S. citizenship.

On the Verge of Gaining Residency and Forced to Leave. A final group of immigrants are those whose family or employer ties make them eligible for official immigrant status and are on the verge of gaining permanent legal status. This group of immigrants has been in the country with their family or working for a U.S. employer while awaiting their status adjustment. Although they technically should be waiting outside of the U.S. until their relative's or employer's petition can be considered by the bureaucracy, U.S. law recognized, until recently, that it *made no sense* to force someone who may have already begun to work and support their family in the U.S. to leave the country to get permission to come back and live permanently. In 1997, however, Congress did not renew the provision of law that allowed these immigrants to remain in the country. As a result, these immigrants find themselves facing the choice of leaving the country for a lengthy separation from their families or risk being denied residency for up to 10 years. In effect, our law now says that punishing immigrants for a simple status violation is more important than keeping them on the tax rolls, supporting their families, and serving as essential employees to American businesses. This simply does not make sense.

The *Latino and Immigrant Fairness Act* would restore this provisions of law, (called "Section 245(i)") so that immigrants on the verge of gaining their immigrant visa will be able to remain with their families and American employers while they complete the final stages of the immigration process.

Time to Take a Common Sense Approach. America today needs workers committed to this country and to their families. The particular groups of immigrants defined above have already proven their value to their communities, to our economy, and to our country. They have, for the most part, been here for many years, supporting their families, paying taxes, and working for American businesses. We should not, whether by government neglect or bureaucratic indifference, make it impossible to for them to support their families, and pay their fair share of taxes. It makes no sense to focus limited enforcement resources on removing immigrants who have sunk deep roots in this country. It makes no sense, in these prosperous economic times when we need *more* legal workers, to banish hard-working, tax-paying immigrants for up to 10 years, leaving their families to fend for themselves and forcing their employers to find new workers to replace these trained and productive employees.

The Senate should support the *Latino and Immigrant Fairness Act*.

CONGRESS SHOULD COMPLETE A JOB IT HAS ALREADY BEGUN: RESOLVE THE STATUS OF HARD-WORKING REFUGEES SO THEY MIGHT CONTINUE TO CONTRIBUTE TO OUR COUNTRY

This year, Congress has an opportunity to complete a job it started in 1997, by allowing a group of Central American and Caribbean war refugees to remain permanently in the U.S. and continue to work legally, support their families, and pay their fair share of taxes. Congress has already recognized that war refugees from the region have been treated unfairly by our immigration bureaucracy. In 1997 and 1998, Congress passed laws that will help many long-resident Central Americans, Cubans, and Haitians resolve their legal limbo and become permanent legal immigrants. However, some Central American and Haitian refugees have been arbitrarily excluded from the legislation that has passed in the last three years, even though their circumstances are virtually identical to some who have been allowed to adjust their status. Congress must act again to help the remaining individuals who have become, now more than ever, essential workers to American employers.

The Problem: A Bad Law and Piecemeal Corrections

The *Illegal Immigration Reform and Immigrant Responsibility Act* (IIRAIRA), passed in 1996, changed a provision of immigration law ("Suspension of Deportation") that offers a means for certain immigrants who have been in the U.S. for many years to remain here permanently if they can demonstrate that deportation would have harmful effects on their U.S. citizen or permanent resident spouses or children. The 1996 law made this form of relief from deportation much more difficult to obtain, and the law was applied retroactively – meaning persons who had met the standards of the old rules now had to make their case based on the new, more difficult rules. The largest group of immigrants affected by this change came to the U.S. after fleeing civil wars in Central America. For the most part, these immigrants have been living for many years in various temporary statuses, and expected to use the provision of law (now called "Cancellation of Removal") to gain their permanent residence.

One year later, in 1997, Congress passed the *Nicaraguan Adjustment and Central American Relief Act* (NACARA). Authors of this legislation sought to correct the problems created by the 1996 law. However, in its final form, NACARA left the job unfinished. Instead, Congress created two tiers of benefits for war refugees long-residing in the United States who have similar histories. As a result, new legislation is needed to ensure that all individuals with similar histories receive the same treatment.

