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They want a mtg
w/ POTUS.

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**ASOSAL**

ASOCIACION DE SALVADOREÑOS DE LOS ANGELES
ASSOCIATION OF SALVADOREANS OF LOS ANGELES



FAX TRANSMITTAL
COVER SHEET-CARATULA

DATE: 7/24/2000TO/PARA: Ms. Maria Echarate
Deputy Chief of Staff, The White HouseFAX #: (202) 456-1907NUMBER OF PAGES: 3.FROM: Carlos Ardon
Executive Director
ASOSAL
660 S. BONNIE BRAE ST.
LOS ANGELES, CA 90057COMMENTS: We hope to see you in
August for the Democratic Convention.Carlos A.

If you have any problems with this Fax please call (213) 483-1244



ASOCIACION SALVADOREÑOS DE LOS ANGELES
ASSOCIATION OF SALVADORANS OF LOS ANGELES

A Non-Profit Organization



July 24, 2000

Maria Echaveste
Deputy Chief of Staff
The White House
1600 Pennsylvania Ave.
Washington D.C.

Sent Via Fax

Dear Ms. Echaveste:

On behalf of the staff and board of the Salvadoran Association of Los Angeles (ASOSAL), we would like to once again, thank you for your good work and your advocacy on behalf of the immigrant and specifically, the Central American community. We regret that you could not be present at our annual dinner—it was a night of celebration and a time to reinforce our pledge to gain more legal and civil rights for the immigrant community. But we were appreciative that Ms. Irene Bueno could come in your stead and meet with a variety of leaders from the immigrant community. Along these lines, we would like to take the opportunity to raise the following points that were mentioned in this meeting.

The Need for Continued, Aggressive Advocacy for the Passage of H-1B "Plus", or Alternatively, Advocacy for the Insertion of this Package in the Budget Appropriations Bills.

As you know, there are thousands of Central Americans who are unjustly excluded from NACARA benefits, despite the fact that they fled civil war, and notwithstanding their long-standing residency in the United States. Ms. Bueno informed us of the work that you both are accomplishing around the Dreier / Lofgren bill (H.R. 3983). We know that as the deadline for the approval of the new budget approaches, there will be more pressure to finalize pending legislation. With this, we hope that you and your colleagues will fight in every way possible for the passage of the "plus" issues attached to H.R. 3983—whether it is through the Rules Committee or in one of the budget appropriation bills.

The Extremely Urgent Request that the Immigration and Naturalization Service be Urged to Shift Much Needed Resources from its Political Asylum Unit to its NACARA Processing Unit.

This very specific, yet very important request came up during our discussion with Ms. Bueno. We know that while it is difficult, it is possible to influence the leadership of the Immigration and Naturalization Service to implement tactical, short term measures to make their work more efficient. In the Los Angeles Asylum office, we have information that they are working on a backlog of approximately 20,000 NACARA cases, which are increasing rapidly.

Simultaneously, this office is energetically processing *non-expedited* political asylum cases, thus drawing away much needed resources from the NACARA unit. We have information that this is a nation-wide phenomenon.

As you can imagine, we are *very* concerned about this practice for two reasons: first, NACARA cases could be processed at a more rapid rate if the officers who are working on political asylum cases could focus on NACARA processing—at least until the backlog is substantially reduced. Secondly, and perhaps more importantly from our perspective, we do not see the logic nor the good will in processing non-expedited political asylum cases for those people who may benefit from potential changes in the NACARA law. Rather than focus on processing these cases, we strongly suggest that the Immigration and Naturalization Service put a hold on these cases and focus its limited resources on processing NACARA cases. Please contact us for more specific case examples and information regarding this concern.

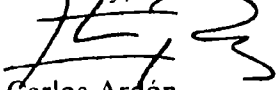
Request to Arrange for a Meeting Between President Clinton and the National Leadership of the Central American Community:

We thank President Clinton for his kind words contained in the letter presented to ASOSAL and to the immigrant community in the Los Angeles area. Following up on this letter, we would like to meet personally with the President at some point during the Democratic National Convention, if possible, such that we:

- 1) Can personally thank him for his work over the past eight years in favor of the rights of the Central American community;
- 2) Request his aggressive support for 245(i), NACARA parity, and the updating of the registry date;
- 3) Ask that economic aid to Central America be continued such that this support can assist with sustainable economic programs in the region, thus helping to stem the tide of illegal immigration to the United States.

We reiterate our warmest of thanks to you and to Irene Bueno. We sincerely hope that some of the concrete (and just) suggestions in this letter can come to fruition, despite the anti-immigrant climate that continues to affect our country. We look forward to seeing you in Washington DC or in Los Angeles, and we will continue to struggle for the legal permanent status of our Central American brothers and sisters. Feel free to contact me at (213) 483-4061.

Sincerely,



Carlos Ardón
Executive Director
ASOSAL

Cc.: Honorable Howard Berman
Honorable Lucille Roybal Allard

From: Lisa J. Macecevic on 09/26/2000 03:38:45 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Richard E. Green/OMB/EOP@EOP, James J. Jukes/OMB/EOP@EOP

Subject: CongressDaily on H-1B

Cloture Vote Prompts Partisan Battle Over H-1B Visa Bill

The Senate voted 94-3 today to invoke cloture on legislation to increase H-1B visas for highly skilled foreign workers, and followed up with a rancorous partisan squabble over the Republican majority's decision to foreclose Democrats' ability to offer an amendment normalizing the status of a number of immigrants — primarily Hispanic — already residing in the United States. Senate Majority Leader Lott drew harsh criticism from Democrats after he took the unusual step of offering a Democratic amendment without first notifying its author, and then proceeded to offer the H-1B visa legislation as a second-degree amendment to that bill. Senate Minority Whip Reid, a chief sponsor of the legislation to address Hispanic immigration issues that are at the center of the dispute, took the lead for Democrats on the floor. "All we want is an up or down vote," Reid said, adding that the minority would accept as little as "10 minutes, equally divided" debate time on the bill.

Sources said Democrats have conceded privately they will not be able to get a stand-alone vote on the Hispanic immigration legislation, but are paving the way for the White House to press for its provisions to be included as part of a final FY2001 spending package. House Minority Leader Gephardt today said the Hispanic immigration issues "have got to be addressed this year before we leave," and Senate Minority Leader Daschle was scheduled to hold a news conference this afternoon on the subject. Today's heated Senate floor debate contained just the sort of rhetorical flourishes and partisan jabs on immigration that have discouraged House Republican leaders from bringing the H-1B legislation to the floor in that chamber, even though the H-1B bill itself has bipartisan support.

Senate Judiciary Chairman Hatch, who accused his Democratic counterparts of playing "politics" with the H-1B visa bill, pointed out that there had been a bipartisan agreement to invoke cloture, and that Democrats had effectively given their consent to forgo offering non-germane amendments. Hatch also squared off with Reid over whether the beneficiaries of the unrelated immigration bill — which include nationals from Central America, Haiti and Liberia, among others — are "illegal." The debate grew so intense that, at one point, Reid and Senate Judiciary ranking member Patrick Leahy, D-Vt., who were involved in a colloquy on the immigration bill, for several minutes simply ignored Hatch's request to break in for a parliamentary inquiry. Lott said he expected a vote on a "clean" H-1B bill this week, but said that should not preclude the other immigration proposals from "possibly being considered" at a later point. — by Pamela Barnett

Message Sent To:

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From: Lisa J. Macecevic on 09/26/2000 04:02:32 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Richard E. Green/OMB/EOP@EOP

Subject: Senate remarks from yesterday, 9/25 - H-1B and LIFA

CONGRESSIONAL RECORD

SENATE

PAGE S9124

Sept. 25, 2000

H-1B AND LATINO AND IMMIGRANT FAIRNESS ACT

Mr. REID. Mr. President, on Friday I moved that we proceed to the Latino and Immigrant Fairness Act, and my good friend, the majority leader, objected to our proceeding to that bill. I was disappointed, and I am sorry that we are not going to be able to debate this issue, and hope that there will come a time before this Congress ends when we will be able to do so.

Those who are watching for action on this important piece of legislation should understand why we are at this point; that is, why we are not debating the Latino and Immigrant Fairness Act, but, rather, why we are now on H-1B only, and why tomorrow there is going to be a motion to invoke cloture on the underlying bill.

I consider myself to be one of the strongest supporters for increasing visas for highly skilled workers. I have spent an enormous amount of time over the past several years working on this legislation in an effort to expedite its consideration. As a matter of fact, this legislation should have been brought forward to the Senate many months ago. It should have been taken up and debated under the normal process of considering legislation. I believe an H-1B bill would have passed quickly and the legislation would have already been signed into law. But it also would have provided other Members opportunities, as is their right, to offer related immigration amendments for what we all agree is the only immigration bill that we would consider this year as a freestanding bill.

Hindsight is 20-20. The majority decided not to consider this measure under the traditional rules that have served the Senate for more than 200 years. I believe, however, as I have indicated, that we will have time to debate the legislation about which I speak.

I think it is unfortunate that we at this stage are going to do the H-1B bill, apparently, alone. I say that because we were so close to an agreement on this underlying legislation. The details were set-the minority agreed each side would have 10 amendments, an hour each. That was compressed to five, then four. We agreed to do that. But we were turned down, and today we find ourselves in this parliamentary situation.

We could pass this legislation, including the amendment about which I speak, in a day and a half at the most. Instead, the majority is insisting on closing off all debate and preventing the consideration of immigration amendments.

I believe that offering and voting on amendments is a right, not a privilege. H-1B was designed so trained professionals could work for a limited time in the United States. It has become widely popular, especially in an age such as this, when Microsoft, IBM and other high-tech companies decided they needed people to fill jobs that were simply not being filled. Hundreds of start-up high-tech companies, in addition to the big ones such as Microsoft and IBM, began using this tool, H-1B, in an effort to recruit an army of high-tech workers for programming jobs. Mostly these people came from India, China, and Great Britain. We now have almost half a million people in this country who came as a result of H-1B. Individuals have filled a critical shortage of high-tech workers in this country and, in fact, the demand still exists. That is why we need to raise the cap for H-1B immigration.

But I also believe strongly that we cannot serve one of our country's very important interests and needs at the expense of others-in particular, when the stakes are people's families and their labor.

The needs of the United States are not subject to the zero sum theory. We cannot afford to deal or choose or prioritize between people and who we will serve as their legislators. We must try to serve them all. That is our cause, and that is what we promised our constituents.

This applies specifically to the other pieces of legislation that have been part of this discussion-in particular with the Latino and Immigrant Fairness Act, the piece of legislation I moved to proceed on last Friday. This piece of act seeks to provide permanent and legally defined groups of immigrants who are already here, already working, and already contributing to the tax base and social fabric of our country with a way to gain U.S. citizenship.

This piece of legislation provides these people with a way to benefit from the opportunities our country affords good citizenship and hard work. While sectors of this economy have benefited from this extended period of economic growth, and with unemployment rates approaching zero in some parts of our country, employers in all sectors, skilled and semi-skilled, are finding themselves with a tremendous shortage of labor. These views are echoed in many quarters.

I would like to refer, for example, to a letter sent to me by the Essential Worker <Immigration> Coalition, which is a group of businesses and trade associations from around the country which was formed specifically to address the shortage of workers in this country. This letter, dated September 8, is addressed to me.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ESSENTIAL WORKER

IMMIGRATION COALITION,

September 8, 2000.

Hon. HARRY REID,

Minority Whip, U.S. Senate,

Washington, DC.

DEAR SENATOR REID: The Essential Worker Immigration Coalition (EWIC) is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled ("essential worker") labor.

While all sectors of the economy have benefited from the extended period of economic growth, one significant impediment to continued growth is the shortage of essential workers. With unemployment rates in some areas approaching zero and despite continuing vigorous and successful welfare-to-work, school-to-work, and other recruitment efforts, some businesses are now finding themselves with no applicants of any kind for numerous job openings. There simply are not enough workers in the U.S. to meet the demand of our strong economy, and we must recognize that foreign workers are part of the answer.

Furthermore, in this tight labor market, it can be devastating when a business loses employees because they are found to be in the U.S. illegally. Many of these workers have been in this country for years; paying taxes and building lives. EWIC supports measures that will allow them to remain productive members of our society.

We believe there are several steps Congress can take now to help stabilize the current workforce.

Update the registry date. As has been done in the past, the registry date should be moved forward, this time from 1972 to 1986. This would allow undocumented immigrants who have lived and worked in the U.S. for many years to remain here permanently.

Restore Section 245(i). A provision of immigration law, Section 245(i), allowed eligible people living here to pay a \$1,000 fee and adjust their status in this country. Since Section 245(i) was grandfathered in 1998, INS backlogs have skyrocketed, families have been separated, businesses have lost valuable employees, and eligible people must leave the country (often for years) in order to adjust.

Pass the Central American and Haitian Adjustment Act. Refugees from certain Central American and Caribbean countries currently are eligible to become permanent residents. However, current law does not help others in similar circumstances. Congress needs to act to ensure that refugees from El Salvador, Guatemala, Haiti and Honduras have the same opportunity to become permanent residents.

We are also enclosing our reform agenda which includes our number one priority: allowing employers facing worker shortages greater access to the global labor market. EWIC's members employ many immigrants and support immigration reforms that unite families and help stabilize the current U.S. workforce. We look forward to working with you to pass all of these important measures.

Sincerely,

ESSENTIAL WORKER
IMMIGRATION COALITION.

MEMBERS

American Health Care Association.
American Hotel & Motel Association.
American Immigration Lawyers Association.
American Meat Institute.
American Road & Transportation Builders Association.
American Nursery & Landscape Association.

[Page S9125]

Associated Builders and Contractors.
Associated General Contractors.
The Brickman Group, Ltd.
Building Service contractors Associated International.
Carlson Hotels Worldwide and Radisson.
Carlson Restaurants Worldwide and TGI Friday's.
Cracker Barrel Old Country Store.
Harborside Healthcare Corporation.
Ingersoll-Rand.
International Association of Amusement Parks and Attractions.
International Mass Retail Association.
Manufactured Housing Institute.
Nath Companies.
National Association for Home Care.
National Association of Chain Drug Stores.
National Association of RV Parks & campgrounds.
National Council of Chain Restaurants.
National Retail Federation.
National Restaurant Association.
National Roofing Contractors Association.
National Tooling & Machining Association.
National School Transportation Association.
Outdoor Amusement Business Association.
Resort Recreation & Tourism Management.
US Chamber of Commerce.

Mr. REID. Mr. President, this letter, among other things, states:

The Essential Worker Immigration Coalition is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled . . . labor.

That is why it is called the Essential Worker Immigration Coalition. Among other things, they want to update the registry, they want to restore section 254(l), and also, as part of their plea, they desire we pass the Central American and Haitian Parity Act.

This coalition has many members. To mention a few: American Health Care Association, American Hotel & Motel Association, American Immigration Lawyers Association, American Road & Transportation Builders Association, Ingersoll-Rand, Cracker Barrel Old Country Store, Carlson Restaurants, National Retail Federation, National Restaurant Association, and the U.S. Chamber of Commerce, among many others.

As you can tell, this piece of legislation has widespread support. This is not a feel-good piece of legislation, that is only attempts to bring more people into the country. It is legislation that is supported by business people in this country who do not have workers to do the work that is essential for them to conduct their business.

Take Nevada as an example. We, of course, depend on tourism as our No. 1 industry. But every State in the Union does. Tourism is ranked in the top three; in many instances, one or two, in every state of the Union. Nevada is an example of why we need this, as it mirrors the country as a whole.

We have to build a new school in Clark County, Las Vegas, every month to keep up with the growth. We have as many as 10,000 people a month moving into Las Vegas. We have jobs in the service industry that simply cannot be filled. We have one hotel that has 5,005 rooms. It takes people to cook the food for the guests, to make the beds, do all the maintenance work in this massive facility, and we are having trouble finding people to do this work. That is another reason why we support this legislation.

