

THE WHITE HOUSE
WASHINGTON

November 1, 2000

The Honorable Orrin Hatch
Chairman
Judiciary Committee
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your recent letter concerning immigration fairness. We continue to hope that in the spirit of bipartisanship we can work to achieve an amicable solution to the problems in our current immigration laws and practices.

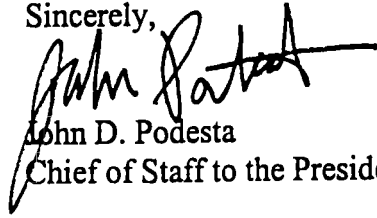
First, your proposal to provide relief for at least some individuals who would have likely benefited from the legalization program under the Immigration Reform and Control Act of 1986 goes some distance in trying to provide fairness. However, your approach provides relief only to the litigants in particular lawsuits and leaves similarly situated long-term individuals to fend for themselves. I would like to work together to determine the best process for achieving our shared goal for this group of people.

Second, your proposal to create a new "V" visa program for persons who have awaited an immigrant visa for a significant period of time would benefit only some of the individuals who would be protected under our proposal to reinstate section 245(i). Your plan provides insufficient relief to persons who would otherwise be eligible to adjust their status. I believe we can find a way of bridging the gap between our proposals.

Finally, the Administration seeks to eliminate disparate treatment under our immigration laws for individuals who fled civil unrest and human rights abuses in the 1980s and 1990s. However, your proposal provides no relief to these deserving individuals. While members of your party have explored a different approach for achieving much of the same goal, your staff has not been willing to discuss this alternate proposal with Administration officials. Perhaps you can pursue this idea. Surely your expressed desire to bring "fairness to our nation's immigration policy," should result in a serious consideration of this and any other proposal that seeks to treat similarly situated people the same.

As the foregoing indicates, there is actually more common ground than your recent letters suggest. Indeed, there is bipartisan support for H.R. 5062 that would provide relief for certain individuals affected by changes in the 1996 immigration law. Such efforts would go a long way to achieving fairness in our immigration system. The time for finding a solution is upon us, and we look forward to working with you to achieve that end. I look forward to hearing from you regarding next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Podesta", with a long horizontal stroke extending to the right.

John D. Podesta

Chief of Staff to the President

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 30, 2000

Mr. John Podesta
Chief of Staff to the President
The White House
Washington, DC 20500

Dear Mr. Podesta:

Thank you for responding to my latest letter. It appears, however, that the Administration is simply reiterating its desire to grant amnesty to a large group of undocumented aliens and to pick and choose among immigrants from different countries. Your letter does not address the substantive innovation of our proposal, the Legal Immigration Family Equity Act, the LIFE Act, which restores rights to the late amnesty class and reunites the families of permanent residents who are languishing on long waiting lists. I fail to see how our proposal to provide relief to approximately 1 million immigrants and their families from all countries does not go "far enough."

First, with regard to the late amnesty class that would have qualified for residency under the 1986 Act, we provide full and complete relief. Our proposal does not require these individuals to go back to court, but rather allows them to file for residency under the original 1986 terms. Members of the litigating class prefer our proposal to the Administration's. These immigrants are tired of battling the Clinton Administration's INS in the courts for relief to which they are entitled. This portion of the LIFE Act will assist about 400,000 individuals. Indeed, I am puzzled by your suggestion that coverage of our due process provision is too narrow when you have consistently maintained that your comparable proposal to move the registry forward four additional years would only benefit 500,000 individuals.

Second, your letter states that the Administration is opposed to the different treatment of various groups of Central American immigrants. Yet at the time the Nicaraguan Adjustment and Central American Relief Act was passed, the Administration made clear in various letters and memoranda that there were principled reasons for distinguishing between the different groups. The President also supported the 1996 Act that tightened immigration laws. He said in his signing statement that the 1996 Act "reinforces the efforts we have made over the last three years to combat illegal immigration. It strengthens the rule of law by cracking down on illegal immigration." Now, however, the White House advocates a blanket amnesty for illegal immigrants -- undermining legal immigration and the very rule of law it once touted.

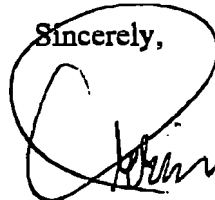
Mr. John Podesta
October 30, 2000
page two

The Clinton-Gore White House apparently believes that the public wishes to risk family reunification for legal immigrants in order to grant amnesty to millions of undocumented aliens — many of whom have violated our nation's immigration laws. I am convinced, however, that the Administration does not have a public mandate to grant amnesty to millions of undocumented aliens. Perhaps this is why the Administration has not proposed amnesty during its last seven and a half years in Washington, but instead has raised the issue during the final days of Congress in an election year.

I have always espoused a progressive approach to our nation's immigration policies. I believe, however, that fairness dictates that we first help those immigrants who have played by the rules, not those who have managed to evade our laws.

I believe that if we work together, we still have an opportunity to accomplish something important for immigrants and their families before Congress adjourns. I hope that you will reconsider your position and encourage the President to support our proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Orrin", enclosed within a large, loopy circular flourish.

Orrin G. Hatch
Chairman

OGH:nrr

United States Senate

WASHINGTON, DC 20510-2803

October 30, 2000

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Dear Mr. President:

As the 106th Congress rapidly comes to a close, I share your disappointment that we have been unable to reach agreement on legislation to address several injustices in our immigration laws, as called for by the Latino and Immigrant Fairness Act, which includes three provisions: updating the date of registry, NACARA Parity and the reauthorization of section 245 (1). The provisions would correct flaws in current immigration policy allowing certain immigrants with a way to apply for permanent legal status.

While I applaud your willingness to remain steadfast in support of this legislation in its entirety, I would ask that you pay particular attention to the Date of Registry Act of 2000 (S.2407). I introduced this piece of legislation, which would update a provision of immigration law known as "registry," from 1972 to 1986. This change would allow immigrants who have been residing and working in the country since, and before 1986, to remain here permanently.

The registry provision originated in a 1929 law. That law set the required date from which continuous residence had to be shown, as the registry date, at June 3, 1921. The registry date has been amended several times since 1929. Most notably, in 1958 as a result of changes that were made to the 1929 law, the registry mechanism became available to foreigners who had entered the country illegally or who had overstayed, or violated the terms of, a temporary period of entry. This criteria remains today. The date of registry was last adjusted in 1986 to 1972, as part of legislation included in the Immigration Control and Reform Act of 1986, thereby enabling certain illegal aliens who entered the United States before January 1, 1982, to become lawful permanent residents. However, the Immigration and Naturalization Service (INS) failed to properly implement this legislation, prompting several lawsuits against the INS. This, coupled with jurisdictional limitations enacted by Congress in 1996, prevented many people from benefitting from the 1986 bill.

Changing the date of registry from 1972 to 1986 would solve the problems that so many immigrants face. The date of registry exists as a matter of public policy for all immigrants. We recognize today, as so many legislators have done in the past, that immigrants who have remained in the United States for an extended period of time are highly unlikely to leave. If an update of the registry is not achieved, the validity of this seventy year old concept will be

meaningless when this issue emerges in the future. Most importantly many people would face separation from their families.

Immigrants' love for this country is predicated by the recognition of first hand knowledge of how special this country is and how privileged they are to live here. I believe that immigrants will continue to make important contributions to America's future. But, in order for immigrants to continue helping America, I respectfully ask for your support.