In 1998, Congress passed the *Haitian Refugee Immigration Fairness Act* (HRIFA). Congress passed this law to correct for the fact that Haitian refugees, who were in the U.S. in similar circumstances to the Central Americans and Cubans who benefited from NACARA, were left out of that legislation. However, this law left many Haitians behind, in part because the law too narrowly prescribed the refugees who were eligible, leaving many refugees unable to apply.

In 1999, new legislation was introduced to correct the problems created by NACARA and HRIFA. The *Central American and Haitian Adjustment Act* was introduced in the House (H.R. 2722) by

Representative Christopher Smith (R-NJ) and 27 co-sponsors, and in the Senate (S. 1592) by Senators Richard Durbin (D-IL) and Edward Kennedy (D-MA). The legislation extends to qualified persons from El Salvador, Guatemala, Honduras, and Haiti the same opportunity to adjust to permanent residence as was offered to Cubans and Nicaraguans by the 1997 *Nicaraguan Adjustment and Central American Relief Act* (NACARA).

Treatment of Different Nationalities to Date:

- **Nicaraguans and Cubans.** By passing NACARA in 1997, Congress created an opportunity for Cubans and Nicaraguans to gain permanent residence if they had been present continuously in the U.S. since December 1, 1995. If these individuals do not have characteristics that would disqualify them from permanent residence such as having committed certain crimes—they qualify for permanent residence under NACARA. NACARA set a deadline of March 31, 2000 for Nicaraguans and Cubans to apply.
- **Salvadorans and Guatemalans.** By contrast, the path to permanent residence laid out in the 1997 law for Salvadorans and Guatemalans included not just a screening for disqualifying characteristics, but also a process in which they must prove they should not be deported. Furthermore, several requirements narrowed the pool of those potentially eligible to apply. First, persons from Guatemala and El Salvador had to be in the U.S. since 1990. Even then, only persons who had registered as a class member in the *American Baptist Churches* lawsuit (which challenged the political bias against Salvadorans and Guatemalans in the asylum system in the 1980s), or for Temporary Protected Status, or who applied for asylum are eligible to apply. Only if a person falls into one of those categories do they move on to the next step: applying for “Suspension of Deportation” (or “Cancellation of Removal”). This is a process in which persons must prove continuous residence in the U.S. for seven or more years, and that they or their U.S. citizen or permanent resident spouse, parent, or children would suffer “extreme hardship” if they were deported. In this process, the INS can decide that they agree or disagree with a person’s claim that they would suffer extreme hardship. While regulations guiding the decision-making process have been written to ease the burden of proving extreme hardship, the process is still complicated, and many may not get through it.
- **Haitians.** The *Haitian Refugee Immigration Fairness Act* (HRIFA) permits Haitians to apply for permanent residence, but contains conditions that exclude certain Haitians, even if they resided in the U.S. by the cutoff date. The law did not explicitly make allowances for the method by which many Haitians fled to the U.S., and regulations failed to correct for that mistake. Though HRIFA was signed into law a year later than NACARA, Haitians were given the same deadline to apply—March 31, 2000. Final regulations guiding implementation of the law were published just one week before the deadline for application. The spirit of HRIFA—to give Haitian war refugees living in the United States the same opportunity for permanent status as was given those who benefited from NACARA—was ultimately thwarted by the mistakes of Congress and the harshness of INS’s regulations. Many Haitians who should have benefited will instead have to wait additional corrective legislation, or they will be separated from their families and deported.

- **Hondurans.** Hondurans endured a somewhat similar history as the other groups. Many Hondurans came to the U.S. in the 1980s and early 1990s when the country was affected by the civil wars that tore apart the region. Yet, Hondurans have not been included in any relief legislation that has benefited similarly-situated groups. (Hondurans have been granted temporary relief from deportation until July 5, 2000, due to the devastation in their country caused by Hurricane Mitch in 1998.)