This bill aims to correct flaws in current <immigration> policy that have separated families and denied individuals an opportunity to apply for legal immigrant status by addressing three main issues. First, it would address the Central American and Haitian Parity Act of 2000, otherwise known as NACARA. This important legislation codifies that Central American and Haitian immigrants be granted the same rights that are currently granted to Nicaraguans and Cubans coming to the United States. There is no reason in the world that other people who come under basically the same basis as Nicaraguans and Cubans should not be given the same privileges. Second, 245(l) reauthorizes legislation which would allow immigrants meeting certain criteria to remain in the United States with their families and loved ones, rather than being forced to leave the country while their status is being adjusted.

Every one of us in the Senate have heard these heartbreaking examples, getting calls from our State offices where people are forced to go back to their country of origin when they already have a job here, and a quirk in the law is the only reason that they are ordered to go home. Section 245(l) would reauthorize legislation which would allow these immigrants meeting these criteria to remain in the United States while their status is being adjusted, rather than having them go home, lose their job here, leave their family here. It serves no purpose for the country they go to, and certainly not the country from which they come, the United States.

The third main component of the Latino and Immigrant Fairness Act incorporates legislation I introduced earlier this year in S. 2407 that would

change the date of registry from 1972 to 1986.

I would like to provide a little background as to why I thought it was necessary to introduce the Date of Registry Act of 2000. We all remember the massive <immigration> reform legislation we considered in 1996 during the last days of the 104th Congress. Pasted into that was the <Immigration> Reform and Immigrant Responsibility Act of 1996, an obscure but lethal description which stripped the Federal courts of jurisdiction to adjudicate legalization claims against the Immigration and Naturalization Service.

First of all, let me say no one who supports this legislation supports illegal immigration.

We believe people who come here should play by the rules. But some people are found in predicaments that need to be readjusted and need to be reexamined.

That is why this legislation is so important.

That provision I talked about was sneaked into the 1996 act, section 377. This has caused significant hardship and denied due process and fundamental fairness for, not hundreds, not thousands, but hundreds of thousands of hard-working immigrants, including about 20,000 in the State of Nevada.

With its hands tied by section 377 language, the Ninth Circuit Court of Appeals issued a series of rulings in which it dismissed the claims of class action members and revoked thousands of work permits and stays from deportation.

As I said, in Nevada alone, about 20,000 people have been affected. These are good, hard-working people who have been in the United States and paid taxes for more than a decade. Suddenly they lose their jobs and ability to support their families.

I can remember Bill Richardson came to the State of Nevada. He was then the ambassador to the United Nations. We have a large Hispanic population in Nevada. Over 25 percent of the kids in our six largest school districts in America have Latino ancestry.

Recently I took part in an event with Secretary of Energy Richardson. We were going to this recreation center. It was kind of late at night. We were told before going there that there were a lot of demonstrators and we should go in the back way, not go in the front way.

Ambassador Richardson and I decided we would go in the front way and walk through these people out there. There were hundreds of people there, none of whom were there to cause any trouble. They were there to tell a story, and the stories they told were very sad. These were people who had American children who were born in the United States and either a husband or wife had improper paperwork done. There were problems. For example, one of the attendees gave a large sum of money to an individual who said he could help them with their citizenship papers. Later he found out that they

had not been properly filled out. They were being cheated. There were all kinds of reasons why these people did not meet the program that was necessary to allow them to be here legally. But the main problem they had was section 377 because they could not have a due process hearing. It was outlawed in the 1996 act.

There were terribly sad stories of these people who had lost their homes because of having no work permits. Employers were there saying: Why can't this man or woman work? I need them. I can't find anybody to replace them.

This was one occasion I met with these people. I met with them on several other occasions, and I have seen firsthand the pain this cruel process has caused. Men and women who once knew the dignity of a decent, legal wage have been forced to seek work underground in an effort to make ends meet. Mortgages have been foreclosed when families who lived in their own homes have been unable to pay their mortgages. They have lost their cars. Parents who had fulfilled dreams of sending their children to college, as they themselves had not been able to do, have seen those dreams turn into nightmares.

[Page S9126]

What could have happened to create these most unfortunate consequences? As I said, there are lots of reasons. For example, during the 99th Congress, we passed the <Immigration> Reform and Control Act of 1986, which provided a one-time opportunity for certain aliens already in the United States who met specific criteria to legalize that status.

The statute established a 1-year period from May of 1987 to May of 1988, during which the INS was directed to accept and adjudicate applications from persons who wished to legalize their status. However, in implementing the congressionally mandated legalization program, the INS created new criteria and a number of eligibility rules that were nowhere to be found in the 1986 legislation.

In short, the INS failed to abide by a law passed by a Democratic Congress and signed by a Republican President, President Reagan.

Thousands of people who were, in fact, eligible for legalization were told they were ineligible or were blocked from filing legalization applications. Thousands of applicants sued, but by the time the Supreme Court ruled in 1993 that the INS indeed contravened the 1986 legislation, the 1-year period for applying for legalization had passed. They were in a Catch-22.

While conceding that it had unlawfully narrowed eligibility for legalization, the INS was clearly dissatisfied with the Supreme Court decision. So the court cases dragged on, and the agency employed a different, much more clever approach.

Rather than affording the people within these classes due process of law, the INS succeeded in slipping an obscure amendment into the massive 1996 Illegal Immigrant Reform and Responsibility Act which, in effect, as I said, stripped the Federal courts of their jurisdiction to hear claims based

upon the 1986 legislation. That provision was section 377 and is now, unfortunately, the law of the land.

Changing the date of registry to 1986 would ensure that those immigrants who were wrongfully denied the opportunity to legalize their status would finally be afforded that which they deserved 13 years ago.

It is of interest to note that it was also during 1986 that the Congress last changed the date of registry. The date of registry exists as a matter of public policy, with the recognition that immigrants who have remained in the country continuously for an extended period of time-and in some cases as many as 30 years-are highly unlikely to leave, and that is an understatement.

Today we must accept the reality that many of the people living in the United States are undocumented immigrants who have been here for a long time. Consequently, they do pay some taxes, but they could be paying more. They pay sales tax, and many times they do not pay income taxes. As a result, the businesses that employ these undocumented persons do not pay their fair share of taxes.

These are the facts, and coupled with the knowledge that we cannot simply solve this problem by wishing it away, this is the reality we must face when considering our immigration policies today and tomorrow.

We last changed the date of registry in 1986 with the passage of the <Immigration> Reform and Control Act which changed the date from January 1, 1972. In doing that, the 99th Congress employed the same rationale I have outlined above in support of a registry date change.

Furthermore, my date of registry legislation included in this bill is critical in another aspect. It establishes an appropriate 15-year differential between the date of enactment and the updated date of registry.

This measure builds upon the 15-year differential standard established in the 1986 reform legislation by implementing a "rolling registry" date which would sunset in 5 years without congressional reauthorization. In other words, on January 1, 2002, the date of registry would automatically change to January 1, 1987, thereby maintaining the 15-year differential. The date of registry would continue to change on a rolling basis through January 1, 2006, when the date of registry would be January 1, 1991. Limiting this automatic change to 5 years would allow the Congress to examine both the positive and negative effects of a rolling date of registry and make an informed decision on reauthorization.

I should note again that the Immigration Reform and Control Act of 1986, which last changed the date of registry, was passed by a Democratic Congress and a Republican President. I mention these facts to highlight my hope that support for this legislation will be bipartisan and based upon our desire to ensure fundamental fairness as a matter of public policy in our country.

We hear many of our friends on the other side of the aisle, particularly the Republican candidate for President, talking about how the priorities of the Latino community are his priorities. I can tell everyone within the sound of

my voice that I have met with many members of the Latino community, and whether it is members of the Hispanic caucus in the Congress or community activists in Nevada or other parts of the country, I am consistently reminded that the provisions contained in the Latino and Immigrant Fairness Act are of their highest priority.

Vice President GORE recognizes this fact and believes he is truly in touch with the concerns and needs of the Latino community by supporting this legislation. If Governor Bush were really serious about the priorities of the Latino community, he would follow Vice President GORE's lead and demand that Congress take up and pass this act today.

This bill would solve the problems of many who have lived in this country for many years but have been wrongly denied the opportunity to legalize their status. This bill would solve the problem of workers who have been paying taxes, who have feared having their work permits stripped, or worse, being deported and separated from their families.

Consider for a moment U.S. citizens of Latino ancestry-past immigrants-who have made significant contributions to American society and culture in every sphere, as have other immigrants from other parts of the world. I am very proud of the fact my father-in-law immigrated to this country from Russia. We are a nation of immigrants. My grandmother came from England.

Throughout our short history as a nation, immigrants have fueled the engine of our economy, and Latino immigrants are no different. Latino purchasing power has grown 43 percent since 1995, reaching over \$400 billion this year. Because Latinos create jobs, the number of Latino-owned firms grew by over 76 percent between 1987 and 1992, and will employ over 1.5 million people by next year.

Latinos care about the United States and are willing to fight for it too. Americans of Latino ancestry have fought for the United States in every war beginning with the American Revolution. Currently, approximately 80,000 Latino men and women are on active duty, and over 1 million Latinos are veterans of foreign wars.

Finally, Latinos participate in the American democracy. Of registered voters, Latinos have a higher voter turnout than the population as a whole. Latinos, both established and those new to our hometowns, contribute greatly to the United States. What better time to reconsider our Latino immigration policy and make it more practical and more fair than this month as we celebrate Latino Heritage Month.

America has always drawn strength from the extraordinary diversity of its people, and Latino Heritage Month presents an opportunity to commemorate the history, achievements, and contributions of Americans of Latino ancestry, as well as think to the future.

Immigrants' love for this country is predicated by the recognition of firsthand knowledge of how special this country is and how privileged they are and we are to live here. I believe Latinos will continue to make important contributions to America's future, but in order for Latinos to

continue helping America, America must help them with this legislation.

Mr. President, I ask unanimous consent that a letter from the National Restaurant Association be printed in the RECORD.

[Page S9127]

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL RESTAURANT ASSOCIATION,

Washington, DC, May 11, 2000.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the National Restaurant Association and the 815,000 restaurants nationwide, we want to thank you for introducing S. 2407, the Date of Registry Act of 2000, and urge the prompt passage of this legislation.

The restaurant industry is the nation's largest private sector employer, providing more than 11 million jobs across the nation. Restaurants have long played an integral role in this country's workforce. Not only does the restaurant industry provide a first step into the workforce for thousands of new workers, for many of them it provides a career. In fact, 90 percent of all restaurant managers and owners got their start in entry-level positions within the industry. Throughout the next century, restaurants will continue to be the industry of opportunity. However, there will be many challenges for the restaurant industry in the face of a growing global economy and a tightening labor market. Addressing the labor shortage is of critical concern.

The restaurant industry is the proud employer of many immigrants and has long supported immigration reforms that unite families and help stabilize the current U.S. workforce. While S. 2407 does not address our key concerns about labor shortages, we believe it will help stabilize the current workforce. Nearly 15 years ago, Congress enacted a legalization program that the INS, through action and regulation, wrongly prohibited many qualified immigrants from using. Furthermore, in 1996 Congress stripped federal courts of their ability to hear those immigrants' cases. S. 2407 would address the problems created by these circumstances. The National Restaurant Association strongly supports passage of S. 2407.

We look forward to working with you long-term to address the labor shortage issue and to passing S. 2407 this year. Thank you for your efforts to reform immigration laws.

Sincerely,

Steven C. Anderson,
President and Chief Executive Officer.

Lee Culpepper,
Senior Vice President, Government Affairs and Public Policy.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Message Sent To:

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Drive for H-1B Visas Could Provide Vehicle for Other Immigration Bills

The H-1B visa proposal could be the engine for several other immigration measures at the end of the session. The measures include:

H-1B Visas: Proposals to increase the number of these temporary, highly skilled worker visas are central to all discussion of immigration bills in these final weeks. An H-1B visa allows foreign workers to come to the United States for up to six years to fill specialized jobs for which companies say they cannot find qualified U.S. workers. Under a 1998 law (PL 105-277), there will be 107,500 H-1B visas issued in fiscal 2001, which begins Oct. 1, down from 115,000 authorized in fiscal 2000. The allotment for fiscal 2000 was filled in March, and the business community -- in particular the increasingly powerful high-tech segment -- has been agitating for an increase. The House and Senate Judiciary committees approved legislation to increase visa levels (**S 2045, HR 4227**), but other requirements in the House bill soured the business community, and it seems unlikely to be part of a final deal. Even with Senate floor action on S 2045 the week of Sept. 18, an H-1B bill is not likely to move on its own. (CQ Weekly, p. 1186)

Outlook: A virtual lock. Some kind of increase will be enacted before the lights go out on the 106th Congress, though it probably will be part of an omnibus spending bill.

H-2A Visas: Despite overwhelming opposition from Hispanic groups and the Clinton administration, Republicans hope to attach revisions in the H-2A farm-worker program to any H-1B visa bill. The farm worker program provides temporary visas that allow migrant workers to come into the United States to pick crops. Agricultural interests long have said that the program is too cumbersome and makes it too hard to bring workers in. A bill (**HR 4548**), approved by the House Judiciary Committee on Sept. 20 and scheduled for a floor vote the week of Sept. 25, would create a three-year pilot program that would let farmers pay migrant workers lower wages than are currently required. In addition, farmers could give workers housing stipends instead of actually locating housing for them.

Outlook: Enactment seems unlikely. Hispanic groups say the Clinton administration is firmly opposed to the proposal and would veto it. Despite strong support on the part of some Republicans, it seems unlikely to get further than the House floor.

Amnesty: Perhaps the most controversial immigration bill, this would allow some illegal immigrants who have lived in the United States continuously for a significant number of years to apply to become legal residents. Supporters say this has become routine, done roughly every 14 years; opponents say it rewards illegal immigration. Currently, immigrants who have lived illegally in the U.S. since 1972 and can show "good moral character" can apply for legal residency. The proposal would change the date to 1986. Supporters say this would help many immigrants

who were eligible to become permanent residents under a 1986 law (PL 99-603) but were denied the chance to apply by problems the Immigration and Naturalization Service had in implementing that law. (1986 Almanac, p. 62)

Outlook: Toss-up. The Clinton administration and Democrats are pushing to package this with the H-1B measure, with the support of Hispanic and pro-immigration lobbying groups. The GOP congressional leadership opposes the proposal. The U.S. Chamber of Commerce recently joined the Essential Worker Immigration Coalition, an umbrella group that includes dozens of business groups supporting this change, and some Republicans in swing districts are concerned about alienating Latino voters.

245(i): Another of the proposals seeking to hitch a ride on any H-1B bill, this would restore a provision of U.S. immigration law that expired in 1997. The issue is where immigrants must be living when they apply to become permanent residents. The proposal would allow immigrants in line for permanent residency (a green card) to apply from the United States, even if their visa has expired. Currently, if an immigrant's visa expires, he or she must leave the country to apply for legal residency. In an immigration catch-22, a 1996 law (PL 104-208) imposes a penalty on illegal immigrants who leave and then attempt to return.

Outlook: Enactment likely. The provision is in the Senate version of the Commerce, Justice, State appropriations bill (**HR 4690**). Appropriators like it because it raises revenue -- the fee for applying in the United States is \$1,000. But House Judiciary Immigration Subcommittee Chairman Lamar Smith, R-Texas, and other GOP members vehemently oppose it. (CQ Weekly, p. 1805)

NACARA parity: The 1996 immigration law made it more difficult for many immigrants from Central America and the former Soviet bloc countries to apply for permanent residency by setting time limits for applications. Congress has enacted legislation (PL 105-100, PL 105-277) that would help Nicaraguans, Cubans, Haitians and, to a lesser extent, El Salvadorans and Guatemalans, deal with this problem. Left out of the fix were Hondurans. The proposal would make it easier for anyone in those categories to apply for permanent residency.