Sincerely,


HARRY REID
United States Senator

*75. When
Hillary comes to the
Senate I hope she gets
busy - you can always
call me for help!*

MEMBER OF CONGRESS
1ST DISTRICT, ILLINOIS
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WASHINGTON, DC 20515
(202) 225-4703

Congress of the United States
House of Representatives
Washington, DC 20515-1504

COMMITTEES
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VETERANS' AFFAIRS
SUBCOMMITTEE
HEALTH
RANKING DEMOCRAT

December 14, 2000

The Hon. William J. Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

At this late date in your administration, and as the conclusion of the 106th Congress draws near, advocates for immigrants rights are hopeful that we will not be compelled to look at your tenure in office as a disappointment for our community. Sadly, recent developments-- highlighted by the apparent capitulation of your staff to proposals put forward by conservative Republicans while you were traveling overseas-- suggest a lack of commitment to, or depth of appreciation for, issues important to immigrants.

As a result, some of our allies are now resigned to accepting the premise that the trust that we placed in you regarding immigration issues was unwarranted and ill-advised.

During recent months, I had personally heard your seemingly unequivocal assurances that core issues representing immigrant fairness-- including parity for all Central American and Caribbean refugees, a change in the date of registry for immigrants living in the United States since 1986 and a full and permanent reinstatement of the family-based 245(i) visa program-- would represent priority items in your negotiations with Congressional leaders in shaping the final fiscal year 2001 spending packages.

I took you at your word when you promised that our hopes for the enactment of H.R. 2722, H.R. 1841 and H.R. 4172 (legislation also embodied in S. 2912, the Latino and Immigrant Fairness Act) would be bolstered by your exercise of all powers at your disposal. You pledged to me and other members of the CHC that you would veto any legislation funding the Departments of Commerce, Justice and State if the bill failed to resolve these three matters-- a declaration you later made public on October 25, 2000.

Even in advance of your public issuance of a veto threat, you received a dramatic and broad signal of support from lawmakers: a letter dated September 21, 2000 demonstrating that the overwhelming majority of House and Senate Democrats-- 155 members of this body and 42 in the other-- had vowed to vote to sustain your veto. With our signatures, we guaranteed that our opponents would fail to attain the two-thirds majority that would be necessary to override your anticipated rejection of an appropriations bill if it were sent to you without a full and fair resolution of pending immigration matters.

The President,
December 14, 2000

Page 2

Given such facts, I am deeply troubled to learn that your administration will accept a disappointingly insufficient and deeply flawed Republican proposal offered by Majority Leader Trent Lott, Senator Orrin Hatch and others.

My discontent is informed not only by the lack of fortitude that such an outcome-- one which has arrived without the exercise of your promised veto-- would signify. Above all, I am troubled by the impact that this will have on people living in this nation whose vulnerability will continue so long as such profound inequities and flaws exist in our nation's immigration policy.

However, I am also disappointed by the apparent fact that your decision to decline taking action is based on political considerations-- and a flawed reading of the popular will, at that. According to your Deputy Chief of Staff, with whom I have spoken, the White House is under the impression that such issues lack the political support among the electorate that other items on your current agenda enjoy. "There is no broad popular appeal" for such matters, she said.

It is one thing to base a decision of such magnitude on political considerations. It is quite another to do so based on a *misinterpretation* of political attitudes. The former represents cold-hearted calculation; the latter speaks of carelessness. Your administration's current course of action can only be seen as a combination of the two.

While I object to the accuracy of her observation, I first take issue with the notion that it is fair to compare immigration issues to other priority agenda items for which you have often articulated support-- and which grew in importance and popularity thanks to your use of the "bully pulpit" to promote them. By contrast, I cannot recall instances where you personally reached out across the political and social spectrum to persuade or cajole the public-at-large to accept these immigration proposals. Nor can I cite instance where you simply attempted to reinforce or make reference to the abundant good will of native-born citizens who, if presented with these proposals by their President in an even-handed manner, would surely support them on their merits.

On some occasions, you did speak out against the ugliest forms of immigrant-bashing or other forms of scapegoating. However, I am at a loss to identify a substantive nor sustained effort on your part to promote these specific immigration proposals.

Therefore, I find it bewildering that your staff would so carelessly and callously dismiss these agenda items due to their relative insignificance when weighed against other matters that have dominated a greater share of your message and thus have generated a larger amount of the popular will.

Certainly, within the immigrant communities of which my district is a microcosm-- an area of Chicago which, as you may know, includes immigrants of all backgrounds and nationalities, including, but not limited to, those from Latin America-- few matters have so dominated the ethnic media or even people's daily conversations as have the three specific legislative proposals.

The President,
December 14, 2000

Page 3

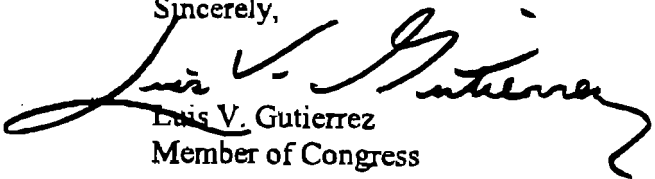
I am ill-equipped to convey to you, on paper, the depth of feeling that such individuals attach to these matters. Suffice it to say that any quantitative measure that the White House would take of *their* attitude-- if this community's popular will is of any significance to you or your staff-- would indicate strong backing for your full exercise of powers to achieve the goals for which you once expressed support.

Rather than pursue a lengthy-- or premature-- postmortem, I much prefer that we look toward those remedies that are still available. Thus, Mr. President, until any appropriations bill is sent to your desk funding the Departments of Commerce, Justice, State and the Judiciary for Fiscal Year 2001, I respectfully urge you to abide by the letter and spirit of your pledge to veto such legislation if it fails to provide a resolution of immigrants' concerns as embodied in H.R. 2722, H.R. 1841, H.R. 4172 and S. 2912.

Your presidency will soon end, as will the current 106th Congress. Absent the effective use of the authority available to you at this time, the ability of many hundreds of thousands of immigrants to remain in the United States, with their families, contributing to the well-being of their adopted home and communities may also come to a conclusion.

Meanwhile, I wish for you all the best health and happiness of the holiday season.

Sincerely,



Luis V. Gutierrez
Member of Congress

From: Lisa J. Macecevic on 12/18/2000 12:34:14 PM

Record Type: Record

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

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

Subject: Final stories on immigration deal - from CQ

CQ MONITOR NEWS

IMMIGRATION DEAL OMITTS PROPOSALS ON AMNESTY AND MIGRANT WORKERS

By Amy Fagan, CQ Staff Writer

Dec. 15, 2000 - Negotiators on immigration legislation moved the 106th Congress closer to completion Thursday with an agreement that would help some groups of immigrants without providing the amnesty provisions that President Clinton and congressional Democrats called critical.

The immigration deal was included in the omnibus spending bill (HR 4577) that Congress was set to clear Friday evening.

"Hundreds of thousands of immigrants ... will finally receive long-overdue relief," Sen. Edward M. Kennedy, D-Mass., ranking Democrat on the Judiciary Subcommittee on Immigration, said Friday. But Kennedy and others said Congress and President-elect George W. Bush must work to develop legislation next year to address the immigration issues not covered in the deal reached Friday.

That agreement does not contain the most far-reaching -- and contentious -- immigration proposals offered by Democrats and Republicans.

Democrats had demanded broad amnesty for illegal immigrants, and Republicans had pushed for changes to the nation's migrant farmworker program.

Members of the congressional Hispanic Caucus railed against White House officials for giving in on broad amnesty. "Some of our allies are now resigned to accepting the premise that the trust we placed in you regarding immigration issues was unwarranted and ill-advised," Rep. Luis V. Gutierrez, D-Ill., wrote in a letter to Clinton on Thursday.