Why Additional Legislation is Needed

- **The refugees who would benefit are here, they are working, they are paying taxes, and our economy cannot afford to lose them.** We are in the midst of an unprecedented economic expansion. In many areas of the country, employers, from the information technology industry to the hotel and restaurant industries, are desperate for workers. It makes no sense to take workers *out* of the workforce at this time. By resolving the status of these immigrants today, Congress can help to stabilize a workforce that employers have relied on. When these immigrants are made permanent residents, employers will be more willing to invest in them, their opportunities will increase, and they will be able to pay their fair share of taxes.
- **To correct past government mistakes and mistreatment.** Many of the individuals who would be covered by the new bill came to the U.S. at a time when our asylum system was crippled by political bias. They have a history of being treated unfairly by a hostile bureaucracy. Recently-passed relief legislation, NACARA in particular, has unfortunately perpetuated the discriminatory treatment faced by these war refugees by treating similar groups differently. The individuals covered by the Central American and Haitian Adjustment Act all have similar histories. All have fled civil conflict that affected their home countries. All have resided for a long time in the United States—most in temporary statuses that have kept them in legal limbo. Their lives are now deeply rooted in the U.S., with families, jobs and community ties. If Congress does not pass the new law, some war refugees will get permanent residence, while others similarly-situated may ultimately face deportation. It is time for Congress to get it right and allow all those with similar histories to adjust their status.
- **To stabilize the emerging democracies of Central America.** Remittances—money sent home by immigrants in the U.S.—amount to a significant source of income for the countries from which these war refugees have come. (In 1997 alone, it is estimated that Salvadorans in the U.S. sent back an estimated \$1.2 billion.) Losing this income would be devastating for Central American economies struggling to recover from civil wars and, more recently, from Hurricane Mitch. In addition, these countries would be forced to absorb more workers at a time when unemployment is high. Together, these changes may destabilize the young and fragile democracies of the region. This result would be contrary to our foreign policy interests.

CONGRESS MUST UPDATE THE STATUTE OF LIMITATIONS FOR IMMIGRANTS WITH DEEP ROOTS IN THIS COUNTRY

Our immigration law contains a provision—called "registry"—that gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here a long time and have nothing in their background that would disqualify them for immigrant status. This year, Congress is considering legislation to update the cutoff date for this "statute of limitations," which is now set at 1972. When Congress passed sweeping immigration reform legislation in 1996, they neglected to update this part of the law. The last time the registry provision was updated was 1986. The *Date of Registry Act* (S. 2407, introduced by Sens. Harry Reid (D-NV) and Edward Kennedy (D-MA), and H.R. 4138, introduced by Reps. Sheila Jackson Lee (D-TX) and Luis Gutierrez (D-IL)) would make this long-overdue change. S. 2407 would ensure that the registry provision is continuously updated by moving up the registry cutoff date first to 1986 and then by one year each year for the next five years.

Updating the registry date makes sense. Immigrants who have been in the United States for more than a decade have become valuable employees and valuable members of their community. They are working, supporting their families, and paying taxes. In a time when our economy needs *more* workers, it does not make sense to spend limited enforcement resources to apprehend and banish immigrants who are trained and experienced workers.

But that is exactly what is being done now. In fact, the majority of immigrants who would benefit from updating the registry date are those who qualified to apply for legalization in the mid-1980s, but the Immigration and Naturalization Service (INS) misinterpreted the law. If their applications had been accepted and processed properly when they should have been, many, if not most of these immigrants would already be citizens. Instead, they have been fighting the immigration bureaucracy for more than a decade and are now threatened with deportation.

The Immigration Reform and Control Act (IRCA) – In 1986, Congress passed a law that included a "legalization program" giving persons who resided in the U.S. without proper permission since before 1982 the opportunity to adjust to Lawful Permanent Resident status. Undocumented immigrants had one year to apply. Many missed out on their opportunity to legalize through no fault of their own, because INS regulations misinterpreted the law and judged them not to be eligible. In several class-action lawsuits, courts have repeatedly decided that the INS was wrong in the way it interpreted the law, and affected immigrants have been given work authorization pending final resolution of the ongoing court action. *These immigrants have won on the legal merits*, yet they remain in legal limbo due to INS' refusal to provide them with the legal status that the courts have said they were wrongly denied. *More than a decade later*, these immigrants are still fighting in the courts to obtain their permanent residence.

-

Immigrants Illegally Denied Legalization – INS regulations and actions wrongly prohibited eligible applicants from applying for legalization. Several class-action lawsuits were filed against the INS by immigrant assistance organizations on behalf of their clients, challenging the regulations. In each of these lawsuits, the courts agreed with the plaintiffs that the INS had misinterpreted the law.