Outlook: Toss-up. Less politically explosive, the proposal also affects fewer people. It seems likely to share the fate of the amnesty proposal.

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Sept. 23, 2000
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Juggling Business' Agenda And Immigrants' Interests

By Elizabeth A. Palmer, CQ Staff

It should have been a slam dunk. Virtually every major business group, the vast majority of both Republicans and Democrats in Congress, and the

Clinton administration all agreed earlier this year to support proposals for increasing visas for temporary, highly skilled workers coming to the United States to help feed the high-tech community's voracious need for more workers.

Even organized labor has not opposed the visa increases this time, though it fought them bitterly in 1998.

But by mid-September, H-1B visa bills in both the House and the Senate were stalled (**HR 4227, HR 3983, S 2045**), not so much because of controversy over the bills, but over a host of other immigration issues advocates want added to the popular measures. (Proposals, p. 2203)

Several proposals are in play as additions to H-1B, including a bill that would make it easier for immigrants in the United States to become permanent residents. And some Republicans are pushing to change the agriculture guest worker program, which could force the party to choose between satisfying business interests and alienating voting blocs like Hispanics who have grown to critical importance in states such as Florida and California.

"Immigration issues are white hot," said Judith Golub, a lobbyist for the American Immigration Lawyers Association. "They are important for the election."

No one believes the H-1B visa issue will be allowed to die. Even though few immigration issues have been formally considered by Congress, pressure from outside groups is building, and Democrats and the White House seem likely to get some of their issues in a final package that carries business' top priority: H-1B visas. Some form of that proposal is almost certain to travel on a year-end spending bill, the new way for immigration issues to become law.

Indeed, in what has become an annual tradition since Republicans won control of Congress in 1994, many of the most serious immigration issues likely to become law will be added quietly to an end-of-session bill, with little or no floor debate in either chamber.

It wasn't always this way. Republicans passed a stand-alone bill cracking down on illegal immigration in 1996 (PL 104-208) and included provisions restricting immigrant access to government benefits in the welfare overhaul that year (PL 104-193). (1996 Almanac, p. 5-3, 6-3)

But those measures proved tremendously problematic for Republicans, opening fissures within the party and generating a backlash, especially from the Hispanic community. Many of the most dramatic revisions have since been reversed; the fixes tucked into year-end spending bills.

This year, the piecemeal strategy continues as Republicans try to accommodate the wishes of business leaders without giving ground on immigration issues important to Hispanics. In fact, with the presidential campaign of GOP Texas Gov. George W. Bush reaching out to Hispanic voters, there is pressure on congressional Republicans not to rock the boat with Latinos.

High-tech lobbyists want to see their visa bill stand for a floor vote, and the Hispanic community hopes to take advantage of the political atmosphere to push proposals that would make it easier for some immigrants to become permanent legal residents.

"The community is watching very closely," said Cecilia Muñoz, vice president of the office of research, advocacy and legislation for the National Council of La Raza, a civil rights group. "This is where the rubber meets the road."

One measure the Hispanic community does not want to see enacted is the bill (**HR 4548**) that would lower minimum wages for temporary farm workers and ease other hiring rules. "It's poison for all of us," said Muñoz.

With the bill, Republicans are "planting the seeds for national Latino opposition to the Republican Party," said Howard L. Berman, D-Calif.

Senate Shuffle

The H-1B proposal is at the heart of the debate. The intense lobbying campaign by the computer industry and other high-tech sectors for the additional workers has made the visa increase a must-pass this Congress. No one wants to be blamed for its failure.

The visas allow highly skilled foreign workers to come to the United States for up to six years. While the majority of the visas are used by the high-tech community, others go to a variety of occupations including nurses and physical therapists.

Neither chamber has debated the proposals on the floor. The Senate on Sept. 19 voted 97-1 to proceed to the bill (**S 2045**) that had been approved by the Judiciary Committee on March 9.

The House Judiciary Committee approved a vastly different measure (**HR 4227**) on May 17.

Under a 1998 law (PL 105-277), the number of H-1B visas authorized to be issued will drop to 107,500 in fiscal 2001, which begins Oct. 1. In fiscal 2000, 115,000 visas were permitted, but the supply was exhausted by the end of March. (1998 Almanac, p. 17-3)

The Senate version would increase the visa allocation to 195,000 each year for three years, but the cap excludes a large number of visas for those graduating from or working for universities.

Republicans argue that Democrats have blocked the bill by demanding votes on unrelated immigration issues. Democrats respond that the GOP is afraid to cast votes on politically touchy issues.

The Sept. 19 vote served two purposes for Republicans. It removed one procedural obstacle, and, more importantly, gave a strong signal to the increasingly nervous high-tech community that senators support the bill.

"We are pleased that both Republican and Democratic leaders in the Senate have acknowledged the need to act on the H-1B visa bill before Congress adjourns this year and applaud today's action," said Sandra Boyd, who chairs an umbrella group of businesses known as the American Businesses for Legal Immigration.

An H-1B increase "is very important to our country, to the need for high-tech workers," Senate Majority Leader Trent Lott, R-Miss., said Sept. 19. "And this is not just a large corporation issue; small businesses, businesses all across America need these additional high-tech workers."

Democrats want to offer amendments that would make it easier for longtime illegal immigrants to gain permanent legal residency, extend deadlines for residency applications for immigrants from some Central American countries, and restore a law that allowed immigrants to stay in the country beyond their visa if an application for residency was pending.

At their luncheon before the cloture vote on Sept. 19, Senate Democrats were briefed by members of the House Hispanic Caucus on the value of those proposals. Vice Chairman of the House Democratic Caucus Robert Menendez, of New Jersey, said the issue is fairness for Hispanics. He said if Republicans block the Democrats' amendment package, the GOP will be telling Hispanics "we'll do immigration issues for businesses, but we won't do immigration issues for families who want to be reunited."

The Senate may hold another cloture vote Sept. 26, this time to limit debate, but it is not clear whether Democrats will support this second motion. Democrats expect their amendments to be ruled out of order as non-germane if the Senate ever considers the H-1B bill, though that will not end the battle. "We're not going to give up on them just because we can't get a vote," said a top Democratic staffer.

House Problems

The difficulties in the House are similar but more extensive. House leaders have been reluctant to bring an H-1B visa bill to the floor because of concerns about the immigration provisions Democrats want to debate. Though House rules would allow the GOP to preclude amendments, Democrats could use parliamentary tools to get symbolic votes.

In addition, Republicans have not decided which version of the H-1B bill to bring to the floor.

The House Judiciary Committee approved a bill (**HR 4227**) in May that was largely authored by Immigration and Claims Subcommittee Chairman Lamar Smith, R-Texas. Though it would remove any cap on H-1B visas for three years, the business community intensely dislikes a provision that would require companies seeking H-1B workers to pay them at least \$40,000 a year. Those companies would have to show an increase in the median wage paid to U.S. workers from year to year.

House Rules Committee Chairman David Dreier, R-Calif., and Zoe Lofgren, D-Calif., introduced legislation (**HR 3983**) far more to the industry's liking. It would raise the cap to 200,000 annually for three years,

with no new conditions for employers.

Lobbyists thought the House leadership was planning to bring the Dreier-Lofgren bill to the floor in place of the Smith bill, but the two sponsors appear to have had a falling out over Lofgren's support of the other immigration proposals, and theirs has gone nowhere.

Agriculture Workers

A bill that might reach the House floor is the one (**HR 4548**) most strongly opposed by Hispanics, that was approved 16-11 by the House Judiciary Committee on Sept. 20.

The bill would create a three-year pilot program that would require all U.S. farm workers to be listed in a state registry to make them easier for employers to locate. It also would allow growers to pay lower wages and in some cases give workers a housing stipend instead of housing.

The measure was pushed through the committee at the behest of House Speaker J. Dennis Hastert, R-Ill., according to Judiciary Committee Chairman Henry J. Hyde, R-Ill. Hyde voted against the measure, calling it "a bad bill . . . I thought it was unfair to workers."

John P. Feehery, a spokesman for Hastert, said the bill was intended to ease a farm worker shortage. "We need to help our farmers," he said.

The measure could be on the floor as soon as the week of Sept. 25.

Hispanic groups have vowed all-out war against the bill, even if it is packaged with the other immigration provisions they want. "[I]f anyone in Congress is flirting with the notion of adding the farm worker bill as the 'price' for other immigration legislation, I would like to state, clearly and unequivocally, that the National Council of La Raza will never agree to sacrifice our farm worker brothers and sisters for the sake of any legislation," La Raza president and chief executive officer Raul Yzaguirre said in a statement Sept. 12.

Democrats said Clinton likely would veto the bill, but some groups were clearly uneasy that it had gone as far as being marked up. "We're nervous," said Bruce Goldstein, a lobbyist for the Farmworker Justice Fund.

Much of the debate during the two days of the committee markup centered on wages and housing for farmworkers. Under current law, an employer must provide housing for temporary workers.

The bill as approved by the Immigration and Claims Subcommittee would have allowed employers to charge farmworkers for maintenance and utilities and collect a security deposit. It also would have let employers pay workers a "reasonable housing allowance," in lieu of actually providing housing.

Democrats attacked the idea that farmworkers could compete for apartments in such a tight housing market with a relatively small allowance. Berman did some calculations, based on an annual average salary for most

workers of \$7,500, and said: "If you think that a weekly allowance of \$27 is going to get somebody an apartment . . . you're dreaming."

Republicans responded that their plan would take some of the burden off employers. "This is more than fair, considering this is in addition to the wages they are being paid," Smith said. "It's not fair to make them landlords."

The issue was the subject of two competing amendments during the markup. On Sept. 19, the committee adopted, 14-13, an amendment by Sheila Jackson-Lee, D-Texas, that stripped the new housing provision and replaced it with current law.

The vote succeeded, in part, because three Republicans, Hyde, F. James Sensenbrenner Jr., Wis., and Elton Gallegly, Calif., joined the Democrats.

But just before the committee concluded its work for the day on Sept. 19, Gallegly said he had changed his mind and called for a revote on the amendment. Democrats managed to postpone it until the next morning.

By that time, Gallegly had changed his plan. Instead of re-voting on the first amendment, he offered a second provision. That amendment, adopted 17-14 on Sept. 20 after an equally intense debate, would allow growers to pay workers a subsidy for housing if the governor of the state certified that housing was available.

Democrats did win on another Jackson-Lee amendment. The committee adopted, 15-13, her provision that would restore something called the "three-quarters" rule.

Under current law, employers are required to pay workers for at least three-quarters of the time for which they were promised work (barring an Act of God such as weather). So, if a grower promised eight weeks of work, he must pay at least six weeks wages.

The bill would have lifted that requirement. Smith argued that it had "long been a burdensome requirement" on employers. He said workers "know going into the program they will have work only as long as there is work to do."

Jackson-Lee responded, "It's not unfair to simply ask [employers] to keep their word."

The committee rejected, by voice vote, an amendment by Berman that would have limited the number of foreign guest workers allowed into the country to 100,000 per year.

Smith argued that the cap was "not nearly enough to meet demand -- estimated at nearly one million."

In the Senate, Republican Policy Chairman Larry E. Craig of Idaho has been pushing similar legislation and has said for months he wanted to attach it to the H-1B bill. But he acknowledged Sept. 19 that a deal seemed unlikely and H-1B visas are too important to risk.

"I will offer it if we can get to a compromise," he said. "We may not get there this year."

Source: CQ Monitor News and CQ Weekly
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From: Lisa J. Macecevic on 09/25/2000 08:50:09 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Richard E. Green/OMB/EOP@EOP

Subject: CQ on Fix '96 bill passage

CQ WEEKLY

Sept. 23, 2000

Page 2218

House Moves to Relax Immigration> Rules

Elizabeth A. Palmer, CQ Staff

The House on Sept. 19 passed by voice vote under suspension of the rules legislation (**HR 5062**) that would allow some immigrants who committed minor crimes long ago to apply to stay in the United States and not be deported as would otherwise be required under the 1996 illegal immigration overhaul (PL 104-208). (1996 Almanac, p. 5-3)

"In some cases, aliens have clearly rehabilitated themselves in the intervening years since committing their crimes, are no longer a threat to society and have started families," said House Judiciary Committee Chairman Henry J. Hyde, R-Ill. "In these cases, deportation seems an extreme remedy."

Parts of the 1996 law were designed to crack down on illegal immigration by greatly expanding the list of crimes for which an alien can be deported without appeal. The law also applied the new list of crimes retroactively to cover offenses committed throughout an aliens' time in the United States.

It also changed residency calculations for such aliens so that time spent in the United States after they had committed a crime would not count toward the immigrant's residency requirements. The bill approved Sept. 19 would remove that provision. The bill also would allow some of those caught under the criminal provisions of the 1996 law to apply to have their deportations canceled, except if their crime was rape or sexual assault of a minor.

Source: CQ Weekly

The definitive source for news about Congress.

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From: Lisa J. Macecevic on 09/25/2000 09:04:39 AM

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To: See the distribution list at the bottom of this message

cc: Richard E. Green/OMB/EOP@EOP, James J. Jukes/OMB/EOP@EOP

Subject: CQ stories: H-1B & Senate; Outlook for Immigration Proposals; and House Judiciary & Immigration Issues

CQ MONITOR NEWS

SENATE TO VOTE TUESDAY ON LIMITING DEBATE ON VISA BILL

By Matthew Tully, CQ Staff Writer

Sept. 22, 2000 - The Senate has scheduled a Tuesday vote to force action on a popular but long-stalled bill that would sharply increase the number of H-1B visas available for skilled workers.

The bill (**S 2045**) is a top priority for the high-tech industry, and members of both parties agree it must be enacted this year to alleviate acute labor shortages in those companies. But the bill's status as a sure thing has made it a magnet for amendments on other topics.

Democrats, in particular, have sought to attach provisions granting amnesty to certain illegal aliens and making it easier for Central Americans and Haitians to obtain permanent residence. Senate Minority Leader Tom Daschle, S.D., would not say last week whether Democrats will support the motion to limit debate on pending amendments to the bill, a move that requires 60 votes. Once cloture is invoked, unrelated amendments would be barred.

Daschle said the visa bill has strong Democratic support. If Democrats cannot amend it to include their other immigration priorities, they will seek another vehicle, he said.

Edward M. Kennedy, D-Mass., said business groups support the Democratic proposal to aid the Central Americans and other immigrants because employers rely on many workers who would benefit from the bill.

"There's an economic reason to do this just as there's an equity reason," he said.

Daschle said he has talked with the White House to ensure that administration officials engaged in end-game bargaining with congressional Republicans will see to it that the language is included elsewhere if the visa bill moves forward without such amendments.

GUIDANCE ON IMMIGRATION PROVISIONS IN POTUS H-1B PROPOSAL

September 18, 2000

Question:

Does the President plan to drop his demand for an amendment to H-1B that would be amnesty for about 500,000 illegal immigrants?

Answer:

The President firmly believes that Congress should pass both the Latino and Immigrant Fairness Act provisions and balanced H-1B legislation. We need not choose between the two. We can ensure fairness for immigrants who have been in this country for years, working hard and paying taxes, and meet the needs of the high-tech industry by raising the number of visas for temporary high tech workers.

It may be that there is more than one way to get to these goals, but the President is insistent that both be addressed.

It is unfortunate that those who control the Senate chose to use procedural tactics to block consideration of measures that should not be controversial.

Background: On Friday, Lott filed cloture on Hatch/Abraham's H-1B bill. If successful in invoking cloture, the "Latino and Immigrant Fairness Act" provisions (LIFA) we have been promoting would be ruled out of order. Agricultural guestworker (H-2A) legislation that Republicans have been pushing (and upon which we have a senior advisors' veto threat) would be similarly out of order. Lott's move is an attempt to force the Democrats to negotiate a unanimous consent agreement under which either: (1) both the Democrats' LIFA and the Republicans' H-2A were in order; or (2) neither are. If they both were in order, we expect H-2A would pass. LIFA is too close to call. The Republicans probably prefer that neither vote happen, so that they need not take votes against Latino interests. But, knowing our previous strong opposition to H-2A, they are trying to force the Democrats to drop their insistence on the LIFA amendment. It is still not clear whether the Democratic leadership will oppose cloture. We do not want to be perceived as either abandoning LIFA or opposing the H-1B legislation so badly needed by the high tech industry.