Clinton initially had threatened to veto legislation that did not include amnesty for certain Central Americans, Haitians and Liberians.

Democrats and Republicans who crafted a compromise measure to change the H-2A migrant farmworker program also blasted the final immigration deal. The deal does not include the compromise, which would have made it easier for farmers to hire more migrant workers and would have allowed farmworkers living in the United States illegally to obtain residency.

The final deal reached Friday allows immigrants who sued the government in three

class-action cases to apply for permanent residency. The immigrants were unfairly denied amnesty under the 1986 immigration overhaul (PL 99-603).

That part of the deal would benefit an estimated 400,000 immigrants.

The deal also would create a new temporary visa to allow foreign-born spouses and children of green card holders to stay in the United States while they wait for their own green cards. It would extend the same benefit to foreign-born spouses of U.S. citizens.

It also would restore, for four months, a provision known as Section 245(i) designed to help immigrants who have family members living in the United States and whose visas expired after they applied for green cards.

Those immigrants will be allowed to stay in the country while their applications are pending, as long as they apply within four months. They will have to pay a \$1,000 fee when they receive their card.

Congressional Democrats had pushed for reinstating Section 245(i) permanently.

CQ WEEKLY - LAW & JUDICIARY

Dec. 16, 2000

Page 2913

2000 Legislative Summary: Other Immigration Issues

Bill: HR 4577, 4942

Status: Pro-immigration groups, with the aid of Democrats and the Clinton administration, managed to win approval of a small portion of their plan to provide immigration relief for several specific groups.

Included in the end-of-session omnibus bill, the provisions would make it easier for some illegal immigrants who feel they were unfairly denied a chance to apply for amnesty under the 1986 immigration overhaul (PL 99-603) to have their claims reviewed. It would open a four-month window for those who came to the country legally but whose visas have expired and who are waiting for their residency to be decided, to finish the process in the United States. But the bill did not provide the large-scale amnesty for illegal immigrants the Clinton administration and Democrats had sought, nor did it provide relief for some illegal aliens from Central America who were hoping to be able to stay in the country as legal residents.

Synopsis: The immigration issue first arose as Congress considered increasing the number of temporary, H1-B visas that allow highly skilled foreign workers to come to the United States. Immigration groups argued that if Congress was going to help the better-off group of would-be immigrants, it should also address some imbalances in other immigration programs.

In the Senate, Democrats tried to attach their broad immigration proposal to the H-1B bill, but Senate Majority Leader Trent Lott, R-Miss., structured the debate to preclude their amendment. Democrats tried, but failed, to overcome that road block. They then turned to another must-pass piece of legislation, the fiscal 2001

appropriations bill for the departments of Commerce, Justice, State and the federal judiciary (HR 4942). With Democrats assuring Clinton they had the votes to sustain him, the White House said flatly that the president would veto the spending bill if it did not contain the immigration provisions.

The GOP leadership cleared the CJS bill without the provisions, then held it, promising to attach whatever the two sides negotiated to a later bill.

Legislative action:

House adopted the conference on HR 4577 (H Rept 106-1033), 292-60, on Dec. 15.

Senate cleared the bill by voice vote Dec. 15.

Related stories: Provisions cleared, p. 2863; negotiations, CQ Weekly, p. 2595; CJS bill clears, p. 2540; in limbo, p. 2418, 2343; CJS becomes immigration target, p. 2271; H-1Bs and immigration, pp. 2270, 2201, 1186, 547.

CQ WEEKLY - APPROPRIATIONS

Dec. 16, 2000

Page 2863

Immigration Deal Frees CJS Bill

By Amy Fagan, CQ Staff

A deal to make it easier for an estimated 1 million legal and illegal immigrants to stay in the United States freed the long-held fiscal 2001 spending bill for the departments of Commerce, Justice and State, and the federal judiciary.

Immigration was one of the last sticking points of the lame-duck session. The immigration deal, struck late Dec. 14, was included in the conference report on the fiscal 2001 omnibus spending bill (HR 4577) that the House adopted, 292-60, on Dec. 15. The Senate cleared it by voice vote.

Under the agreement, some immigrant families will be allowed to remain together in the United States as they wait for permanent residency. It also would allow some illegal immigrants to apply for permanent residency while in the United States instead of having to return to their homelands.

It does not contain the more far-reaching -- and more controversial -- proposals espoused by the two sides in the immigration debate. Many Democrats had wanted a broad amnesty program for illegal immigrants; Republicans were pushing changes to the migrant farmworker program.

The Senate had cleared the CJS bill Oct. 27 as a part of the District of Columbia appropriations conference report (HR 4942). Republicans never sent it to the White House because President Clinton had threatened to veto it, since it did not contain the immigration provisions Democrats wanted. (CQ Weekly, p. 2540)

Because the District's spending bill then was sent to the president in another bill (PL

106-522), the omnibus bill contains language effectively stripping the D.C. bill from HR 4942. In the end, that bill will have just the CJS spending provisions.

Also in the omnibus bill are provisions stripping from the CJS measure language that was designed to prevent the sale of Social Security numbers. That language proved so controversial that supporters decided to pull it and try again next year.

Two other programs were also attached to the CJS bill: a new \$1.25 billion loan guarantee program to encourage companies to build the infrastructure necessary to help rural areas get local television signals, and a provision to block implementation of a proposed rule by the Federal Communication Commission that would have allowed local community groups to set up low-power radio stations.

Immigration Changes

The final immigration deal consists of two parts: a section included in HR 4942, and the new provisions included in the omnibus bill.

Those in HR 4942 would create a new type of temporary visa for spouses and children of permanent legal residents and spouses of U.S. citizens, allowing them to come to the United States and remain in the country until they become permanent residents.

It also would allow plaintiffs in two class-action lawsuits against the government who argue they were unfairly denied amnesty under the 1986 immigration overhaul (PL 99-603) to apply for permanent residency.

Language added to the omnibus bill would broaden that to members of three specific class-action cases, which members said would cover some 400,000 people.

The omnibus bill also would reinstate a provision of law -- known as 245(i) -- which applies to a broader category of immigrants. The law makes it easier for certain immigrants, who came to the country legally but have overstayed their visas while in the residency application process, to stay in the country while the process is under way. Current law requires them to return to their home countries once their visas expire. To qualify for the new 245(i), the immigrant would have to have a family member legally in the United States or be sponsored by an employer.

However, the agreement would only reinstate 245(i) for four months, meaning those immigrants who qualify would have to apply for residency within that time frame. Democrats wanted the law reinstated permanently.

Democrats Cry Foul

"The agreement takes care of about 1 million people," said Senate Judiciary Chairman Orrin G. Hatch, R-Utah, who added that remaining immigration issues could be examined next year. But members of the congressional Hispanic Caucus railed against White House officials for giving in on the broader amnesty for illegal aliens.

"I am deeply troubled to learn that your administration will accept a disappointingly insufficient and deeply flawed Republican proposal," Rep. Luis V. Gutierrez, D-Ill., said in a letter sent to Clinton on Dec. 14.

Clinton had threatened to veto the CJS bill if it did not include amnesty for those Central Americans, Haitians and Liberians who did not receive amnesty under the 1997 Nicaraguan Adjustment and Central American Relief Act (PL 105-100).

Source: CQ Weekly

The definitive source for news about Congress.