A Decade of Intransigence – Court decisions in these cases came near the end of the one-year application period. Fairness dictated that the application period be extended, so that the INS would have time to disseminate correct eligibility information and allow immigrants who had been illegally denied legalization a reasonable opportunity to apply. When the courts tried to extend the application period, the INS contested the courts' jurisdiction over these lawsuits, and the judges' authority to extend the application period. Immigrants benefiting from these lawsuits were given work permits, while their cases dragged on.

In 1993, the Supreme Court ruled that the courts did have jurisdiction over the legalization lawsuits. The Court left it up to the lower courts to determine which applicants had claims that deserved a remedy. When lower courts started to make those determinations, the INS again appealed.

The INS spent \$40 million fighting the legalization of these immigrants and consistently lost in the courts. In 1996, Congress stepped in not to remedy the wrong, but to strip away the courts' authority to grant relief for most of the wronged legalization applicants. Section 377 of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA) stripped the courts of jurisdiction over the claims of immigrants who were denied access to the legalization provision, unless they could show—more than a decade after the fact—that they actually attempted to apply for legalization, but had their application and fee refused.

After Many Years Of Residence, The Prospect Of Deportation – Because of the 1996 law, some of these immigrants are no longer entitled to work authorization or protection from deportation. Their work authorization is expiring and they are reverting back to undocumented status. They could be deported at any time. Compounding their problem, Congress failed, in 1996, to update the registry provision. Updating the registry cutoff date will be the simplest way to have the bureaucracy do what it should have done 13 years ago.

It's Time to Give Long-Time Residents Their Permanent Status – It does not make sense to spend limited enforcement resources to pursue the removal of immigrants who have lived and worked in this country for more than a decade. The U.S. does not benefit when these immigrants revert to undocumented status and lose their work permits (or are removed from the country). American employers lose legal, productive workers in a labor market so tight they may have nowhere else to turn. Immigrant families are torn apart. And broken families leave communities where immigrants live weakened. This can be simply avoided if Congress makes a common sense change to our registry law and pass the *Date of Registry Act*.

A COMMON-SENSE PROVISION OF LAW SHOULD BE RESTORED SO THAT IMMIGRANTS ON THE VERGE OF GAINING THEIR "GREEN CARD" ARE NOT SEPARATED FROM FAMILIES AND EMPLOYERS

A Common-Sense Provision. Until recently, our immigration law contained a provision (Section 245(i) of the Immigration Act) that allowed individuals who qualify for a permanent immigrant visa ("green card") to obtain their immigrant visa in the U.S. if they were already in the country. The law allowed people to continue to work and to stay with their families during the final step in obtaining their green card. The law recognized that it did not make sense to force those already in the country and in the last stages of obtaining an immigrant visa to leave their families and jobs to have their visa processed in their home country.

In 1997, Congress allowed Section 245(i) to expire. Instead, Congress "grandfathered" a limited number of persons who had paperwork filed for them with the Immigration and Naturalization Service or the Department of Labor by January 14, 1998. As a result, immigrants not covered by this "grandfather" provision who are on the verge of gaining their green card must leave the U.S. and return to their home country in order to get their immigrant visa. Because of other provisions of the law enacted in 1996, these immigrants may be barred from returning to the U.S. for as long as ten years. The result: families are torn apart, and businesses lose skilled and trained personnel.

Qualified Immigrants. To be eligible to "adjust status" under Section 245(i), a person first had to qualify for an immigrant visa by having a close relative or employer petition for the immigrant. The government reviews all petitions for immigrant visas to ensure that the intending immigrant does not have disqualifying characteristics. Persons are not eligible for an immigrant visa if they have committed serious crimes, have certain health problems, are judged likely to become a "public charge," have committed fraud or misrepresentation, or are otherwise "inadmissible." Finally, the immigrant visa must be immediately available. That is, the intending immigrant must be first in line among all those who have an application pending for an immigrant visa. Visas are allocated on a first-come-first-serve basis, according to the rules of the various employment and family visa categories in our highly-regulated immigration system.