MEMORANDUM

TO: GENE SPERLING
FROM: RUTH SAMARDICK
CC: SARAH ROSEN WARTELL
DATE: September 22, 2000
RE: **H-1B – S. 2045, the Hatch/Abraham Bill**

You asked for a list of problem issues in the latest version of the Senate H-1B bill, and an assessment of how bad they would be, if enacted. This is a quick and dirty assessment, which I need to review more carefully with agencies. I have gone the ranking of these provisions, and while there may be differences beyond the first, both INS and DoL and I agree the first is definitely a big problem.

Recall that when you put out the Administration proposal, there were so many bills being considered that we decided to build our proposal from current law. This allowed us to avoid addressing the many different provisions of the various bills. Now we need to consider that the Hatch/Abraham bill could reach the President's desk, and that statement on that bill, whether it be in a SAP or other vehicle, might define the playing field for further negotiations.

This assessment is based on the Hatch substitute, which we understand leaders of the Majority and Minority have agreed will serve as the underlying bill. I have attached an updated side-by-side that lists only the proposals that are considered serious contenders. This chart does not include the Smith bill. Although it is the only House bill that has passed Committee, is not considered a real player since it does not satisfy any constituency.

- Veto*
34 (c)
6 (b)
1. **Special Provisions in Cases of Lengthy Adjudication and One-Time Protection Under Per-Country cap.** These provisions, as written, would allow for extension of H-1B status beyond 6 years for anyone awaiting a final decision on their application for permanent employment-based immigration. The big problem here is that no final decision is made until a visa number is available. Therefore, although the cap (overall or country) is reached on permanent e-b visas these people would be allowed to stay in the country, still indentured to their employer-sponsor, indefinitely. (This is likely scenario with all the H-1B's in the pipeline – remember the permanent cap includes the principal worker and immediate family.) Our administrative "limbo" would **not** allow people to stay in the country if their H-1B visa expires and there are no permanent visas available. *Business wants them. Dollars*
 2. **Master's Plus exempted from the Cap instead of Carve-outs within the cap.** Kennedy is still going to propose an amendment for the carve-out. We are already talking about an increase to 195,000 H-1B's, and exempting the most qualified potentially increases that to the 240,000 range or even beyond. This is a huge number of workers coming in – and concentrated in a few, albeit growing, industries. The effect of exempting the most qualified is tremendously increasing the visas available for workers with no less than a bachelor's

degree – or equivalent experience! All the students and workers we are training for these well-paid, in-demand occupations could find a saturated entry-level market.

3. **No Increase in Fees.** The bill, as written, includes no increase in the fee, although we understand that Kennedy and Hatch have agreed to an increase to not more than \$1000 either in conference or in omnibus, if either occurs. (Kennedy's staff claim they have a Parliamentarian's decision that a Senate-initiated fee would be blue slipped.) Kennedy is planning to propose an amendment that would add primary and secondary schools to the list of employers exempted from paying the fee. This just gives it all away. Also, the distribution of the fee gives only 1.5% to INS. Without more money for INS to process all this workload, they could get dug even deeper into a hole.
4. **H-1B Visa Portability.** Would allow H-1B visa holders to change jobs before INS has authorized the new employer's H-1B application. The application is the only screen we have to be sure the prospective employers qualifies to have an H-1B. However, if INS and DOL are correct that it is taking a maximum of 67 days to process, this is not the worst of the bad provisions.
5. **Per Country Ceilings.** Bill reallocates employment-based immigration visas using available visas from countries using less than available under their country cap for the India/China overflow. As discussed in our Wednesday meeting, this would adversely affect family-based immigrants and we would like a chance to propose a compromise of recovering unused employment visas from the last four years and make them available, on a phased-in basis, without regard to country cap.
6. **Office of Special Counsel (OSC) Provision:** This is one where we want a change in current law that is not made in this legislation. The 1998 H-1B law requires (once DoL's regulations are issued) that H-1B dependent employers applying for H-1B workers attest that they took good faith steps to recruit U.S. workers, and offered the job to any qualified U.S. worker who applied for the job for which the H-1B worker is sought. The law proscribes a complicated procedure for a U.S. worker who claims to have been passed over for a foreign worker. This process involves three separate and distinct agency contacts, and would likely entail costs to the claimant, before relief is issued. DoJ would like this law amended to make the processing of these "failure to select" cases consistent with traditional citizenship status discrimination cases, where a worker claims to have been fired or not hired because of his or her particular citizenship status. In these cases, a worker contacts one agency (the Department of Justice) that sees his or her case to the end, without cost to the often unemployed (and unrepresented) worker. Not a deal breaker, but one we should try to get.

Drafts
Language
Just with
shop.

DOJ/~~ME~~ spoke to Hatch's office - done in end game



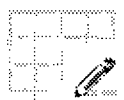
Ruth M. Samardick
09/25/2000 04:13:50 PM

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To: Maria Echaveste/WHO/EOP@EOP, Barbara Chow/OMB/EOP@EOP
cc: Irene Bueno/WHO/EOP@EOP, Debra J. Bond/OMB/EOP@EOP, Steven M. Mertens/OMB/EOP@EOP
Subject: country caps

fyi...

----- Forwarded by Ruth M. Samardick/OPD/EOP on 09/25/2000 04:12 PM -----



Ruth M. Samardick
09/25/2000 04:12:16 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: country caps

blue folder please

re: permanent immigration & country caps. More evidence that waiving the country cap on employment-based immigration would have adverse impacts on family categories. The Latino community might have problems with current legislative proposals if they realized that, for example, ***in 1997, Mexican families might have had approximately 3,000 fewer visas available if such provisions had been in place.***

Dept of State has clarified for me that *even within a fiscal year*, a given country can, and sometimes does, have access in family immigration to unused employment visas not demanded by their country. Visas *within a particular country's cap* "fallup" from family to employment categories for the same country and "falldown" from employment to family for the same country. Recent examples:

In FY-1997 over 5,000 extra numbers were used in the China-mainland born Employment-based preference categories based on the falldown of unused Family numbers.

In FY-1997 over 3,000 extra numbers were used in the Mexico Family-sponsored preference categories based on the fallup of unused Employment numbers.

FY-2000 ESTIMATES ONLY (best case):

For FY-2000 China-mainland born Employment-based preference categories will be entitled to an extra 6,000 numbers based on the falldown of unused Family numbers.

For FY-2000 Mexico Family-sponsored preference categories will be entitled to an extra 6,000 numbers based on the fallup of unused Employment numbers.

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Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: H-1B Cloture Vote

As you probably know, the CHC met with the Senate Dems on a Member level this afternoon regarding the cloture vote on H-1B and LIFA. They reached a resolution where the Senate Dems would vote for cloture. Daschle explained to the CHC that he had done his whip count, and there was no way that they could hold cloture (Gene -- as I suggested last Friday). In exchange, however, Daschle would work like crazy to get a letter -- as the President suggested in the CHC meeting yesterday -- with at least 34 Senators that notes that they will vote to sustain the President's veto of CJS -- in whatever form it reaches his desk -- if it does not contain the LIFA provisions. Daschle's staff reports that the CHC seemed to think this was a good plan given the reality of the situation.

Message Sent To:

Maria Echaveste/WHO/EOP@EOP
Charles M. Brain/WHO/EOP@EOP
Gene B. Sperling/OPD/EOP@EOP
Sarah Rosen Wartell/OPD/EOP@EOP
Irene Bueno/WHO/EOP@EOP
Karen Robb/WHO/EOP@EOP
Mark D. Magana/WHO/EOP@EOP
Ruth M. Samardick/OPD/EOP@EOP

Important Priority - for some time

*Strategy last year - quiet
this year - more visible*

H1B legislation

Rs have resisted

want to bring up H1B + Dems cannot stop it

Looking for another vehicle - CJS

• Important for all C.A. countries + unified - #1 item

→ El Salvador continued support - ~~must~~ - must do.

Some Es support but afraid to vote.



The Fax on Immigration

A Nation of Prosperity. . . A Nation of Immigrants

National Immigration Forum

August 25, 2000
Vol. 1, No. 22

Contact: Maurice Belanger (202) 544-0004, ext. 20
2 pages

A Life on Hold

Latino And Immigrant Fairness Act Would End Legal Limbo for Student

The *Latino and Immigrant Fairness Act* (S.2912) recently introduced in the U.S. Senate, would provide fair treatment for a specific group of immigrants who have been living, working, and raising their families in the U.S. for many years. Some of these immigrants (refugees from Central America and the Caribbean) would have become legal residents if a law passed three years ago had treated them equally to refugees here in similar circumstances. That law gave some groups of refugees (from Nicaragua and Cuba) a chance to adjust their status if they were here prior to December 1, 1995. The law required other similarly-situated central Americans to have arrived in the U.S. years earlier. Some were left out altogether. The *Latino and Immigrant Fairness Act* would provide equal opportunity to adjust status for all similarly-situated Central Americans and Haitians.

Without this opportunity, individuals like Ericka Portela remain in legal limbo, facing the prospect of deportation. Ericka has lived in the U.S. for seven years, graduated from high school and would like to go to college and become a social worker "to help others and give back to the community," as she said at a recent press conference. If she cannot adjust her status, her plans for the future are put on hold indefinitely.

Ericka's plight is told in detail in the attached story.

THE STORY OF ERICKA PORTELA

A Refugee from Guatemala

Ericka Portela's family had escaped for their lives from Guatemala. In the late 1980's, when Guatemala was in the midst of civil conflict, her father was abducted and "disappeared" by unknown attackers. The family assumes that he is dead. The rest of the family fled to the United States for safety. Ericka's mother came here in 1989 and applied for political asylum. Ericka came to join her mother in 1993 with her sister and brother.

At the time, Ericka was seventeen years old, and she was eligible for asylum under her mother's application because she was under the age of twenty-one. In 1997, Congress passed the *Nicaraguan Adjustment and Central American Relief Act* (NACARA), which provided certain Cuban and Nicaraguan refugees an opportunity to receive green cards if they arrived in the U.S. prior to December 1, 1995. Guatemalans, however, were treated differently and had to be in the country prior to October 1, 1990. Erica's mother, having arrived in 1989, applied and was approved. Ericka would have been granted residency under her mother's application, but by the time the government decided how to process the applications, Ericka had turned twenty-one. This meant that she could not adjust her immigration status through her mother's application. Ericka was out of luck.

Living with the fear of being sent back, Ericka applied for asylum on her own. She must now prove that—years after she fled—she would be singled out for persecution if she is sent back to Guatemala.

Since Ericka came here seven years ago, she attended and graduated from high school and wanted and expected to go to college. But the legal limbo she is in is an obstacle to going further with her education. If she were a permanent resident, Ericka would qualify for scholarships and grants. Because of her uncertain immigration status, she is considered a "foreign student"—even after living here for seven years. This makes her ineligible for financial aid and requires her to pay a higher tuition. Ericka wants to go to college to become a social worker to help others and to give back to the community. She is currently living in Washington, DC and works for a local immigrant service organization. Her dreams are on hold indefinitely until she becomes a legal permanent resident.

The *Latino and Immigrant Fairness Act* would give Ericka—and other Central Americans in her situation—the same opportunity to adjust her status as has already been given to Cubans and Nicaraguans. During this time of economic prosperity, giving Ericka this chance is not only the right thing to do, it's the smart thing to do.

TechNet Maps Heavy Lobbying Push For H-1B Visa Measure

EMPLOYMENT SILICON VALLEY lobby group TechNet is urging member company CEOs to call Democratic lawmakers personally and pressure them to drop their push for non-related immigration measures from pending H-1B visa legislation, *National Journal's Technology Daily* reported.

In an e-mail message to TechNet members, which include 230 high-tech companies, Gretchen Beyer, TechNet's vice president of public policy, said the insistence of the White House and congressional Democrats to include the unrelated amendments is stalling the legislation and making it more likely the H-1B visa bill would be attached to a catch-all spending package.

The White House and congressional Democrats have demanded that an H-1B visa increase be tied to legis-

lation that would give Central Americans and Haitians the same opportunity to apply for permanent residency that was given to Nicaraguans and Cubans.

The Democratic-backed measure also would allow immigrants who began residing in the United States before 1986 a chance to remain here permanently. Republicans are opposed to linking the two measures.

As a result of the Democrats' stance, "at this late date in the session, there is a risk that H-1B legislation may not move as stand-alone legislation, but will be included in an omnibus package," the TechNet e-mail alert said. "This is a very risky approach because the tech industry's champions on this issue are not likely to be in the room when the omnibus H-1B provisions are crafted."

The notice urged members to support a version offered by **Reps. David Dreier**, R-Calif., and **Zoe Lofgren**, D-Calif., over that proposed by **Rep. Lamar Smith**, R-Texas. Smith would eliminate the cap, but high tech firms see his bill as being heavy with onerous requirements that would be difficult to meet.

White House aides have expressed frustration over the industry's call to remove the proposed amendments to high tech lobbyists, arguing that the immigration measures are needed and the H-1B visa legislation is an appropriate vehicle for them.

House Minority Leader Gephardt told one high tech association to stop "the blame game" and push the House Republican leadership to bring up the H-1B visa bill, since the majority party determines the floor schedule.

— BY BARA VAIDA

Taxes

Continued from page 1

would be they enact a minimum wage increase with no tax relief attached."

Another lobbyist added: "The minimum wage will be increased. And I don't think we have the votes to get all \$76 billion [of small business tax breaks included in the House minimum wage package]. Of course it gets whittled down. This is a very frustrating process because Clinton holds all the cards."

The White House has concerns about the size of the package, but aides there have not taken a definitive stance on the issue. The proposal has drawn criticism from **Senate Minority Leader Daschle**.

U.S. Chamber of Commerce President Thomas Donohue, meeting with reporters Tuesday, said: "We have been everywhere on the tax front in the last few months — big packages, small packages. I think there will be some estate tax relief in the [eventual] omnibus [budget] bill ... Do they bring back a legitimate advancement for the people affected by the tax? If so, we'd support it. If it's just show and tell, we wouldn't."

Donohue also placed a fix to the former Sales Corporation law as his top

priority, as well as reinstatement of the installment method of accounting. Bruce Josten, the chamber's executive vice president, said repeal of the telephone excise tax could find its way into a year-end deal between the White House and Capitol Hill.

"I would not at all be surprised if these things end up in the final package," Josten said. "The dollar figures aren't huge and there isn't a lot of controversy attached."

The National Association of Manufacturers is also working in support of installment sales and the FSC measure, the latter of which is on the House suspension calendar this week.

But NAM probably will oppose "half a loaf" solutions to the estate tax, according to Senior Vice President for Policy, Communications and Public Affairs Michael Baroody. "Right now, we're holding out for repeal," he said. "That could change if something comes together."

Nelson Litterst, federal public policy director for the National Federation of Independent Business, said Republican leaders' efforts to emphasize tax policy for several weeks this month will pay off politically for the GOP.

"Anybody who thinks the American public doesn't care about these specific tax cuts is in for a surprise," Litterst said, pointing to the marriage and estate tax bills as well as the pension measure that is serving as the basis of the year's second reconciliation act. The NFIB is pushing to preserve or increase the \$76 billion tax cut connected to the minimum wage, and is working on the installment tax and other issues.