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Message Sent To:

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MEMORANDUM

TO: MARIA ECHAVESTE
FROM: IRENE BUENO
RE: CONFERENCE CALL ON LIFA – Wednesday, November 29, 2000 at 9:30 am

PURPOSE: The purpose of this meeting is to follow up on your meeting with Senate leadership and to prepare for your meeting this afternoon with Republican leadership staff.

BACKGROUND: Two weeks ago, you met with Senate Republican and Democratic leadership staff. On parity, Republicans indicated that they have problems getting any traction on providing help on a class-wide basis but may be willing to do something on an individual basis.

Last week, Patty spoke with Lee Otis, Abraham's staff who indicated that the Republicans may be willing to provide parity to Salvadorans and Guatemalans covered under section 203 with Cubans and Nicaraguans (section 202). However, Republicans are opposed to do anything for anyone else including Haitians, Liberians, and Hondurans. Given this, an important issue we must discuss is whether we should use our energies to get this limited fix on NACARA or whether we should focus on our energies on improving the provisions that already have some general agreement. The provisions are Class of 1982; reinstatement of 245(i)/V visa program; and H.R. 5062/Fix 96 provisions.

In anticipation of possible negotiations, INS has prepared a summary and legislative language on the following (see attached):

- Class of 1982
 - Expands the Class
 - Makes technical changes to the Hatch language
- 245(i)
 - Reinstatement
 - Reinstatement with a sunset date
 - Reinstatement for those covered under the new V visa program
- V visa program - expands the current V visa program proposed by Hatch
- NACARA/HRIFA technicals
- Expansion of HR 5062/Fix 96
 - Mandatory detention
 - Judicial Review
 - Restoring discretion for cancellation for legal permanent residents

PARTICIPANTS:

You
Andrea LaRue, Senator Daschle
Esther Olivaria, Senator Kennedy
Cassandra Butts, Gephardt
Alejandro, CHC
James Castello, DOJ
Patty First, DOJ
Gerri Ratliff, INS
Chuck Brain, WH
Joel Wiginton, WH
Mark Magana, WH
Irene

Scott Runkelmann

Russ

Tim Lynel

Reid

Mark Childen

Esther: Reps. proposal on NACARA is almost meaningless with set requirements
concl: - totally inadequate. Were willing to compromise but this is not a compromise
to maintain the practice of policy & choosing.

Let's focus on what we can do other stuff.

Class 81982

~~continuous~~ presence - claim when people ok - those aren't
→ # ~~estimates~~ estimates.

245G)

push reinstatement

HLIRA/NACARA - expands eligibility = intended

- Expansion of discretion.
- Waning of grade of inadmissibility - misapplied (propst) + health growth
- Adjudicatory dependence of the reliability
- allow ~~the~~ others to parole
- If no parity enacted ~~202~~ 202 - parity chgs §203 - not new
~~but but~~

Reps Mtg
We should hear back from them - in ~~mtg~~ mtg w/ Reps.
What's a homework of a deal.

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

ID# 433728
PAGE 1

DATE RECEIVED: 11/09/2000

IM

NAME OF CORRESPONDENT: THE HONORABLE HARRY REID

SUBJECT: EXPRESSES CONCERN REGARDING S 2407 THE DATE OF REGISTRY ACT OF 2000

		ACTION		DISPOSITION		
ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
LEGISLATIVE AFFAIRS	CHARLES "CHUCK" BRAIN	ORG	2000/10/31	KC	A	2000/11/06

ACTION COMMENTS

DOMESTIC POLICY COUNCIL	BRUCE REED	RSA	2000/11/09		C	00/1/13
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ACTION COMMENTS

✓ Check of Staff From Bureau CIA 00/1/29

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODES:

ACTION CODES:

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

DISPOSITION CODES:

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

OUTGOING CORRESPONDENCE:

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

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

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

United States Senate

WASHINGTON, DC 20510-2803



433728

October 30, 2000

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Dear Mr. President:

As the 106th Congress rapidly comes to a close, I share your disappointment that we have been unable to reach agreement on legislation to address several injustices in our immigration laws, as called for by the Latino and Immigrant Fairness Act, which includes three provisions: updating the date of registry, NACARA Parity and the reauthorization of section 245 (1). The provisions would correct flaws in current immigration policy allowing certain immigrants with a way to apply for permanent legal status.

While I applaud your willingness to remain steadfast in support of this legislation in its entirety, I would ask that you pay particular attention to the Date of Registry Act of 2000 (S.2407). I introduced this piece of legislation, which would update a provision of immigration law known as "registry," from 1972 to 1986. This change would allow immigrants who have been residing and working in the country since, and before 1986, to remain here permanently.

The registry provision originated in a 1929 law. That law set the required date from which continuous residence had to be shown, as the registry date, at June 3, 1921. The registry date has been amended several times since 1929. Most notably, in 1958 as a result of changes that were made to the 1929 law, the registry mechanism became available to foreigners who had entered the country illegally or who had overstayed, or violated the terms of, a temporary period of entry. This criteria remains today. The date of registry was last adjusted in 1986 to 1972, as part of legislation included in the Immigration Control and Reform Act of 1986, thereby enabling certain illegal aliens who entered the United States before January 1, 1982, to become lawful permanent residents. However, the Immigration and Naturalization Service (INS) failed to properly implement this legislation, prompting several lawsuits against the INS. This, coupled with jurisdictional limitations enacted by Congress in 1996, prevented many people from benefitting from the 1986 bill.

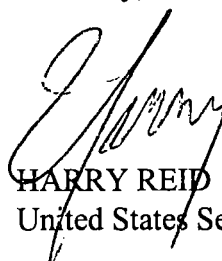
Changing the date of registry from 1972 to 1986 would solve the problems that so many immigrants face. The date of registry exists as a matter of public policy for all immigrants. We recognize today, as so many legislators have done in the past, that immigrants who have remained in the United States for an extended period of time are highly unlikely to leave. If an update of the registry is not achieved, the validity of this seventy year old concept will be

919797

meaningless when this issue emerges in the future. Most importantly many people would face separation from their families.

Immigrants' love for this country is predicated by the recognition of first hand knowledge of how special this country is and how privileged they are to live here. I believe that immigrants will continue to make important contributions to America's future. But, in order for immigrants to continue helping America, I respectfully ask for your support.

Sincerely,



HARRY REID
United States Senator

P.S. When
Hillary comes to the
Senate I hope she gets
busy - you can always
call me for help!



THE WHITE HOUSE

WASHINGTON

November 6, 2000

Dear Senator Reid:

Thank you for your letter to the President concerning your legislation, S. 2407, the Date of Registry Act of 2000.

I have shared your concerns with the President and his other advisors, and you will receive a response in the near future. In the meantime, if I can be of assistance to you, please do not hesitate to contact me.

Best wishes.

Sincerely,

A handwritten signature in cursive script, reading "Kay Casstevens".

Kay Casstevens
Deputy Assistant to the President
and Deputy Director for Legislative
Affairs

The Honorable Harry Reid
Democratic Whip
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

November 6, 2000

MEMORANDUM FOR BRUCE REED
DOMESTIC POLICY COUNCIL

FROM: KAY CASSTEVENS
LEGISLATIVE AFFAIRS

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Enclosed please find a copy of a letter that was sent to the President from Sen. Harry Reid (D-NV).

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

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

Enclosure

THE WHITE HOUSE

WASHINGTON

November 13, 2000

MEMORANDUM FOR IRENE BUENO
OFFICE OF THE CHIEF OF STAFF

FROM: KAY CASSTEVENSON
LEGISLATIVE AFFAIRS

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Enclosed please find a copy of a letter that was sent to the President from Sen. Harry Reid (D-NV).