No Special Treatment. It is important to note that, even though a person may already be in the United States, he or she must wait in the immigrant visa line like anyone else. Until the immigrant visa is obtained, there is no protection from deportation, if the immigrant is here without proper permission and is discovered by immigration enforcement officers. Section 245(i) does not change the rules of the game. It does not give anyone special treatment. All it does is determine *where* an immigrant's visa is processed.

Punishing Qualified Immigrants. Because Congress allowed Section 245(i) to expire in 1997 (except for immigrants who were "grandfathered" with petitions filed by January 14, 1998), immigrants (except those covered by the "grandfather" provision) who are already in the country must now return to their home country to have their visa processed by the U.S. consulate in that country. However, in 1996, Congress added harsh new provisions to the immigration law that bars anyone who has been in the U.S. without proper permission from re-entering the U.S. for a period of three or ten years (depending on the length of time of illegal stay). Now, obtaining an immigrant visa for which these individuals qualify would mean separating from their families and employers for three or ten years. This makes no sense.

Punishing Families. Without the ability to adjust to immigrant status while remaining in the country, qualified immigrants are faced with a tough choice: leave the U.S. to obtain their immigrant visa, and risk separation from family members for many years, or forgo the opportunity to gain legal status, and live underground. Either way, immigrant families lose.

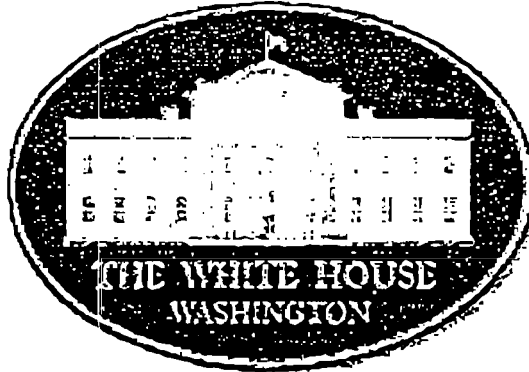
Punishing Employers. By not renewing Section 245(i), Congress also punished employers, many of whom go out of their way to ensure their workers are legal. While a separate provision of law has been available to certain employees since 1998, the provision is a narrow one and many are not helped by it. An immigrant who is barred from reentering the U.S. for three or ten years is a trained and experienced worker who the employer must replace.

Restoring Section 245(i) Makes Sense for Everyone. America is in the midst of its longest economic expansion in history. Our economy continues to produce more jobs than there are workers to fill them. Even Alan Greenspan worries about the availability of workers, and has said that immigration plays an important role in maintaining our economic prosperity. Yet, our law now says that qualified immigrants already in the U.S., already working, and already paying taxes, must leave the country to obtain their immigrant visa in their home country, and must stay outside of the U.S. for three or ten years.

Our immigration laws must be enforced, but they must be enforced in a way that makes sense. A qualified immigrant already living in the U.S. and on the verge of obtaining an immigrant visa should have that visa processed in the U.S. H.R. 1841, sponsored by Reps. **Luis Gutierrez** (D-IL) and **Connie Morella** (R-MD), would restore Section 245(i) to our immigration law. Rather than punishing families, employers, and our country, this common-sense provision would allow a qualified immigrant to keep working, stay with his or her family, and obtain an immigrant visa in the U.S. To punish the immigrant for having been in the U.S. without permission, the provision would fine, rather than banish the immigrant.

Congress should restore this common-sense provision.

THE WHITE HOUSE
OFFICE OF LEGISLATIVE AFFAIRS
HOUSE LIAISON



112 East Wing
Office phone: 456-6620
Office fax: 456-2604

FACSIMILE TRANSMISSION

DATE:

10/10/00

TO:

Irene Bueno

FAX:

456-1907

PHONE: _____

FROM:

____ BRODERICK JOHNSON
____ LISA KOUNTOUPES
☒ MARK MAGANA
____ MARTY HOFFMANN

____ JOSH ACKIL
____ ERICA MORRIS
____ BRIAN MASON
____ TANBESHA JOHNSON

Comments: _____

PAGE ONE OF _____

U. S. HOUSE OF REPRESENTATIVES

IMPT

Committee on the Judiciary
Democratic Staff Office
B-336 Rayburn House Office Building
Washington, D.C. 20515
Fax: (202)225-1845

IMPT

FACSIMILE COVER LETTER

TO:

MARIL MAGANA

FAX NO:

456-2604

PAGES:

7

(including this page)

FROM:

LEON C. BUCK, JR.