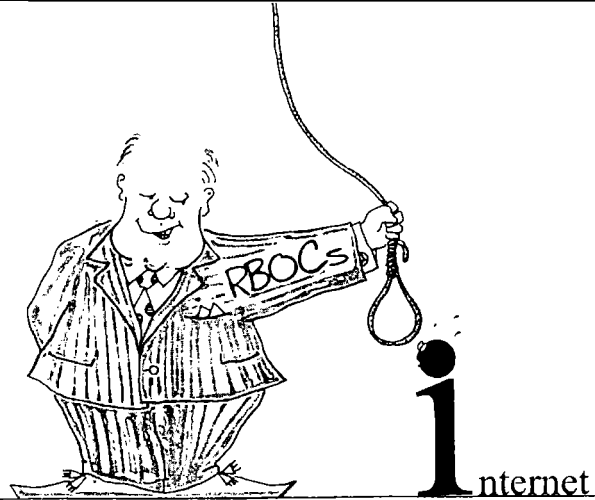
"Everyone would like to come out with more than \$76 billion [in tax cuts] at a time when we have a trillion-dollar surplus," Litterst said.

Lee Culpepper, the National Restaurant Association's vice president for federal affairs, said that while his industry remains opposed to a minimum wage hike, "I'm hopeful that we've established a long-term paradigm on how these packages should be considered — with help for the affected industry."

Culpepper said the costs of increasing the wage "would outweigh any benefits you could put in there to balance it out." But, he said, "In terms of a compromise, we think \$76 billion is reasonable."

— BY CHARLIE MITCHELL

How to Kill the Internet?



The 1996 Telecom Act jump-started the Internet Revolution. The Act spawned hundreds of new competitive local telephone companies that have built new, high-speed telecom networks to carry Internet traffic. Now, some in Congress want legislation to bar these new competitors from being able to recover their costs of carrying Internet calls. If this legislation passes, local telephone competition and the explosion of new Internet services providers would suffer dramatically.

The legislation concerns “reciprocal compensation” — payments made by Bell Companies to competitive local exchange carriers (CLECs) when CLECs carry Internet calls. The rates for reciprocal compensation were actually set by the Bell Companies three years ago. Since then, CLECs out-hustled and out-marketed the Bells to win ISP business. And CLECs won that business by offering better service and lower rates. Competition works.

Now the Bell Companies want to change the marketplace result by proposing new legislation that will bar CLECs from recovering their legitimate costs of serving Internet providers. **The result could be huge increases in the prices paid by consumers for Internet access service, up to 33% higher.**

Don't Kill the Internet. Leave reciprocal compensation alone.

The new competitive telecommunications industry, the ISP industry, and consumer groups — all join in opposing efforts to undermine the Internet — by way of destroying an important economic model that helped build it.

*TriVergent Communications • Advanced TelCom Group • e.spire Communications, Inc.
Intermedia Communications • KMC Telecom • Global NAPS
Information Technology Association of America (ITAA) • Focal Communications
Allegiance Telecom • NextLink • WorldCom • U.S. Internet Service Providers Alliance (USISPA)
Computing Technology Industry Association (CompTIA)
Association for Local Telecommunications Services (ALTS)
Competitive Telecommunications Association (CompTel)
ICG Communications • Time Warner Telecom • RCN • Winstar*

For more information, visit www.alts.org.

National Immigration Forum

PRESS CONFERENCE

FOR IMMEDIATE RELEASE

September 8, 2000

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

Leaders from Across the Spectrum Call for Enactment of Immigrant Fairness Measures

Religious, Business, Unions, Conservatives, Ethnic Group Leaders To Appear at Press Conference

WHAT? Leaders of a range of organizations from across the political spectrum will appear at a press conference calling for passage of pending immigration legislation which would provide fair treatment for a defined group of immigrants who have been living, working, and raising families in the U.S. for many years.

The issues include: 1) providing the same treatment for Central Americans and Haitians that Congress enacted through NACARA for Nicaraguans and Cubans in 1997; 2) updating the "registry date" to 1986 to recognize the equities of deeply-rooted long-time workers; and 3) restoring 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. These three issues are currently packaged into the *Latino and Immigrant Fairness Act* (S.2912) recently introduced in the U.S. Senate.

WHEN? **Wednesday, September 13, 2000**
11:00 a.m.

WHERE? **Rayburn House Office Building**
Room 2226

WHO? Major leaders from business, labor, conservative organizations, religious and civil rights groups will appear. In addition, individuals affected by the legislation will tell their stories. Please call Judy Mark at (202) 544-0004, ext. 14 for a complete list of speakers. - *attached*

#

220 I Street, NE, Suite 220 ♦ Washington, DC 20002-4362
phone: (202) 544-0004 ♦ fax: (202) 544-1905
www.immigrationforum.org

SEP 12 '00 09:31AM

P.2/2

National Immigration Forum

PRESS CONFERENCE

FOR IMMEDIATE RELEASE
September 11, 2000

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

Business and Labor Leaders Join with Bishop to Headline Press Conference Calling for Enactment of Immigrant Fairness Measures

WHAT? Leaders of a range of organizations from across the political spectrum and from around the country will appear at a press conference calling for passage of pending immigration legislation. The issues include: 1) providing the same treatment for Central Americans and Haitians that Congress enacted for Nicaraguans and Cubans in 1997; 2) updating the "registry date" to 1986 to recognize the equities of deeply-rooted long-time workers; and 3) restoring 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.

WHEN? **Wednesday, September 13, 2000**
11:00 a.m.

WHERE? **Rayburn House Office Building**
Room 2226

WHO? **Steven C. Anderson**, President and CEO, National Restaurant Association
Bishop Nicholas DiMarzio, Chairman of the U.S. Catholic Bishops' Committee on Migration, Camden, New Jersey
Maria Elena Durazo, National Vice President, Hotel Employees and Restaurant Employees International Union (HERE), Los Angeles, CA
John Gay, Co-chair, Essential Workers Immigration Coalition (EWIC), Sr. Director, American Hotel & Motel Association
Eliseo Medina, Executive Vice President, Service Employees International Union (SEIU)
Cecilia Muñoz, Vice President, National Council of La Raza
Frank Sharry, Executive Director, National Immigration Forum
Jerry Shay, Assistant to the President for Government Affairs, AFL-CIO
Affected immigrants will also participate.

#

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR GLORIA MOLINA

August 22, 2000

Today, and throughout American history, immigrants have proven essential to the economic, political and social development of our nation. Immigrants make important contributions consistent with America's fundamental values of family, work, justice and community.

It is important that our immigration policies reflect these values and ensure that all persons enjoy equal protection and due process under the Constitution and laws of the land. Our immigration policies should also be responsive to our nation's economic needs and ensure appropriate protections and opportunities for citizens and immigrants. United States immigration policies should take into account the thousands of immigrant workers, legal and undocumented, that comprise the labor pool in several important industries including agribusiness, food processing apparel and hospitality. Immigration reforms consistent with American values and economic needs should be a high priority for this nation.

The proposed bill known as the "Family, Work and Immigrant Integration Amendments of 2000"--Graham-Smith bill (S. 2668) is an opportunity to pass legislation

MOTION

Burke

Yaroslavsky

Knabe

Antonovich

Molina

From - Mickey

that could have a great impact on many hard working families and rectify past immigration legislation. As one of several amendments to H-1B, S. 2668 will adjust the status of undocumented persons currently living in the United States and legalize undocumented persons.

Recognizing their importance in our communities, Congress is presently considering Graham-Smith bill (S. 2668) that will offer the opportunity of permanent residency to qualified individuals. Adoption of this legislation would benefit the economy and bring fairness to immigration laws for the County of Los Angeles. Support for this legislation has been expressed from businesses, civil right groups and unions like the AFL-CIO.

I THEREFORE MOVE THAT the Los Angeles County Board of Supervisors support adoption of the "Family, Work and Immigrant Integration Amendments of 2000" S. 2668 which will adjust the immigration status of Central Americans; extend filing deadlines for Central Americans, Cubans and Haitians; increase the portability of H-1B visas; restore Section 245; update the current registry; and restore modest benefits.

I FURTHER MOVE THAT the Los Angeles County Board of Supervisors support the inclusion S. 2668 to the H-1B legislation.

FINALLY, I MOVE THAT the Los Angeles County Board of Supervisors send a letter supporting Graham-Smith (S. 2668) Bill to the County's congressional delegation in the United States House of Representatives, Senators Feinstein and Boxer, and President Clinton.

LO/lo

MEMORANDUM

TO: MARIA ECHAVESTE
FROM: IRENE BUENO
RE: H1B Plus Conference Call with Elected Officials
Wednesday, August 9, 2000 at 6:30 pm

PURPOSE: The purpose of this conference call is to update elected officials on our H1B Plus legislative efforts – registry date, parity and 245(i). See attached list of participants. Also, Larry David from NALEO will be on the call who have been working extensively on this issue.

BACKGROUND: The elected officials who are primarily Latino and Asian is interested in hearing from us what we have been doing to move the plus legislative agenda.

The Administration has been pushing the H1B Plus legislative agenda and will continue to do so. It unclear how this will play out legislatively but we are working with Hill leaders and others on a strategy to get enactment of the plus issues. We are now focused on working to ensure that public is informed about these issues and the importance of this legislation to many American families.

To that end, the White House is exploring ways to elevate awareness of these issues. In addition, the groups have developed a public awareness strategy to increase awareness on this issue. Their goal is to 10-15 editorials. They got favorable editorials in the Miami Herald and the San Francisco Chronicle. The National Hispanic Leadership and the National Immigration Forum are holding a press conference on Thursday to Congress to move this legislation. After Labor Day, they plan to hold a press conference with will put a human face on this issue.

AGENDA: Mickey will open up the conference call and then turn to you.

PARTICIPANTS:

D.C.

Larry Gonzalez, NALEO

Arizona

Mary Rose Wilcox, Maricopa County Supervisor

Liz Archuleta, Board of Supervisors

Sally Ann Gonzales, State Representative

Joe Eddie Lopez, State Senator

Raul Grijalba, Supervisor, Tucson

Peter Rios, State Senator

Ramon Valdes, State Representative

California

Ron Gonzalez, Mayor San Jose

Cruz Bustamante, Lt. Governor

Richard Polanco, State Capitol

Antonio Villaraigosa, Speaker Emeritus

Gloria Molina, LA County Supervisor

Liz Figueroa, State Senator

Debbie Ortiz, State Senator

Martha Escutia, State Senator

Marco A. Firebaugh, State Assemblyman

Hilda Solis, State Senator

Miguel Pulido, Mayor of Santa Ana

Gil Cedillo, State Representative

Denise Ducheny, State Assemblywoman

Colorado

Deborah Ortega, Denver City Council

Ramona Martinez, Denver City

Ken Salazar, Attorney General

Connecticut

Minnie Gonzalez, State Representative

Hector Diaz, State Representative

Florida

Annie Bentancourt, State Representative

Bob Henriquez, State Representative

Wilfredo Gort, City Commissioner

Tony Suarez, State Representative

Alex Panelas, Dade County Mayor

Illinois

Miguel Del Valle, State Senator

Roberto Maldonado, County Commissioner

Vilma Colom, Alderwoman

Ricardo Munoz, Alderman

Billy Ocasio, Alderman

Danny Solis, Alderman

Mario Moreno, County Commissioner

Massachusetts

Jarett Barrios, State Representative

Michigan

Belda Delagarza, State Representative

Nevada

Dario Herrera, County Commissioner

New Jersey

Nellie Pou, State Representative

Luis Quintanta, Councilmember

New Mexico

Raymond Sanchez, Speaker of the House

Patricia Madrid, Attorney General

Rebecca Vigil Giron, Secretary of State

Erlinda Gonzalez, Councilmember

New York

Fernando Ferrer, Bronx Bourogh President
Guillermo Linares, Councilmember
Adolfo Carrion, Councilmember
Roberto Ramirez, State Assemblyman
Adriano Espaillat, State Representative
Efreain Gonzalez, State Senator

Pennsylvania

Benjamin Ramos, State Representative
Angel Ortiz, Alderman (city council)

Texas

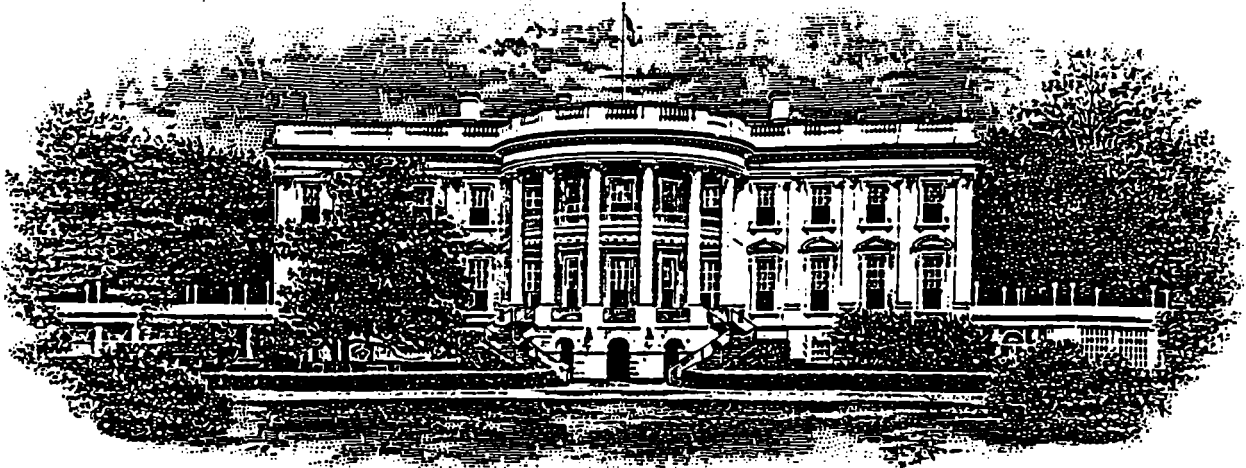
Mario Gallegos, State Senator
Domingo Garcia, State Representative
Rene Oliveria, State Representative
Sylvia Garcia, Houston City Controller
Victor Hernandez, Councilmember

Utah

Peter Suazo, State Senator

THE WHITE HOUSE
WASHINGTON
EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF THE CHIEF OF STAFF



Please Deliver To: Guni Rath

Fax Number: 514-1117

Sender: IRENE BUENO

Date: 7/31/00

Pages Including Cover: 11

Message: #8

NOTE: The information contained in this facsimile message is CONFIDENTIAL and intended for the recipient ONLY. If there is any problem with this transmission or you mistakenly received this facsimile, please call (202) 456-6798. Thank You.

Estimates of the Beneficiary Populations for the Central American and Haitian Adjustment Act and the Date of Registry Act

Congress is contemplating two pieces of legislation that would permit certain immigrants to adjust their status to that of Legal Permanent Resident. The immigrants who would benefit from this legislation have been in the United States for many years. Many are here legally in temporary statuses, with their lives in legal limbo. Some are undocumented. These immigrants now have substantial ties to the U.S., including jobs, families, and community ties.

The number of persons who would be eligible to benefit from these two pieces of legislation is modest, for several reasons. The *Central American and Haitian Adjustment Act* overlaps to some extent other provisions of law that will enable some of those for whom this legislation is targeted to adjust their status. The *Date of Registry Act* would require that, in order to be eligible, an undocumented immigrant would have been in the U.S. as of January 1, 1986. The majority of undocumented immigrants who had been here since that time have adjusted their status through other provisions of law, died, or left the country.