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

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

Enclosure

THE WHITE HOUSE
WASHINGTON

11/29/00

TO: Chuck
Mark
Joel

Dawn
Wendy
Roth

FR: Irene

LIFA ~~should~~ language
we discussed today.

FAX TRANSMISSION

IMMIGRATION AND NATURALIZATION SERVICE
OFFICE OF CONGRESSIONAL RELATIONS

425 I Street, NW
Washington, DC 20536
202-514-5231
FAX#: 202-514-1117

To: Irene
Patty

Date:

From:

Fax#: 456-1907
Telephone #:

Pages: 48 including cover sheet

Subject:

Comments: Language sent to Andrea/mark
1 to Esther

Alternative to Hatch's "class of 1982" section

See attached redraft of Hatch's language, which:

- broadens the group of beneficiaries to anyone who entered before January 1, 1982 (and is otherwise eligible), instead of just members of the class action lawsuits;
- modifies, on page 21, the judicial review provision that restricts judicial review of previously-filed legalization cases to clarify that that language does not apply to cases arising under this new legislation [the scope of review of these new cases is set forth in section (e)];
- deletes the requirements of the current legalization program (that Hatch keeps) that applicants show English language and U.S. civics skills. (Applicants who in the future decide to naturalize already will have to show those skills at that later time);
- retains Hatch's confidentiality provision (INS notes that, for institutional reasons, INS would not oppose the deletion of this provision);
- deletes Hatch's physical presence requirement (to simplify and broaden number of people eligible) and modifies Hatch's continuous residence requirement to require residence through the present (instead of just through 1988). Section (d), which allowed people to apply for this relief from abroad, is deleted as a conforming change (people abroad can't meet the continuous residence requirement.) New subsection (f) includes a clear definition of residing continuously in the United States, to avoid new litigation over the precise meaning of the term;
- deletes Hatch's limitation that benefits only people who are unlawfully present. (Our recommendation is to also benefit people who have acquired some kind of temporary lawful status);
- adds, in new subsection (b), a family reunification provision that would allow beneficiaries to confer legal status on spouses and children under the age of 18 who currently are a part of the family unit and can show residence in the U.S. from 1988 through the present. In addition, previously legalized aliens eligible for the 1990 family unity provisions (known as family unity beneficiaries) also would be able to confer legal status on spouses and children;
- gives INS 180 days to promulgate regulations (Hatch gives INS 120 days);
- repeals, in new subsection (g), the current family unity provisions in section 301 of the Immigration Act of 1990 since only a few people in this group would not benefit from the provisions of this new legislation (i.e., people who were spouses of beneficiaries in 1988 who are no longer married to those beneficiaries so longer have a family relationship).

1 "214(d)" and inserting "subsection (d) or (p) of sec-
2 tion 214".

3 (3) ADJUSTMENT OF STATUS.—Section 245 of
4 the Immigration and Nationality Act (8 U.S.C.
5 1255) is amended—

6 (A) in subsection (d), by striking "(relat-
7 ing to an alien fiancée or fiancé or the minor
8 child of such alien)"; and

9 (B) in subsection (e)(3), by striking
10 "214(d)" and inserting "subsection (d) or (p)
11 of section 214".

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the date of the enactment
14 of this Act and shall apply to an alien who is the bene-
15 ficiary of a classification petition filed under section 204
16 of the Immigration and Nationality Act before, on, or
17 after the date of the enactment of this Act.

18 SEC. 104. ADJUSTMENT OF STATUS OF CERTAIN ^{ALIENS} ~~CLASS~~

19 ~~ACTION PARTICIPANTS WHO ENTERED BE-~~ ^{ALIENS}
20 ~~FORE JANUARY 1, 1982, TO THAT OF PERSON~~ ^{PERMANENT}
21 ~~ADMITTED FOR LAWFUL RESIDENCE.~~

22 (a) IN GENERAL.—In the case of an eligible alien de-
23 scribed in subsection (b), the provisions of section 245A
24 of the Immigration and Nationality Act (8 U.S.C. 1255a),
25 as modified by subsection (c), shall apply to the alien.

1 (b) ELIGIBLE ALIENS DESCRIBED.—An alien is an
2 eligible alien described in this subsection if, before October
3 1, 2000, the alien filed with the Attorney General a writ-
4 ten claim for class membership, with or without a filing
5 fee, pursuant to a court order issued in the case of—

6 (1) Catholic Social Services, Inc. v. Meese, va-
7 cated sub nom. Reno v. Catholic Social Services,
8 Inc., 509 U.S. 43 (1993); or

9 (2) League of United Latin American Citizens
10 v. INS, vacated sub nom. Reno v. Catholic Social
11 Services, Inc., 509 U.S. 43 (1993).

12 (c) MODIFICATIONS TO PROVISIONS GOVERNING AD-
13 JUSTMENT OF STATUS.—The modifications to section
14 245A of the Immigration and Nationality Act that apply
15 to an eligible alien described in subsection (b) of this sec-
16 tion are the following:

17 (1) TEMPORARY RESIDENT STATUS.—Sub-
18 section (a) of such section 245A shall not apply.

19 (2) ADJUSTMENT TO PERMANENT RESIDENT
20 STATUS.—In lieu of paragraphs (1) and (2) of sub-
21 section (b) of such section 245A, the Attorney Gen-
22 eral shall be required to adjust the status of an eligi-
23 ble alien described in subsection (b) of this section
24 to that of an alien lawfully admitted for permanent

replace
with
new
(b)
attached
at end
of
this
section



1 residence if the alien meets the following require-
2 ments:

3 (A) APPLICATION PERIOD.—The alien
4 must file with the Attorney General an applica-
5 tion for such adjustment during the 12-month
6 period beginning on the date on which the At-
7 torney General issues final regulations to imple-
8 ment this section.

9 (B) CONTINUOUS UNLAWFUL RESI-
10 DENCE.—

11 (i) IN GENERAL.—The alien must es-
12 tablish that the alien entered the United
13 States before January 1, 1982, and that
14 he or she has resided continuously in the
15 United States in an unlawful status since
16 such date and through May 4, 1988. In
17 determining whether an alien maintained
18 continuous unlawful residence in the
19 United States for purposes of this subpara-
20 graph, the regulations prescribed by the
21 Attorney General under section 245A(g) of
22 the Immigration and Nationality Act that
23 were most recently in effect before the date
24 of the enactment of this Act shall apply.



(ii) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1982, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Government as of such date.

(iii) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) of such Act or has fulfilled that requirement or received a waiver thereof.

(iv) CUBAN AND HAITIAN ENTRANTS.—For purposes of this section, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the



1 United States and to be in an unlawful
2 status in the United States.

3 (C) CONTINUOUS PHYSICAL PRESENCE.—

4 (i) IN GENERAL.—The alien must es-
5 tablish that the alien was continuously
6 physically present in the United States
7 during the period beginning on November
8 6, 1986, and ending on May 4, 1988, ex-
9 cept that—

10 (I) an alien shall not be consid-
11 ered to have failed to maintain contin-
12 uous physical presence in the United
13 States for purposes of this subpara-
14 graph by virtue of brief, casual, and
15 innocent absences from the United
16 States; and

17 (II) brief, casual, and innocent
18 absences from the United States shall
19 not be limited to absences with ad-
20 vance parole.

21 (C) (ii) ADMISSIONS.—Nothing in this
22 section shall be construed as authorizing
23 an alien to apply for admission to, or to be
24 admitted to, the United States in order to
25 apply for adjustment of status under this

1 section or section 245A of the Immigration
2 and Nationality Act.