Minority Democratic Counsel

Phone: (202)225-2329

E-Mail: Leon.Buck@mail.house.gov

COMMENTS:

Tolson Lee & Clayton

Amendments to H-1B. This

is what the CRC wants the

White House to put on the

table! Thanks!!

If parts of this transmission are unclear or transmission
was faulted, please call: (202) 225-2329.

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H.L.C.

AMENDMENT TO H.R. 4227

OFFERED BY MS. JACKSON-LEE OF TEXAS

(Page & line nos. refer to /M6/SMITTX/SMITTX.061 dated April 7, 2000)

Page 10, after line 3, insert the following (and redesignate provisions and amend the table of contents accordingly):

1 SEC. 203. RECRUITMENT FROM UNDERREPRESENTED MI-

2 NORITY GROUPS.

3 Section 212(n)(1) of the Immigration and Nationality
4 Act (8 U.S.C. 1182(n)(1)), as amended by section 202,
5 is further amended by inserting after subparagraph (H)
6 the following:

7 "(I) The employer certifies that the employer—

8 "(i) is taking steps to recruit qualified
9 United States workers who are members of
10 underrepresented minority groups, including—

11 "(I) recruiting at a wide geographical
12 distribution of institutions of higher edu-
13 cation, including historically black colleges
14 and universities, other minority institu-
15 tions, community colleges, and vocational
16 and technical colleges; and

17 "(II) advertising of jobs to publica-
18 tions reaching underrepresented groups of

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H.L.C.

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1 United States workers, including workers
2 older than 35, minority groups, non-
3 English speakers, and disabled veterans;
4 and

5 "(ii) will submit to the Secretary of Labor
6 at the end of each fiscal year in which the em-
7 ployer employs an H-1B worker a report that
8 describes the steps so taken.

9 For purposes of this subparagraph, the term 'minor-
10 ity' includes individuals who are African-American.
11 Hispanic, Asian, and women."

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H.L.C.

AMENDMENT TO H.R. 4227

OFFERED BY MS. JACKSON-LEE OF TEXAS

(Page & line nos. refer to /M6/SMITTX/SMITTX.081 dated April
7, 2000)

Page 19, after line 22, insert the following (and re-
designate provisions and amend the table of contents ac-
cordingly):

1 SEC. 307. DEPARTMENT OF LABOR SURVEY.

2 The Secretary of Labor is authorized to conduct an
3 ongoing survey of employers to determine the degree of
4 compliance with the provisions and requirements of sec-
5 tion 212(n) of the Immigration and Nationality Act (8
6 U.S.C. 1182(n)).

Oct-10-00 18:17

From-HON EVA CLAYTON

2022252354

T-458 P.01/04 F-688

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H.L.C.

[DISCUSSION DRAFT]
AMENDMENT TO H.R. [4227; 3983; 4200], AS
REPORTED
OFFERED BY MRS. CLAYTON OF NORTH
CAROLINA

At the appropriate place in the bill, insert the following:

- 1 **SEC. ____ RECRUITMENT OF UNITED STATES WORKERS**
2 **FROM RURAL AREAS.**
3 Section 212(n)(1)(G)(i)(I) of the Immigration and
4 Nationality Act (8 U.S.C. 1182(n)(1)(G)(i)(I)) is amended
5 by striking "sought;" and inserting "sought, and has
6 taken good faith steps to ensure that not less than 20 per-
7 cent of those individuals interviewed for such job pursuant
8 to such recruitment are United States workers from a
9 county (or similar political subdivision) in the United
10 States with a population density of less than 200 persons
11 per square mile;"

Oct-10-00 18:17

From-HON EVA CLAYTON

2022253354

T-458 P.02/04 F-589

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H.J.C.