- The Central American and Haitian Adjustment Act would provide Haitians, Guatemalans, Salvadorans, and Hondurans who have been in the United States since December 1, 1995, the same opportunity to adjust their status as has already been given Nicaraguans and Cubans who arrived before that date. Extrapolating from statistics provided by the Immigration and Naturalization Service (INS), an estimated 326,000 Salvadorans, 155,000 Guatemalans, 100,000 Haitians, and 83,000 Hondurans were here prior to December 1, 1995, as undocumented or temporarily-resident immigrants. Since that time, an estimated 71,000 of these individuals have died, departed, or adjusted their status. There remains an estimated 593,000 individuals who might benefit from this legislation. However, a sizeable number of the potential beneficiaries of this legislation are now eligible to adjust their status by way of two recently enacted laws. Some Salvadorans and Guatemalans in this population—140,000 is a reasonable estimate—will adjust their status thanks to the *Nicaraguan Adjustment and Central American Relief Act*, passed in 1997. Approximately 28,000 Haitians will likely adjust their status thanks to the 1998 *Haitian Refugee Immigration Fairness Act*. Subtracting these individuals—who would otherwise be double counted—leaves an estimated population of 425,000 Salvadorans, Guatemalans, Hondurans, and Haitians who might adjust their status under the proposed *Central American and Haitian Adjustment Act*.
- The Date of Registry Act would simply update a provision of our immigration law that already exists, a provision allowing persons who have been in the U.S. a very long time to become permanent residents. If enacted, the *Date of Registry Act* would in 2001 allow only undocumented immigrants in the U.S. prior to January 1, 1986 to adjust their status. Extrapolating from statistics provided in INS publications, an estimated 1.4 million undocumented persons were in the U.S. by January 1, 1986.

This number includes the undocumented Salvadorans, Guatemalans, Hondurans and Haitians who would be able to adjust their status under the proposed *Central American and Haitian Adjustment Act*. Subtracting these individuals, the undocumented population as of January 1, 1986 is estimated to be 1,246,000. Since that time, some 858,000 of these individuals are estimated to have died, departed, or adjusted their status through other channels. The remaining undocumented population (excluding potential beneficiaries of other legislation) that entered prior to January 1, 1986 is estimated to be 388,000.

Estimated Number of Potential Beneficiaries, Date of Registry Act and Central American and Haitian Adjustment Act	
<u>Central American and Haitian Adjustment Act</u>	
Estimated number of undocumented or temporarily-resident Salvadorans, Guatemalans, Hondurans and Haitians in the U.S. as of 12/1/95	664,000
Minus number of undocumented Salvadorans, Guatemalans, Hondurans, Haitians in U.S. as of 12/1/95 who are estimated to have adjusted status, departed, or died	-71,000
Number of undocumented Salvadorans, Guatemalans, Hondurans, Haitians in U.S. as of 12/1/95 who are estimated to remain in U.S.	593,000
Minus number of Salvadorans and Guatemalans who are projected to adjust status through the <i>Nicaraguan Adjustment and Central American Relief Act</i>	-140,000
Minus number of Haitians projected to adjust status through <i>Haitian Refugee Immigration Fairness Act</i>	-28,000
Total potential beneficiaries of <i>Central American and Haitian Adjustment Act</i>	425,000
<u>Date of Registry Act</u>	
Estimated Undocumented Population in U.S. as of 1/1/86	1,409,000
Minus Potential Beneficiaries of <i>Central American and Haitian Adjustment Act</i> in U.S. as of 1/1/86	-163,000
Adjusted Undocumented Population in U.S. as of 1/1/86	1,246,000
Minus estimated number of undocumented immigrants from this group who adjusted, departed, or died	-858,000
Total number of potential beneficiaries of <i>Date of Registry Act</i>	388,000
Total potential beneficiaries of <i>Date of Registry Act</i> and <i>Central American and Haitian Adjustment Act</i>	813,000

Background and Detailed Estimates

Introduction

It is inherently difficult to estimate the undocumented population. Estimates of the potential beneficiary population were extrapolated from Immigration and Naturalization Service (INS) and Census Bureau statistics and estimates.

The INS has estimated that the undocumented population in the U.S. in October 1996 was 5,000,000. Included in this estimate were those who are not Lawful Permanent Residents, but who had been permitted to remain in various temporary statuses, pending the determination of their status, or until conditions in their home country improved to permit a safe return. These included persons with Temporary Protected Status, Deferred Enforced Departure, IRCA legalization applicants whose cases have not been resolved, and others.¹

Each year, approximately 275,000 persons are added to the undocumented population, an estimate based on the average annual change in population during the period 1992-1996. However, while new undocumented immigrants are entering the U.S., any given group of undocumented individuals that were here prior to a certain cutoff date (such as proposed in the pending legislation) will decrease in size over time. That is because each year, some of these immigrants adjust their status, leave the U.S., or die.

Each year, approximately 50% of "new" immigrants are actually already in the U.S., and are adjusting their status. Some are here legally on temporary visas; many are undocumented. The INS tracks immigrants who obtain their visa through adjustment of status, and publishes these statistics in their annual statistical yearbooks.

Each year, many immigrants, for various reasons, leave the U.S. The Census Bureau calculated that from 1980 to 1990, approximately 195,000 foreign-born person emigrated from the U.S. each year. The Census Bureau found that the *rate* of emigration—the percentage of immigrants who left the U.S. each year—differed for immigrants from different countries. The Bureau estimated the emigration rate for individuals from most countries to be 10.1% during the period 1980-1990. However, immigrants from certain countries did not fit this pattern. For these individuals, the Bureau assumed an emigration rate of one-half the norm, or 5.05% for the 10-year period (.5% per year). The countries estimated to have received this lower rate of emigrants from the U.S. included those from which most of our undocumented immigrants come, including Mexico, El Salvador, Guatemala, Haiti, and others.²

The INS estimates that the annual death rate in the resident undocumented population is approximately 3.9 per 1,000.³

Using these numbers, and using the calculations already published by the INS on the undocumented population, it is possible to project the change in the population of undocumented immigrants in the U.S. as of a given date.

I. Central American and Haitian Adjustment Act

The *Central American and Haitian Adjustment Act* would grant to Salvadorans, Guatemalans, Hondurans, and Haitians the same opportunity to adjust to permanent status as was given to Cubans and Nicaraguans by the *Nicaraguan Adjustment and Central American Relief Act* of 1997. Many of the potential beneficiaries have been in the U.S. in temporary status; some have not. If passed, the Central Americans and Haitians covered by the Act would have the opportunity to adjust to permanent status if they resided in the U.S. prior to December 1, 1995.

Base Undocumented Population as of December 1, 1995

An estimate of the number of people who will potentially benefit from this legislation was derived from INS estimates of the undocumented population as of October 1, 1996, and subtracting the estimated number of undocumented persons from each group who are added to the population each year for the period December 1, 1995 to October 1, 1996.

As of October 1, 1996, the INS estimated there were 335,000 undocumented Salvadorans, 165,000 undocumented Guatemalans, 90,000 undocumented Hondurans, and 105,000 undocumented Haitians living in the U.S.⁴ Each year, approximately 11,000 Salvadorans, 12,000 Guatemalans, 8,000 Hondurans, and 6,000 Haitians were estimated to be added to the undocumented population.⁵

Assuming the flow of additional undocumented individuals is even over the course of the year, subtracting the annual increase from the October 1, 1996 population yields an estimate for December 1, 1995 of 326,000 Salvadorans, 155,000 Guatemalans, 83,000 Hondurans, and 100,000 Haitians. The total base population as of December 1, 1995 is estimated to be 664,000.

Adjustments

For the INS's Fiscal Years 1996 and 1997 (the last year that detailed statistics are available) the INS listed the number of persons who adjusted their status in the U.S., broken down by status at entry. Separately, the INS reports the number of persons who adjust their status by year of entry.⁶ For this estimate, only those who adjusted who were listed as having originally entered "without inspection" were counted. In reality, a number of those who entered in some temporary status, for example, as tourists, became undocumented when their visa expired. For simplification, the number of persons who entered legally, became undocumented, and later adjusted status was not estimated here. Adjustments were assumed to occur evenly throughout the year in order to estimate the Fiscal Year 1996 adjustments from December 1, 1995, to the end of the year (September 30, 1996).

For the period October 1, 1997 to April 1, 2000, detailed statistics about adjustments by country of origin are not available, and assumptions were made about the number of

undocumented persons from each country here prior to December 1, 1995 who adjusted their status.

For the period December 1, 1995 to April 1, 2000, an estimated 23,200 Salvadorans, 11,200 Guatemalans, 6,700 Hondurans, and 4,300 Haitians adjusted their status. A total of 45,400 persons are estimated to have adjusted their status from the base population.

Deaths

The INS, calculating from Census Bureau figures, has estimated that the death rate for the undocumented population is 3.9 per 1,000 per year.⁷ This rate was applied to the diminishing population of undocumented individuals for each of the potential beneficiary national groups in the U.S. as of December 1, 1995. It is estimated that approximately 5,200 Salvadorans, 2,500 Guatemalans, 1,300 Hondurans, and 1,600 Haitians died during the period December 1, 1995 to April 1, 2000. The total number of deaths from the base population is estimated to be 10,600.

Emigration

It was assumed that the emigration rate calculated by the Census Bureau for the 1980 - 1990 period applied in the 1990s as well. Using the calculated rate of .505% per year for each of the groups, it is estimated that for the period December 1, 1995, to April 1, 2000, 7,500 Salvadorans, 3,600 Guatemalans, 1,900 Hondurans and 2,300 Haitians emigrated. An estimated total of 15,300 persons from the base population emigrated since December 1, 1995.

Total Beneficiary Population

There are estimated to be approximately 290,000 undocumented Salvadorans, 138,000 Guatemalans, 73,000 Hondurans, and 92,000 Haitians who have been in the U.S. as of December 1, 1995. The total estimated beneficiary population, including those likely to adjust status in separate legislation (see below) is 593,000.

Subtracting likely beneficiaries of NACARA AND HRIFA. A sizable number of potential beneficiaries of the *Central American and Haitian Adjustment Act* will qualify to adjust their status through somewhat more limited legislation that has been enacted in the past three years. Since these individuals will already be permanent residents or in the permanent resident pipeline by the time the new legislation is passed, they should be subtracted from the total potential beneficiary population for this legislation. Section 202 of the *Nicaraguan Adjustment and Central American Relief Act* (NACARA) will provide an opportunity for some Salvadorans and Guatemalans who have been here since the early 1990s to adjust their status. Based on recent application and adjudication statistics provided by the INS, it is reasonable to project that approximately 140,000 Salvadorans and Guatemalans will adjust their status through the *Nicaraguan Adjustment and Central American Relief Act*.⁸

The *Haitian Refugee Immigration Fairness Act* (HRIFA) will provide an opportunity for certain Haitians here prior to December 31, 1995, to adjust their status. An estimated 28,000 Haitians will adjust their status through this program.⁹

Overall Estimate, Central American and Haitian Adjustment Act. The total number of potential beneficiaries for the *Central American and Haitian Adjustment Act*, excluding those who may adjust their status through section 202 of the *Nicaraguan Adjustment and Central American Relief Act* and the *Haitian Refugee Immigration Fairness Act*, is **425,000**.

Estimated Beneficiary Population, Central American and Haitian Adjustment Act					
	Salvadorans	Guatemalans	Hondurans	Haitians	Total
1. Estimated undocumented population, October 1, 1996	335,000	165,000	90,000	105,000	695,000
2. Estimated annual additions to undocumented population	11,000	12,000	8,000	6,000	37,000
3. Estimated base undocumented population, December 1, 1995 (Row 1 - (row 2 x 10/12))	326,000	155,000	83,000	100,000	664,000
4. Total estimated adjustments, December 1, 1995 - April 1, 2000 ¹⁰	23,200	11,200	6,700	4,300	45,400
5. Estimated deaths, December 1, 1995 - April 1, 2000	5,200	2,500	1,300	1,600	10,600
6. Estimated emigration, December 1, 1995 - April 1, 2000	7,500	3,600	1,900	2,300	15,300
7. Total potential beneficiary population (row 3 - (row 4 + row 5 + row 6))	290,100	137,700	73,100	91,800	592,700

Potential Beneficiaries, Central American and Haitian Adjustment Act	
Excluding those likely to adjust status under NACARA and HRIFA	
Estimated population of Salvadorans, Guatemalans, Hondurans and Haitians here as of 12/1/95 remaining in the U.S.	592,700
Minus Salvadorans and Guatemalans projected to adjust through the <i>Nicaraguan Adjustment and Central American Relief Act</i>	-140,000
Minus Haitians projected to adjust through the <i>Haitian Refugee Immigration Fairness Act</i>	-27,600
Total potential beneficiaries of the Central American and Haitian Adjustment Act	425,100

II. Registry

The INS estimated the undocumented population as of October 1, 1988, to be 2,182,000. Approximately 281,000 persons were added to the undocumented population each year between 1988 and 1992.¹¹ Assuming that the annual growth rate in the undocumented population in the late 1980s was constant, the base undocumented population in the U.S. as of January 1, 1986, is estimated to be approximately 1,409,000.

Individuals who Might Adjust Under Separate Legislation. Part of the undocumented population present in January 1986 consisted of undocumented Salvadorans, Guatemalans, Hondurans and Haitians who would be able to adjust their status through the Central American and Haitian Adjustment Act, if enacted. The undocumented population of Salvadorans, Guatemalans, Hondurans, and Haitians present as of January 1, 1986 is estimated to be 163,000.¹² Subtracting these individuals from the base population of undocumented immigrants present prior to January 1, 1986 leaves a base population of 1,246,000.

Deaths. The INS estimates that the number of deaths in the undocumented population is approximately 3.9 per 1,000 per year.¹³ Using that estimate, the total number of deaths for the diminishing pre-1986 undocumented population during the period January 1986 - April 2000 is approximately 40,000.

Adjustments and Departures. During the period January 1, 1982 to October 1, 1988, the INS estimated that approximately 410,000 undocumented immigrants who overstayed their visas departed the country or adjusted their status. For the same period, the INS estimated the *net* increase in the undocumented population that entered the U.S. without inspection was 1,080,000.¹⁴ Assuming the proportion of adjustments and departures is the same with those who entered without inspection as with those who overstayed their visas, the number of adjustments and departures for this portion of the population from January 1, 1982 to October 1, 1988 was approximately 388,000. For the period 1988 to 1992, adjustments and departures of those who overstayed were estimated to be 578,000,¹⁵ and based on INS estimates of the net increase in the number of people who entered without inspection (EWI), it is assumed that 515,000 EWIs adjusted during that period. For the purpose of estimating the potential beneficiary population, it was assumed that adjustments and departures were evenly divided each year, and the number of persons adjusting their status from the target population was assumed to be proportional to their proportion of the total undocumented population, including new arrivals (some of whom would also be adjusting their status). The INS estimated new arrivals to be approximately 281,000 per year for the period 1988-1992, and 275,000 for the period 1992-1996.¹⁶ For the purposes of this estimate, an additional 275,000 undocumented immigrants are assumed to be added to the total undocumented population each year after 1992 as well. Each year, the proportion of undocumented immigrants from the base population decreases, as the population of post-1/1/86 arrivals increases.

In their latest report on the undocumented, the INS did not provide a figure for the number of adjustments and departures for the period 1992 - 1996. For the purpose of this estimate, for Fiscal Years 1993 to 1997, adjustments were calculated using statistics the INS provides in their annual yearbooks¹⁷. Since these statistics are not yet available beyond Fiscal Year 1997, adjustments of persons who entered prior to January 1, 1986 were assumed to be 40,000 total for 1998, 1999, and 2000 (to April 1).

The Census Bureau calculated that the emigration rate for the countries from which the bulk of the undocumented come was approximately .505% during the period 1980 to 1990.¹⁸ For the purpose of this estimate, that rate is assumed to apply to the 1990s as well, and is used to calculate emigration during the period October 1, 1992, to April 1, 2000.

In total, for the period January 1, 1986 to April 1, 2000, an estimated **818,000** undocumented immigrants from the base population adjusted their status or departed.

Estimate. Since January 1, 1986, the estimated undocumented population (adjusted to exclude potential beneficiaries of the *Central American and Haitian Adjustment Act*) of 1,246,000 has been reduced by deaths, adjustments of status, and departures by an estimated 858,000. The number of undocumented persons who would benefit from the updating the Registry date to January 1, 1986 is **388,000**.