3 (D) ADMISSIBLE AS IMMIGRANT.—The
4 alien must establish that the alien—

5 (i) is admissible to the United States
6 as an immigrant, except as otherwise pro-
7 vided under section 245A(d)(2) of the Im-
8 migration and Nationality Act;

9 (ii) has not been convicted of any fel-
10 ony or of three or more misdemeanors
11 committed in the United States;

12 (iii) has not assisted in the persecu-
13 tion of any person or persons on account
14 of race, religion, nationality, membership
15 in a particular social group, or political
16 opinion; and

17 (iv) is registered or registering under
18 the Military Selective Service Act, if the
19 alien is required to be so registered under
20 that Act.

21 ~~(E) BASIC CITIZENSHIP SKILLS.~~

22 ~~(i) IN GENERAL.—The alien must~~
23 ~~demonstrate that the alien either—~~

24 ~~(I) meets the requirements of~~
25 ~~section 312(a) of the Immigration and~~

1 Nationality Act (8 U.S.C. 1423(a))
2 (relating to minimal understanding of
3 ordinary English and a knowledge and
4 understanding of the history and gov-
5 ernment of the United States); or

6 (II) is satisfactorily pursuing a
7 course of study (recognized by the At-
8 torney General) to achieve such an
9 understanding of English and such a
10 knowledge and understanding of the
11 history and government of the United
12 States.

13 (ii) EXCEPTION FOR ELDERLY OR DE-
14 VELOPMENTALLY DISABLED INDIVID-
15 UALS.—The Attorney General may, in the
16 discretion of the Attorney General, waive
17 all or part of the requirements of clause (i)
18 in the case of an alien who is 65 years of
19 age or older or who is developmentally dis-
20 abled.

21 (iii) RELATION TO NATURALIZATION
22 EXAMINATION.—In accordance with regu-
23 lations of the Attorney General, an alien
24 who has demonstrated under clause (i)(I)
25 that the alien meets the requirements of

1 section 312(a) of the Immigration and Na-
2 tionality Act may be considered to have
3 satisfied the requirements of that section
4 for purposes of becoming naturalized as a
5 citizen of the United States under title III
6 of such Act.

7 (3) TEMPORARY STAY OF REMOVAL, AUTHOR-
8 IZED TRAVEL, AND EMPLOYMENT DURING PEND-
9 ENCY OF APPLICATION.—In lieu of subsections
10 (b)(3) and (e)(2) of such section 245A, the Attorney
11 General shall provide that, in the case of an eligible
12 alien described in subsection (b) of this section who
13 presents a prima facie ^{eligible} application for adjustment of
14 status to that of an alien lawfully admitted for per-
15 manent residence under such section 245A during
16 the application period described in paragraph (2)(A),
17 until a final determination on the application has
18 been made—

19 (A) the alien may not be deported or re-
20 moved from the United States;

21 (B) the Attorney General shall, in accord-
22 ance with regulations, permit the alien to re-
23 turn to the United States after such brief and
24 casual trips abroad as reflect an intention on
25 the part of the alien to adjust to lawful perma-

1 nent resident status and after brief temporary
2 trips abroad occasioned by a family obligation
3 involving an occurrence such as the illness or
4 death of a close relative or other family need;
5 and

6 (C) the Attorney General shall grant the
7 alien authorization to engage in employment in
8 the United States and provide to that alien an
9 "employment authorized" endorsement or other
10 appropriate work permit.

11 (4) APPLICATIONS.—Paragraphs (1) through
12 (4) of subsection (c) of such section 245A shall not
13 apply.

14 (5) CONFIDENTIALITY OF INFORMATION.—Sub-
15 section (c)(5) of such section 245A shall apply to in-
16 formation furnished by an eligible alien described in
17 subsection (b) pursuant to any application filed
18 under such section 245A or this section, except that
19 the Attorney General (and other officials and em-
20 ployees of the Department of Justice and any bu-
21 reau or agency thereof) may use such information
22 for purposes of rescinding, pursuant to section
23 246(a) of the Immigration and Nationality Act (8
24 U.S.C. 1256(a)), any adjustment of status obtained
25 by the alien.

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Alternative pg. 19 - limits

19

1 next resident status and after brief temporary Confidentiality
 2 trips abroad occasioned by a family obligation to denied
 3 involving an occurrence such as the illness or applications
 4 death of a close relative or other family need; (no
 5 and confidentiality
 6 (C) the Attorney General shall grant the for granted
 7 alien authorization to engage in employment in cases later
 8 the United States and provide to that alien an found to be
 9 "employment authorized" endorsement or other fraudulent)
 10 appropriate work permit.

11 (4) APPLICATIONS.—Paragraphs (1) through
 12 (4) of subsection (c) of such section 245A shall not
 13 apply.

14 (5) CONFIDENTIALITY OF INFORMATION.—Sub-
 15 section (u)(5) of such section 245A shall apply to in-
 16 formation furnished by an eligible alien described in
 17 subsection (b) pursuant to any application filed
 18 under such section 245A or this section, except that
 19 the Attorney General (and other officials and em-
 20 ployees of the Department of Justice and any bu-
 21 reau or agency thereof) may use such information
 22 for purposes of rescinding, pursuant to section
 23 246(a) of the Immigration and Nationality Act (8
 24 U.S.C. 1256(a)), any adjustment of status obtained
 25 by the alien.

new

1 (6) USE OF FEES FOR IMMIGRATION-RELATED
2 UNFAIR EMPLOYMENT PRACTICES.—Notwith-
3 standing subsection (c)(7)(C) of such section 245A,
4 no application fee paid to the Attorney General pur-
5 suant to this section by an eligible alien described in
6 subsection (b) of this section shall be available in
7 any fiscal year for the purpose described in such
8 subsection (c)(7)(C).

9 (7) TEMPORARY STAY OF REMOVAL AND WORK
10 AUTHORIZATION FOR CERTAIN APPLICANTS BEFORE
11 APPLICATION PERIOD.—In lieu of subsection (e)(1)
12 of such section 245A, the Attorney General shall
13 provide that in the case of an eligible alien described
14 in subsection (b) of this section who is apprehended
15 before the beginning of the application period de-
16 scribed in paragraph (2)(A) and who can establish
17 a prima facie case of eligibility to have his status ad-
18 justed under such section 245A pursuant to this sec-
19 tion (but for the fact that he may not apply for such
20 adjustment until the beginning of such period), until
21 the alien has had the opportunity during the first 30
22 days of the application period to complete the filing
23 of an application for adjustment, the alien—

24 (A) may not be deported or removed from
25 the United States; and

1 (B) shall be granted authorization to en-
2 gage in employment in the United States and
3 be provided an "employment authorized" en-
4 dorsement or other appropriate work permit.

5 (8) JURISDICTION OF COURTS.—~~Effective as of~~

6 ~~November 6, 1986~~, subsection (f)(4)(C) of such sec-
7 tion 245A shall not apply to an eligible alien de-
8 scribed in subsection (b) of this section.

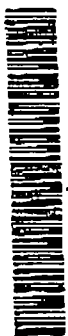
9 (9) PUBLIC WELFARE ASSISTANCE.—Subsection
10 (h) of such section 245A shall not apply.

11 (d) APPLICATIONS FROM ABROAD.—The Attorney
12 General shall establish a process under which an alien who
13 has become eligible to apply for adjustment of status to
14 that of an alien lawfully admitted for permanent residence
15 as a result of the enactment of this section and who is
16 not physically present in the United States may apply for
17 such adjustment from abroad.