[DISCUSSION DRAFT]
AMENDMENT TO H.R. [4227; 3983; 4200], AS
REPORTED
OFFERED BY MRS. CLAYTON OF NORTH
CAROLINA

At the appropriate place in the bill, insert the following:

- 1 SEC. ____ ENSURING H-1B NONIMMIGRANT FEES ARE EX-
2 PENDED TO BENEFIT RURAL AREAS.
- 3 (a) USE OF FEES FOR JOB TRAINING.—Section
4 414(c) of the American Competitiveness and Workforce
5 Improvement Act of 1998 (29 U.S.C. 2916 note) is
6 amended by adding at the end the following:
- 7 “(3) SPECIAL RULE FOR RURAL AREAS.—The
8 Secretary of Labor shall ensure that not less than
9 40 percent of the grants awarded under this sub-
10 section are for programs and projects to conduct
11 training in counties (or similar political subdivisions)
12 in the United States with a population density of
13 less than 200 persons per square mile.”
- 14 (b) USE OF FEES FOR LOW-INCOME SCHOLARSHIP
15 PROGRAM.—Section 414(d) of the American Competitive-
16 ness and Workforce Improvement Act of 1998 (42 U.S.C.
17 1869c) is amended—

Oct-10-00 18:18

From-HON EVA CLAYTON

2022253354

T-458 P.02/04 F-688

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H.L.C.

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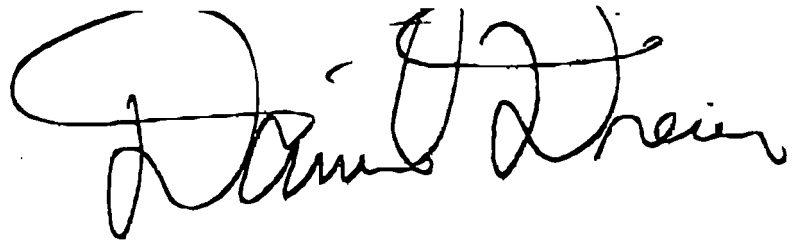
1 (1) in paragraph (2)(A)(i), by striking "an alien
2 admitted as a refugee under section 207 of the Im-
3 migration and Nationality Act,"; and

4 (2) by adding at the end the following:

5 "(5) SPECIAL RULE FOR RURAL AREAS.—The
6 Director shall ensure that not less than 40 percent
7 of the scholarships awarded under this subsection
8 are awarded to students from counties (or similar
9 political subdivisions) in the United States with a
10 population density of less than 200 persons per
11 square mile."

12 (c) USE OF FEES FOR GRANTS FOR MATHEMATICS,
13 ENGINEERING, OR SCIENCE ENRICHMENT COURSES.—
14 Section 286(s)(4)(A) of the Immigration and Nationality
15 Act (8 U.S.C. 1356(s)(4)(A)) is amended by adding at the
16 end the following:

17 "The Director shall ensure that not less than
18 40 percent of the grants made under this sub-
19 paragraph are made for programs that provide
20 opportunities for enrollment in academic enrich-
21 ment courses conducted in counties (or similar
22 political subdivisions) in the United States with
23 a population density of less than 200 persons
24 per square mile."



106TH CONGRESS
2D SESSION

H.R. 5362

IN THE HOUSE OF REPRESENTATIVES

Mr. Dreier (for himself and Mr. Moakley) introduced the following bill, which was read twice and referred to the Committee on _____

A BILL

To increase the amount of fees charged to employers who are petitioners for the employment of H-1B non-immigrant workers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORITIES RELATING TO THE IMPOSITION**
4 **OF FEES.**

5 Section 214(c)(9) of the Immigration and Nationality
6 Act (8 U.S.C. 1184(c)(9)) is amended—

7 (1) in subparagraph (A), by striking “(exclud-
8 ing” and all that follows through “2001)” and in-
9 serting “(excluding any employer that is a primary
10 or secondary education institution, an institution of

2

1 higher education, as defined in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a),
3 a nonprofit entity related to or affiliated with any
4 such institution, a nonprofit entity which engages in
5 established curriculum-related clinical training of
6 students registered at any such institution, a non-
7 profit research organization, or a governmental re-
8 search organization) filing before October 1, 2003";
9 and

10 (2) in subparagraph (B), by striking "\$500"
11 and inserting "\$1000".

12 **SEC. 2. EFFECTIVE DATE.**

13 The amendment made by section 1(2) shall apply
14 only to petitions that are filed on or after the date that
15 is two months after the date of enactment of this Act.