Estimated Beneficiary Population, Date of Registry Act

1. Estimated Undocumented Population, 10/1/88	2,182,000
2. Estimated annual additions to undocumented population (1988 - 1992)	281,000
3. Estimated base population, 1/1/86 (row 1 - (row 2 * 2 9/12))	1,409,000
4. Estimated undocumented Salvadorans, Guatemalans, Hondurans, Haitians present as of 1/1/86	163,000
5. Estimated adjusted base population as of 1/1/86 (row 3 - row 4)	1,246,000
6. Estimated deaths from base population 1/1/86 - 4/1/00	40,000
7. Estimated adjustments and departures from base population 1/1/86 - 4/1/00	818,000
8. Estimated potential beneficiary population (row 5 - (row 6 + row 7))	388,000

III. Total Estimate, Central American and Haitian Adjustment Act and Date of Registry Act Beneficiaries.

The total number of potential beneficiaries of these two pieces of legislation is approximately 388,000 for the Date of Registry Act and 425,000 for the Central American and Haitian Adjustment Act, or 813,000.

Estimated Potential Beneficiaries, Date of Registry Act and Central American and Haitian Adjustment Act

Estimated beneficiary population, <i>Central American and Haitian Adjustment Act</i>	425,000
Estimated beneficiary population, <i>Date of Registry Act</i>	388,000
Total Estimated Beneficiary Population	813,000

Endnotes

¹ *Illegal Alien Resident Population*, <<http://www.ins.usdoj.gov/graphics/aboutins/statistics/illegalalien/index.htm>>, modified 8/11/99.

² Ahmed and Robinson, *Estimates of Emigration of the Foreign-born Population: 1980-1990*, U.S. Census Bureau Population Division, December 1994. (p. 10)

³ *Illegal Alien Resident Population*, 8/99.

⁴ *Illegal Alien Resident Population*, 8/99.

⁵ *Estimates of the Unauthorized Immigrant Population Residing in the United States: October 1996*, Office of Policy and Planning, U.S. INS, January 1997.

⁶ Adjustment estimated were calculated from statistics in 1996 *Statistical Yearbook of the Immigration and Naturalization Service*, October 1997, and 1997 *Statistical Yearbook of the Immigration and Naturalization Service*, October 1999.

⁷ *Illegal Alien Resident Population*, 8/99.

⁸ As of the end of May 2000, the INS had received approximately 52,200 applications for Cancellation of removal under NACARA. Of the applications adjudicated thus far, approval rates were between 98 and 99 percent. The INS was receiving applications at a rate of 7,000 per month. There is no deadline for applications. Given the number of applications received, and the rate of new applications, it is projected that 150,000 applications will be received in all. Assuming the approval rate goes down somewhat, but remains high, for the purposes of this estimate, 140,000 are projected to ultimately adjust status through this program.

⁹ Approximately 34,500 Haitians have successfully applied through this program. The application period ended March 31, 2000. Very few applications have been finally adjudicated. Assuming that 20% of applicants are denied permanent residence (the historical permanent resident denial rate is 7%, but the process of gaining permanent residence through HRIFA is more complicated [INS Statistical Yearbook, 1997]), approximately 27,600 Haitians will gain permanent residence through this program.

¹⁰ For the period December 1, 1995, to October 1, 1997, adjustments calculated from INS statistics were estimated to be: Salvadorans 11,600; Guatemalans 5,400; Hondurans 3,200 and Haitians 2,200. For the period October 1, 1997, to April 1, 2000 (for which detailed statistics were not available), adjustments are assumed to be: Salvadorans 11,500; Guatemalans 5,800; Hondurans 6,700; and Haitians 4,300.

¹¹ Warren, Robert, *Estimates of the Unauthorized Immigrant Population Residing in the United States, By Country of Origin and State of Residence: October 1992*, INS, April 29, 1994. The estimate of annual additions to the undocumented population was revised by *Illegal Alien Resident Population*, 8/11/99

¹² Warren, 1994. The undocumented population resident in the U.S. as of 1/1/86 was derived by subtracting from the estimated population as of 10/1/88 the portion of estimated new arrivals during the period 1/1/82 to 10/1/88.

¹³ *Illegal Alien Resident Population*, 8/99.

¹⁴ Warren, 1994.

¹⁵ Warren, 1994.

¹⁶ *Illegal Alien Resident Population*, 8/99.

¹⁷ INS Statistical Yearbooks, Fiscal Years 1992-1997, Table 11, "Immigrants Admitted by Calendar Year of Entry." All persons adjusting in Fiscal Years 1992 and later who entered prior to January 1, 1986 were assumed to be undocumented.

¹⁸ Ahmed and Robinson, December 1994.

MEMORANDUM

TO: JOHN PODESTA
FROM: IRENE B. BUENO
RE: **MEETING WITH SENATE AND HOUSE DEMOCRATS ON H1B PLUS
LEGISLATION STRATEGY** – Thursday, July 27, 2000 at 4:30 PM

PURPOSE: Senate and House Democrats have requested this meeting with you to develop a unified strategy on the H1B Plus immigration legislation. Specifically, they will ask you for the White House to support their new strategy and commitment to fight for this legislation in the context of omnibus legislation.

BACKGROUND: The H1B Plus legislation includes the registry date revision, Central American Parity and our budget proposal to reinstate section 245 (i) of the immigration. Initially, our strategy was to push the plus provisions as part of the H1B legislation. However, Republicans managed to blame the Democrats for holding up H1B which prompted the Senate Democrats to develop another strategy that they eventually worked out with the House Democrats in particular the Congressional Hispanic Caucus. The new strategy is to insist on a vote on any legislation not only the H1B and to push it as part of the omnibus legislation. On Thursday, under Rule 14, Senate Democrats will try to bring up on the Senate floor S. 2912 – but expect that Republicans will oppose this effort but there will be some floor debate on this matter. Following this at 12:30pm, Senate and House Democrats plan to hold a press conference to reiterate their support to pass this immigration legislation. A statement by the President and a letter by the Vice President will be read at the Press Conference (see attached drafts). Senate Democrats are also planning to try to attach this to Commerce Justice State that will likely come up in September to allow groups to build support for the legislation during the August recess.

Today, in a staff level meeting with Senate and House staff and Latino and immigrant advocacy groups, White House staff indicated that the Administration continues to support the H1B Plus strategy but defers to Senate Democrats on the best strategy. In addition, we cautioned them not to rely solely on the omnibus legislation strategy since no one is sure how the omnibus legislation will play out and that we would need to consult with them on the provisions that we would fight for in the context of an omnibus strategy.

In this meeting today, I think it is important to express appreciation and support for their leadership but reiterate that we need to work with them to develop a strategy that will not rely solely on an omnibus strategy.

ATTENDEES:

You
Maria Echaveste
Gene Sperling
Senator Daschle
Senator Kennedy
Senator Durbin
Senator Reid
Representative Gephardt
Representative Bonior
Representative Menendez



News from
**CONGRESSIONAL
HISPANIC CAUCUS**

LUCILLE ROYBAL-ALLARD, CHAIR

2435 Rayburn House Office Building, Washington, DC 20515 (202) 225-2410
255 East Temple Street, Suite 1860, Los Angeles, CA 90012 (213) 628-9230

FOR IMMEDIATE RELEASE

July 26, 2000

CONTACT: KELLY WERNER

(202) 225-1766

**HISPANIC CAUCUS JOINS SENATE DEMOCRATS IN SUPPORT
OF THE LATINO AND IMMIGRANT FAIRNESS ACT**

Congresswoman Lucille Roybal-Allard, Chair of the Congressional Hispanic Caucus (CHC), announced today that CHC members will join Democratic Senators at a press conference on Thursday, July 27 at 12:30 p.m. in the Capitol Building, to support the Latino and Immigrant Fairness Act of 2000.

"I am proud to have the Democratic leaders of the House and Senate join our fight to pass legislation that is of paramount importance to the Latino community," said Roybal-Allard. "The Latino and Immigrant Fairness Act would bring greater fairness and equality to our nation's immigration policy. This bill contains important provisions to help unite families who have been in a state of limbo for far too long."

Date: Thursday, July 27

Time: 12:30 p.m.

Place: U.S. Capitol, S-207, the Mike Mansfield Room

Participants: Congresswoman Roybal-Allard, Chair of the Congressional Hispanic Caucus
Members of the Congressional Hispanic Caucus
Senator Harry Reid
Senator Edward Kennedy
Senator Bob Graham
Senator Richard Durbin

-- ### --

**STATEMENT BY THE PRESIDENT
JULY 27, 2000**

Today, President Clinton and Vice President Gore joins Senate and House Democrats to urge Congress to enact immigration legislation, **The Latino and Immigrant Fairness Act**, to restore fairness to our immigration system and American families already living in this country. The legislation includes Administration proposals including: Registry Date legislation would allow certain long-term immigrants of good moral character who have been living in the United States to adjust their immigration status; the Central American and Haitian Parity Act would amend the Nicaraguan Adjustment and Central American Relief Act (NACARA) to provide certain nationals of El Salvador, Guatemala, Honduras and Haiti an opportunity to apply for adjustment of status under that Act and to contribute to the development of stability and peace in these emerging democracies and finally, the Administration's proposal to reinstate section 245 (i) of the Immigration and Nationality Act to keep families together while their immigration applications are pending consideration. This legislation will help many American families who have been immigration limbo for many years and who are simply seeking the opportunity to contribute and become full participants in American society. The President urges Congress to pass this legislation before they adjourn this year.

Irene Bueno
07/26/2000 04:18:03 PM

Record Type: Record

To: Irene Bueno/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: H1B Plus Update 

Joel, Ruth and I attended a meeting this morning with staff of Senate Democrats (Kennedy, Reid, Graham), Gephardt's office (Cassandra) and CHC staff (Alejandro and Jennice). They reported that the Senate Dems and the CHC met on Tuesday and concluded to support the following strategy:

(1) Senate Dems have introduced a stand alone bill, S. 2912, that includes the H1B Plus legislation - parity legislation, registry, and sect. 245(i) that they plan to try to bring to the floor on Thursday. Republicans are expected to oppose bringing it up but it will allow the Senate Democrats to discuss the plus legislation on the Senate floor.

(2) Following the floor debate at noon, the CHC and Senate Democrats will hold a press conference. I think a letter from the Administration will be read and understand that a letter signed by the VP is going through clearance but Maria also thinks we need to have a statement from the President which I will draft.

(3) Rep. Gephardt and Senate Dems have requested a meeting with John Podesta for tomorrow, Thursday at 4:30 pm to make sure that the Democrats are unified on this issue. I understand that John, Gene and likely Maria are planning to attend this mtg.

Gephardt's staff indicated that House Democrats support Senate attempts to get a vote on the plus issues.

We indicated that the WH still supports the H1B Plus strategy but defer to the Senate Dems on the best strategy in the Senate. We also strongly cautioned everyone not to focus only on an omnibus legislation strategy because we don't know if there will be omnibus, if there is it's not up to just on what's on the list, we need to consult with the Senate and House Democratic leadership and lastly, and we don't know how omnibus will play out. We need to be look for other vehicles now and not wait for the omnibus.

The groups position is that the plus legislation must be raised either on H1B or whatever legislation comes up first (CJS is possible vehicle). This position will allow groups that still want to push the H1B Plus only strategy can do so while others can push the plus legislation on either H1B or other legislation. High tech groups are still nervous supporting the plus provisions because of Republican pressure but groups plan approach them again. We were also asked to schedule a mtg with the Essential Workers Coalition a pro-business group that supports plus issues but are concerned about supporting it too public b/c of potential Republican pressure. Labor indicated that Brian - we discussed scheduling a mtg with this coalition awhile ago and we should try to do so during the recess.

Finally, the Hill and the groups expressed serious concern about an H2A /farmworker bill being raised but Rep. Berman has been working to craft a compromise. Also, the House H2A legislation is being marked up on Thursday and the Speaker is supportive of moving this legislation.

Irene Bueno
07/24/2000 07:57:03 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: H1B Plus Update

*ZB/RS/SRW
Let us to get
then to consult with
Hispanic caucus!
WS
7/24/00*

Tonight, Joel and I attended a meeting with Hispanic and immigrant advocates and Senate Democrats (Kennedy, Reid, Wellstone and Graham) to discuss the H1B Plus strategy. The Senate Democrats asked for guidance from the groups on whether they want a vote on the plus legislation. Senate Democrats also suggested some other vehicles including Commerce Justice Appropriations and the Intelligence legislation. Reid and Kennedy think that if the legislation could get 40-50 votes - which they think is possible because there seems to be some Republican support - then this would help in the omnibus context assuming that the White House fight for it. The groups said that they need to discuss this strategy with others and will get back to the Senators tomorrow. The Senators asked where the WH is and I said that we are still committed to the H1B Plus strategy but are interested in hearing their views. The groups also expressed strong opposition to allowing a vote on H2A/farmworker legislation in order to get a vote on the plus immigration legislation. They plan to send a letter to the Hill stating their objections.

Next Steps:

- (1) Groups will get back to the Senators tomorrow
- (2) Congressional staff will look into Commerce Justice or some other vehicle.
- (3) They would like to know from the WH if we are willing to fight for these provisions in the omnibus legislation and Sen. Reid will call the WH (John and/or Maria) to inquire about the commitment of the White House to fight for this in the omnibus legislation.
- (4) Possible follow up mtg on Tuesday at 5pm room: TBA to discuss the abovementioned updates.

Please let me know if you have any questions. Thanks.

Irene Bueno

Irene Bueno
07/24/2000 01:48:51 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
bcc: Irene Bueno/WHO/EOP
Subject: Re: H1B Plus Update

The Congressional Hispanic Caucus (CHC) has postponed it's press conference that was previously scheduled for Tuesday and has tentatively scheduled it for Wed. They are hoping that there can be some agreement with Senate Democrats on strategy.

CHC had previously scheduled a meeting with Daschle for Tuesday. CHC is hoping that this meeting can be turned into a discussion about the H1B plus strategy. If so, CHC would like the White House to attend this meeting. CHC is waiting to hear back from Daschle's office on this mtg.

CHC is meeting with High tech groups tonight to see if they can work together on the plus issues.

Today, the immigration groups had a press conference and we expect to get a report on this press conference.

Let me know if you have other updates or any questions. Thanks.

Irene Bueno

Irene Bueno
07/21/2000 05:03:01 PM

Record Type: Record

To: See the distribution list at the bottom of this message

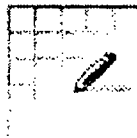
cc: See the distribution list at the bottom of this message

Subject: H1B Update

Here are the articles. I spoke to Maria and she will try to speak to Gene.

Also, we heard from the groups that they were not thrilled with this deal but felt there were no options since Kennedy presented this option to them as the only possibility. They are still planning to have a press conference on Monday to build support for the immigration bills.

----- Forwarded by Irene Bueno/WHO/EOP on 07/21/2000 04:52 PM -----



Mark D. Magana
07/21/2000 04:27:32 PM

Record Type: Record

To: Irene Bueno/WHO/EOP@EOP

cc:

bcc:

Subject: Re:

great. See the Congress Daily article and the LA times article

Record Type: Record

To: Mark D. Magana/WHO/EOP@EOP

cc:

Subject: H-1B



h-1b.doc

Record Type: Record

To: Mark D. Magana/WHO/EOP@EOP

cc:

Subject: H-1B



EMPLOYMENT.d

Irene Bueno

Irene Bueno
07/21/2000 02:48:38 PM

Record Type: Record

To: Mark D. Magana/WHO/EOP@EOP

cc:

Subject:

Yesterday, Hill Democrats agreed with Hispanic and immigrant groups to delink the immigration plus issues (parity, registry date, 245(i)) from the H1B bill, vote on these amendments on the ESEA bill and allow H1B-related amendments on H1B bill. They understand that they may not have the votes and are looking to the WH to get this in omnibus legislation.

Lott and most Republicans seemed agreeable to this proposal provided that Senator Craig could get a vote on his H2A bill* and the groups seemed be okay with this condition even though groups oppose the H2A bill. However, Senator Phil Gramm opposed the agreement because he opposes the plus immigration legislation (or more likely he does not want a vote on these bills).