18 (f) DEADLINE FOR REGULATIONS.—The Attorney
19 General shall issue regulations to implement this section
20 not later than ¹⁸⁰~~120~~ days after the date of the enactment
21 of this Act.

22 (g) ADMINISTRATIVE AND JUDICIAL REVIEW.—The
23 provisions of subparagraphs (A) and (B) of section
24 245A(f)(4) of the Immigration and Nationality Act (8
25 U.S.C. 1255a(f)(4)) shall apply to administrative or judi-

with respect to any claim regarding a determination under this section or a determination regarding an application for adjustment of status under section 245A of the Immigration and Nationality Act filed pursuant to this section.



1 cial review of a determination under this section or of a
2 determination respecting an application for adjustment of
3 status under section 245A of the Immigration and Nation-
4 ality Act filed pursuant to this section.

5 ~~(g) DEFINITION.—For purposes of this section, the~~
6 ~~term “such section 245A” means section 245A of the Im-~~
7 ~~migration and Nationality Act (8 U.S.C. 1255a).~~

add new subsections (f) and (g)
attached.



Replacement subsection (b) for Hatch lang.

(b) Eligible Aliens Described – An alien is an eligible alien described in this subsection if the alien is physically present in the United States as of the date of application for adjustment under this section and –

- (1) entered the United States before January 1, 1982, and has resided continuously in the – United States since such date;
- (2) (A) entered the United States before December 1, 1988 and has resided continuously in the United States since such date; and
(B) is the spouse, child or unmarried son or daughter of an alien described in paragraph (1) of this subsection, or of a person who has been granted lawful permanent resident status under sections 210 or 245A of the Immigration and Nationality Act, or section 202 of the Immigration Reform and Control Act of 1986; or
- (3) (A) was born on or after December 1, 1988, entered the United States before the date of enactment of this section and has resided continuously in the United States since such date of entry, and
(B) is the unmarried son or daughter of an alien described in paragraph (1) of this subsection, or of a person who has been granted lawful permanent resident status under sections 210 or 245A of the Immigration and Nationality Act, or section 202 of the Immigration Reform and Control Act of 1986.

New Subsections (f) + (g)

(f) Definitions –

- (1) In General – Unless otherwise specifically provided, for purposes of this section the definitions provided under the Immigration and Nationality Act shall apply to this section.
- (2) The term “such section 245A” means section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a).
- (3) The term “resided continuously in the United States” since a certain date means that since such date the alien has:
 - (A) Maintained his or her residence in the United States;
 - (B) Not been absent from the United States for a continuous period in excess of 180 days; and
 - (C) Not departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings and extradition proceedings.

(g) Conforming Amendment – Section 301 of the Immigration Act of 1990 is repealed effective on the date that is 12 months after the date on which the Attorney General issues final regulations to implement this section.

245(i) and the V visa:

■ Attached is four variations of language to reauthorize 245(i):

1. Full reauthorization with no sunset date,
2. Reauthorize with a new sunset date,
3. Reauthorize to track the scope of a V visa (same groups of people eligible for V visa would be eligible for 245(i) if they are already in the US), and
4. Language INS prefers (modeled after Kennedy draft language) to fully reauthorize or reauthorize with a new sunset.

■ Also attached is the current text of 245(i).

■ Attached is two versions of language to create a V visa:

1. A "barebones" version and
2. A more complete version that INS prefers (it applies the more stringent immigrant standards for waiving grounds of inadmissibility, includes a 3-year sunset, and does not give the V visa to people illegally in the U.S. currently).

245(I):

To extend the sunset date:

- (1) In section 245(i)(1)(B)(i), strike "January 14, 1998;" and insert "[new date];".

To reauthorize without a sunset date:

- (1) In section 245(i)(1)(B)(i), strike "January 14, 1998".
(2) In section 245(i)(1)(B)(ii), strike "on or before such date".

To provide relief to groups parallel to groups covered under a V visa:

Sec. __ Restoration of Adjustment of Status under Section 245(i) for Certain Aliens.

Section 245(i)(1)(B) of the Immigration and Nationality Act, as amended, 8 USC 1255(i)(1)(B), is amended to read:

"(B) who is the beneficiary (including a spouse or child of the principal alien, if eligible to receive a visa under section 203(d)) of –

- (i) A petition for classification under section 204 that was filed with the Attorney General on or before January 14, 1998;
- (ii) An application for a labor certification under section 212(a)(5)(A) that was filed pursuant to the regulations of the Secretary of Labor on or before January 14, 1998;
- (iii) a petition for classification under section 204(a)(1)(A)(i) claiming that the alien is entitled to classification by reason of a relationship described in section 203(a)(1) or to an immediate relative status under section 201(b)(2)(A)(i); or
- (iv) a petition for classification under section 204(a)(1)(B)(i) claiming that the alien is entitled to classification by virtue of a relationship described in section 203(a)(2)(A);".

Using Kennedy's language - INS likes
180 This version -

1/15-
PBB
10/25
5:25 pm

1 **TITLE II—RESTORATION OF SEC.**
2 **TION 245(i) ADJUSTMENT OF**
3 **STATUS BENEFITS**

4 **SEC. 201. REMOVAL OF CERTAIN LIMITATIONS ON ELIGI-**
5 **BILITY FOR ADJUSTMENT OF STATUS UNDER**
6 **SECTION 245(i).**

7 (a) IN GENERAL.—Section 245(i)(1) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1255(i)(1)) is amended
9 by striking “(i)(1)” through “The Attorney General” and
10 inserting the following:

11 “(i)(1) Notwithstanding the provisions of subsections
12 (a) and (c) of this section, an alien physically present in
13 the United States who—

14 “(A) entered the United States without inspec-
15 tion; or

16 “(B) is within one of the classes enumerated in
17 subsection (c) of this section;
18 may apply to the Attorney General for the adjustment of
19 his or her status to that of an alien lawfully admitted for
20 permanent residence. The Attorney General”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall be effective as if included in the enact-
23 ment of the Departments of Commerce, Justice, and
24 State, the Judiciary, and Related Agencies Appropriations
25 Act, 1998 (Public Law 105-119, 111 Stat. 2440).

Delete (b) if no sunset needed

be effective for a
period of
three years
after the
date of
enactment
of this
Act.

(A) paragraphs (4), (5)(A), and (7)(A) of section 212(a) shall not apply, and

(B) the Attorney General may waive other paragraphs of section 212(a) (other than paragraphs (2)(A), (2)(B), (2)(C) (except for so much of such paragraph as related to a single offense of simple possession of 30 grams or less of marijuana), (3)(A), (3)(B), (3)(C), and (3)(E)) in the case of individual aliens for humanitarian purposes, family unity, or when it is otherwise in the public interest.

The relationship between an alien and the alien's natural parents or prior adoptive parents shall not be considered a factor in making a waiver under paragraph (2)(B). Nothing in this subsection or section 101(a)(27)(J) shall be construed as authorizing an alien to apply for admission or be admitted to the United States in order to obtain special immigrant status described in such section.

(i)(1)¹³⁷ Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—

(A) who—

(i) entered the United States without inspection; or

(ii) is within one of the classes enumerated in subsection (c) of this section; and

(B) who is the beneficiary (including a spouse or child of the principal alien, if eligible to receive a visa under section 203(d)) [1153] of—

(i) a petition for classification under section 204 that was filed with the Attorney General on or before January 14, 1998; or

(ii) an application for a labor certification under section 212(a)(5)(A) [1182] that was filed pursuant to the regulations of the Secretary of Labor on or before such date.