CHC was not in the meeting and feels that they were sold-out by groups and Senate Democrats and were worried that the WH was backing off on its position.

The White House has not taken a formal position on this new strategy but we should discuss when Maria and Gene return from Japan.

On Monday, 7/24, a large coalition of groups - Hispanic, immigrants, some conservative pro-immigrant groups - will hold a press conference to show support for the plus legislation. On Tuesday, 7/25, the Congressional Hispanic Caucus, groups and Senate Democrats is planning to hold a press conference. Last week, Gene agreed to participate in this press conference but it was not in light of this new info. Ruth - please check with Gene.

I will give further updates.

Message Sent To:

July 24, 2000

The Honorable
United States Senate

Washington, DC 20510

Dear Senator:

I am writing on behalf of the National Hispanic Leadership Agenda (NHLEA), a coalition of 35 national organizations and prominent individuals representing the nation's over 30 million Hispanic Americans, to reiterate our strong opposition to agricultural guestworker legislation that has been proposed as S.1814 and H.R.4056/H.R.4548. Some senators are supporting these bills and pushing for them to be attached to any number of pieces of legislation that may be considered before the session ends. This legislation ignores the needs of hundreds of thousands of migrant farmworkers who are currently unemployed or underemployed, and living in this country.

U.S. farmworkers, the majority of whom are Latino, are already suffering from working conditions that most Americans would not tolerate and do not know exist in this country. The proposals that are being considered in the Senate would worsen the situation of American farmworkers by harming their wages and their working conditions.

Specifically, the proposed measures would eliminate or lower the already weak labor standards in the existing agricultural guestworker program, known as H-2A. It would establish a new "adjustment" guestworker program that would bring in thousands of foreign workers without *any* of the labor protections that the current H-2A program provides. It would also subject the workers who are brought in under the new program to a harsh system that would deprive them of political rights and democratic traditions that this nation holds dear.

The proposed "adjustment" program would promise workers that they could eventually remain in this country permanently. For thousands of farmworkers, who could never meet the prerequisites

for applying for a green card, this would only turn out to be a cruel hoax. For those workers qualifying for a green card, the current laws would relegate family members to be separated from their husbands and fathers, since the workers brought in are mostly male. This separation would last for as many as 15 to 17 years, while family members wait in their home countries for visas to become available to join their relative working in the United States.

We strongly oppose this agricultural guestworker legislation. NHLA supports policies that will improve wages and working conditions and housing opportunities for migrant farmworkers and provide undocumented farmworkers already here with legal immigration status.

We urge you to vote against the agricultural guestworker legislation that has been proposed as S.1814 and H.R.4056/H.R.4548.

Sincerely,

Manual Mirabal
Chair

National Immigration Forum

PRESS CONFERENCE MONDAY

FOR IMMEDIATE RELEASE
July 20, 2000

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

Unusual Allies Call for Enactment of "Latino and Immigrant Fairness Act"

Amendment May Be Voted on in Next Few Days

Business, Unions, Conservatives, Ethnic Groups To Appear at Press Conference

WHAT? During the week of July 24th, the U.S. Senate may vote on an important amendment that will bring fairness to immigrants, most of whom are Latino, who have been living in legal limbo for many years. Leaders of a range of organizations from across the political spectrum will appear at a press conference calling for bipartisan support of these measures.

The Latino and Immigrant Fairness Act will sustain our nation's prosperity by making permanent and legal discrete groups of immigrants who are already here and already working. It will also correct past government mistakes and misdeeds that have kept long established, hard-working immigrant families in bureaucratic limbo. The specific issues are Central American parity, the registry date, and restoration of 245(i).

WHEN? **Monday, July 24, 2000**
12:00 p.m.

WHERE? **Hart Senate Office Building**
Room 708

WHO? Leaders from business, labor unions, conservative organizations, religious and civil rights organizations will appear. Please call Judy Mark at (202) 544-0004, ext. 14 for a complete list of speakers.

#

220 I Street, NE, Suite 220 ♦ Washington, DC 20002-4362
phone: (202) 544-0004 ♦ fax: (202) 544-1905
www.immigrationforum.org

National Immigration Forum

FAX COVER PAGE

Date:

7/21/00

To:

Irene Bueno

From:

Jara K 24

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National Immigration Forum

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Date:

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5

National Immigration Forum

FAX MEMORANDUM

July 21, 2000

To: Forum Associates and Friends

Fr: Maurice Belanger

Re: Action Alert: Logjam on "H-1B Plus" Issues is About to Break - Senate to Vote as Early as July 24. Nationwide Conference Call Friday, July 21, 2:00 PM Eastern Time AND Monday, July 24, 3:00 PM Eastern

Please Call Tara Young (202) 544-0004, ext. 24, if you did not receive 4 pages

Senate to Vote on the "Latino and Immigrant Fairness Act"

- The Senate may vote as early as July 24th on legislation that will include three issues: Central American Parity; updating the Registry cutoff date; and the restoration of Section 245(i).
- Supporters of these issues should call Senate offices NOW to make sure Senators are aware of these issues and will support the amendment.
- Conference call Friday, July 21 at 2:00 PM. Details below.

Background

The Senate has been stalemated for months over the issue of passing immigration-related legislation in addition to legislation now pending that would raise the cap on H-1B temporary non-immigrant workers. Up to now, Democrats in the Senate, in the debate on the H-1B bill, have insisted that the Senate also consider the Central American and Haitian Adjustment Act (commonly called Central American Parity) and the Date of Registry Act. The H-1B bill has been stalled for months in part because of a debate on whether or not to allow a vote on these issues.

On Thursday, we were informed that members of the Senate will pursue a different strategy, which may result in a vote on these two issues, plus the restoration of Section 245(i) of the Immigration Act, as early as Monday night, July 24th. The three issues--Central American Parity, Registry, and 245(i)--will be packaged as the "Latino and Immigrant Fairness Act."

In order to give you updates on the breaking developments, and to discuss strategy leading up to next week's vote, the Forum has set up two nationwide conference calls. The first will be Friday, July 21st at 2:00 PM Eastern time. The second will be Monday, July 24th at 3:00 PM

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Web: <http://www.immigrationforum.org>

Eastern time. These will be SHARE THE COST conference calls. That is, you must give the operator your Vialog (formerly ACCESS) conference call account code. If you don't remember your conference call account code, contact Tara Young at the Forum at (202) 544-0004, ext. 24. To get on the calls, dial (703) 736-7308 and ask for the National Forum conference call. The confirmation number for Friday's call is 4440763. For Monday's call, the confirmation number is 4440822

If you don't have an account number, you should call Tara Young by NOON Eastern time, and she will obtain an account number for you. If you don't have an account number and wait until the last minute to try to get one, you will not be able to get on the call.

Advocacy Materials

A backgrounder summarizing the three issues is attached to this alert. More detailed backgrounders on each of the issues can be found on our website at: <http://www.immigrationforum.org/CurrentIssues/legalization.html>.

Targets

Over the next few days, Senators should be contacted and urged to support these issues. In addition to contacting your own Senator, advocates in Washington have developed a list of Senators who must be urged to support these issues. Please refer to the attached backgrounder in making your arguments. The number for the Capitol Switchboard is (202) 224-3121. The list of Senators follows:

Democrats

Daniel Akaka (HI)
Max Baucus (MT)
Jeff Bingaman (NM)
John Breaux (LA)
Richard Bryan (UT)
Robert Byrd (WV)
Kent Conrad (ND)
Byron Dorgan (ND)
John Edwards (NC)
Daniel Inouye (HI)
Ernest Hollings (SC)
Tim Johnson (SD)
Robert Kerry (NE)
Carl Levin (MI)
Blanche Lincoln (AR)
Daniel Patrick Moynihan (NY)
Charles Robb (VA)
Ron Wyden (OR)

Republicans

Spencer Abraham (MI)
Lincoln Chaffee (CT)
Susan Collins (ME)
Peter Fitzgerald (IL)
Orrin Hatch (UT)
Jim Jeffords (VT)
Connie Mack (FL)
Gordon Smith (OR)
Olympia Snow (ME)
Arlen Specter (PA)

BACKGROUND

July 2000

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*.



MALDEF

Press Statement

Mexican American Legal Defense and Educational Fund

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For Immediate Release
July 19, 2000

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Triana R. D'Orazio
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MALDEF URGES CONGRESS TO ADDRESS LATINO FAIRNESS ISSUES

Broader Immigration Legislation Must be Considered Along with H-1B Visas

(Washington, D.C.) Both the Senate and the House are considering voting on legislation to provide more H-1B visas for high-skilled workers, but have no plans to consider attaching other critical immigration provisions that would truly benefit the Latino immigrant community. The Mexican American Legal Defense and Educational Fund (MALDEF) joins the National Leadership Agenda (NHLA) and the members of the Congressional Hispanic Caucus (CHC) on insisting that the millions of people who are currently living and working in the U.S. – and waiting for legal status – be taken out of the immigration-law limbo in which they are forced to live.

“Members of Congress need to consider the inequity of the pending H-1B visa legislation: it targets foreign workers with advanced degrees without considering the thousands of hard working immigrants already living in and contributing to this country, who are and have been waiting for legal status and residency for years,” said Marisa J. Demeo, Regional Counsel for the Washington, DC office of MALDEF. “It is unconscionable,” she added, “that U.S. Senators and Representatives would fast-track the H-1B visas without considering other immigration policies that have been pending for years. These policies are what MALDEF, the NHLA and the CHC consider to be part of the core of Latino fairness issues.”

If Congress is going to vote on the H-1B proposals, it must also vote on proposals that would: 1) change the registry date, which would allow individuals who have been in the country since before 1986 to apply for legal residence; 2) restore Section 245(i), 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; 3) provide parity to nationals from El Salvador, Guatemala, Honduras and Haiti,

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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) targeted for Cubans and Nicaraguans; and 4) decrease immigration backlogs by increasing the yearly visa quota so that immediate relatives of U.S. citizens and permanent residents may join their family members without having to wait as many as 20 years.

"At a time when business and industry are calling for an increase of our immigrant workforce, support of this legislative agenda is imperative. Each of these proposals would regularize the status of a significant number of workers already in the U.S., authorize them to work, and create a policy that is good for families and good for this country," commented Antonia Hernandez, MALDEF President and General Counsel.

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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**EXECUTIVE OFFICE OF THE PRESIDENT
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Comments: Civil Rights table

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News from
**CONGRESSIONAL
HISPANIC CAUCUS**

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FOR IMMEDIATE RELEASE
July 12, 2000

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**HISPANIC CAUCUS CONTINUES THE FIGHT FOR FAIR
TREATMENT OF IMMIGRANTS**

Congresswoman Lucille Roybal-Allard, Chair of the Congressional Hispanic Caucus (CHC), today countered rumors that Democrats abandoned efforts to include legislation to help Central American nationals and other long-term immigrants in H-1B legislation now pending before Congress.

"Leader Gephardt and the Hispanic Caucus are committed to working together to pass legislation that will grant legal status to Central American nationals and other long-term immigrants," said Roybal-Allard.

"Because H-1B legislation is likely to move through Congress this year, we are working to include provisions that would offer relief to Central American and long-term immigrants," Roybal-Allard continued. "For too long, the Republican Congressional leadership has ignored the Hispanic community's request for fair and equal immigration policy. As we take action to allow thousands of new immigrants under the H-1B program, we must also take care of those who are already in our country, contributing to our society, and have been neglected by our immigration system. The H-1B legislation is an opportunity to correct these past wrongs."

Congresswoman Roybal-Allard, members of the CHC, and House Minority Leader Richard Gephardt met today to discuss the prospects of H-1B legislation.

"I am pleased with the Democratic Leadership's commitment to fight alongside Members of the Congressional Hispanic Caucus for the passage of the NACARA Parity Act and a change in the Date of Registry," said Congressman Bob Menendez. "These issues are of great importance to the Latino community in their fight for equity and justice, and once again proves that Democrats stand on their side. The Republican refusal to bring a H-1B Visa bill that includes the NACARA Parity Act and late amnesty exposes their continuing anti-immigrant attitudes."

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6/19/07

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Immigration Injustices

With unemployment rates at a 30-year low and strong growth in the high-tech sector, many technology companies are hard pressed to find enough programmers and other skilled workers to meet their needs. One way industry has dealt with the labor shortage has been to hire skilled foreign workers who are allowed to come to this country under special, temporary H-1B visas. But now demand for skilled workers is outstripping the number of such workers allowed in each year by statute. Congress needs to raise the visa cap temporarily to ease the shortages. It should also correct some severe injustices in the immigration laws that have hurt immigrants who have been in this country for more than a decade.

Under current law, H-1B visas, which permit foreign workers to stay in the United States for up to six years, are capped at 115,000 for fiscal year 2000 and will decline to 65,000 in 2002. There is bipartisan support in Congress to increase that cap for a limited time. One reasonable proposal, sponsored by Representatives David Dreier, Republican of California, and Zoe Lofgren, Democrat of California, would increase the cap to 200,000 visas per year through 2003. Their bill would set aside a number of the visas for nonprofit research institutions and require that 60,000 visas be reserved for people with advanced degrees. The proposal would also increase the visa application fee to \$1,000 from \$500 and direct the money

toward job training and education programs.

The Clinton administration supports a temporary increase in the visa cap, but with higher fees than the Dreier-Lofgren plan. It also wants Congress to correct some other immigration problems.

In 1997, Congress granted permanent residency to Nicaraguan and Cuban refugees who fled oppression by their leftist regimes in the 1980's. But it granted only lesser forms of relief to Guatemalans and Salvadorans who fled right-wing regimes, and it neglected Haitians and Hondurans. Congress should dismantle these distinctions and allow Central American refugees to apply for permanent residency on an equal basis.

Congress should also cure a legal mess left over from the 1986 immigration overhaul. At that time Congress granted amnesty to illegal aliens who had been in the country before 1982. But some 300,000 people were improperly denied the opportunity to apply for amnesty by the Immigration and Naturalization Service.

Years of litigation followed, with the courts ruling in favor of the immigrants. Then in 1996, Congress stripped the courts of jurisdiction over these cases, leaving these immigrants, a great number of whom had been granted work authorization, in legal limbo. A sensible bill now pending in Congress would allow these individuals and other similarly situated people who have been here since the mid-1980's to stay permanently.

Wrongful Verdict in Iran

The recent conviction of 10 Iranian Jews in Iran on charges of spying for Israel is a brazen violation of international human rights standards and the due process of law. President Clinton and leaders of the European Union have rightly called on the Iranian government to overturn these unjust convictions.

President Mohammad Khatami, the leader of Iran's reform movement, has been silent on this case, except to say that the prosecution and trial would be fair. That promise has proved illusory. He should condemn the verdicts and make clear he is dissatisfied with a warped legal system that is controlled by Iran's conservative clerics and used for judicial persecution.

The spying charges against the Jews drew international attention because the charges were unfounded and the prosecution unfair. Iran's virulent hostility to Israel added to the impression that Jews had been singled out for political purposes.

The 13 Jewish defendants, three of whom were acquitted, were imprisoned in March 1999 and not allowed access to lawyers until just weeks before their trial began in May. The trial was closed and

the evidence against the men was kept secret. The defense lawyers say that there was no evidence against the men other than their own statements made during interrogations without the presence of legal counsel. Even after the trial, the court gave few details about the alleged illegal activities. The Jews were convicted of belonging to an illegal spy network, recruiting others and cooperating with Israel, though it was unclear what cooperation they could have given Israel.

Political reformers, journalists and others disfavored by the religious hard-liners have also been victims of a system where judges act as investigators, prosecutors and judges in the same case. Mr. Khatami and his reformist supporters in Parliament say they want to depoliticize the courts. The Iranian people in the recent parliamentary elections showed they want relief from rigid foundations of the conservative clerics who hold power over the judiciary and the security forces is slow and fitful. This case shows how far Iran has to go to meet the expectations that Mr. Khatami has set.