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General may accept such or the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General may accept such application only if the alien remits with such application a sum equaling \$1,000¹³⁸ as of the date of receipt of the application, but such sum shall not be required from a child under the age of seventeen, or an alien who is the spouse or unmarried child of an individual who obtained temporary or permanent resident status under section 210 or 245A [1160 or 1235a] of the Immigration and Nationality Act or section 202 [1152] of the Immigration Reform and Control Act of 1986 at any date, who—

(i) as of May 5, 1988, was the unmarried child or spouse of the individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986;

(ii) entered the United States before May 5, 1988, resided in the United States on May 5, 1988, and is not a lawful permanent resident; and

¹³⁷ Amended by section 111(a) of Public Law 105-110. Effective on date of enactment, November 26, 1997. Section 111(b) repeated the previous sunset provision of section 245(i) by amending section 506(c) of Public Law 103-317. Note that section 245(i) was, however, still effectively sunset by section 111(a)'s amendment (see text of 245(i)) which placed a deadline for applications to be filed.

¹³⁸ Amended by § 376(a) of IIRIRA, effective for all applications "made on or after the end of the 90-day period beginning on the date of the enactment of this Act."

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Creating a V visa:

SEC. 101 [8 U.S.C. 1101] (a) As used in this Act—

....
(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens

....
(V) an alien who is the beneficiary of an approved immigrant visa petition based on a relationship described in sections 203(a)(1) or (2) that was filed more than 3 years prior to the date of application for admission, who is admissible as an immigrant, who is outside of the United States, and who has not at any time subsequent to the filing of the immigrant visa petition been in the United States in unlawful status.

INS' Preferred Language

**NONIMMIGRANT STATUS FOR RELATIVES OF UNITED STATES CITIZENS
OR LAWFUL PERMANENT RESIDENTS AWAITING THE AVAILABILITY
OF AN IMMIGRANT VISA. - THE V VISA**

(a) **IN GENERAL.** - Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended -

- (1) in subparagraph (T), by striking "or" at the end;
- (2) in subparagraph (U), by striking the period at the end and inserting "; or" and
- (3) by adding at the end the following:

"(V) subject to section 214(o), an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 203(d)) of a petition to accord a status to an unmarried son or daughter of a citizen of the United States under section 203(a)(1), or to a spouse or minor child of a lawful permanent resident under section 203(a)(2)(A), that was filed with the Attorney General under section 204 before the date of enactment of the Latino and Immigrant Fairness Act of 2000, if such petition has been approved, 3 or more years have elapsed since such filing date, and -

"(i) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas; or

"(ii) the alien's application for an immigrant visa, or the alien's application for adjustment of status under section 245, pursuant to the approval of such petition, remains pending.

(b) **PROVISIONS AFFECTING NONIMMIGRANT STATUS.** - Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(o)(1) In the case of a nonimmigrant described in section 101(a)(15)(V) -

"(A) the Attorney General shall authorize the alien to engage in employment in the United States during the period of authorized admission and shall provide the alien with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment; and

"(B) the period of authorized admission as such a nonimmigrant shall terminate 30 days after the date on which any of the following is denied:

"(i) The petition filed under section 204 to accord the alien a status as the unmarried son or daughter of a citizen of the United States under section 203(a)(1), or as the spouse or minor child of a lawful permanent resident under section 203(a)(2)(A);

"(ii) The alien's application for an immigrant visa pursuant to the approval of such petition; or

"(iii) the alien's application for adjustment of status under section 245 pursuant to the approval of such petition.

(2) In determining whether an alien is eligible to be admitted to the United States as a nonimmigrant under section 101(a)(15)(V), the grounds for inadmissibility and waivers applicable to immigrants shall apply, except that the grounds for inadmissibility specified in section (9)(B) of section 212(a) shall not apply. Waivers applicable to nonimmigrants, including but not limited to nonimmigrant waivers

under section 212(d), shall not be available to aliens seeking admission under section 101(a)(15)(V)."

(c) CONFORMING AMENDMENT. – Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended, in each of subsections (b) and (h), by striking "(H)(i) or (L)" and inserting "(H)(i), (L), or (V)".

Requested language concerning HR 5062:

- Attached are INS' top three technical amendments which would make it clear that reopening is discretionary and requires a showing of no danger to the community, that a parole decision is nonreviewable, and that mandatory detention would not apply.
- In addition, attached is legislative language for the groups' top three priorities:
 1. Broader relief from mandatory detention,
 2. Striking section 242(a)(2)(c) on judicial review, and
 3. Restoring discretion to give cancellation to legal permanent residents. INS' attached language would allow cancellation of removal in the case of legal permanent residents convicted of certain aggravated felonies who make a case that they have been rehabilitated and present no danger to the public. INS' language also revises the current offense stop-time rule that has led to unnecessary hardship in some cases.

Section 1.

Subsection 1(a) is amended by striking “(1) IN GENERAL. –”, and by striking paragraph (a)(2).

Subsection 1(b) is amended by striking “(1) IN GENERAL” the first time it appears, and by striking paragraph (b)(2).

Subsection 1(b) is further amended, in the new subsection 304(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added by subsection 1(b), by striking paragraph (d)(1) in its entirety and inserting in lieu thereof a new paragraph (d)(1) reading:

“(1) IN GENERAL. – Except as provided in paragraph (2), in applying section 240A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)(3)) to a criminal offense committed on or before September 30, 1996, the term ‘aggravated felony’ shall not be construed to include the offense if the offense became an aggravated felony as defined by section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) by reason of the amendments to section 101(a)(43) made by –

- (A) section 321(a) of this Act, in the case of an offense committed during the period beginning on April 25, 1996 and ending on September 30, 1996; or
- (B) section 321(a) of this Act or section 440(e) of the Antiterrorism and Effective Death Penalty Act of 1996, in the case of an offense committed on or before April 24, 1996.”

Section 2.

Section 2 is amended by striking the section in its entirety and inserting in lieu thereof a new Section 2 reading:

“Sec. 2. EFFECTIVE DATE AND DISCRETIONARY POST-PROCEEDING RELIEF.

- (a) In General.-- The amendments made by this Act shall apply to removal proceedings commenced on or after the date of enactment of this Act, or pending before the Attorney General on the date of enactment of this Act. Nothing in this Act shall be construed to authorize or require any reopening or reconsideration of any final decision or order issued prior to the date of enactment of this Act for the purpose of considering an application for cancellation of removal, or to apply the amendments made by this Act to any such reopened or reconsidered final decision or order, except as provided by subsection (b) of this section.
- (b) Discretionary authority to reopen cases.-- Notwithstanding section 240(c)(6) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)), the Attorney General may establish a process consistent with subsection (c) of this section (whether through

permitting the reopening of a removal proceeding or otherwise) under which an alien who –

- (1) is eligible for cancellation of removal by virtue of section 1 of this Act;
- (2) is the subject of a final administrative order of removal issued prior to the date of enactment of this Act (whether or not such order has been executed); and
- (3) satisfies the Attorney General that the alien does not pose a danger to the safety of other persons or of property;

may apply (or reapply) for cancellation of removal under section 240A(a) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)) as a beneficiary of the relief provided under section 1 of this Act.

(c) Limitations on discretionary authority. – The process authorized by subsection (b) of this section shall –

- (1) Require any motion or application for relief under this Act to be filed no later than the date that is one year after the date that the Attorney General promulgates regulations to implement this Act; and
- (2) Require any alien who has been removed or has departed from the United States to apply for, and be granted parole as provided by subsection (d) of this section in order to be eligible to apply for cancellation of removal.

(d) Parole. – The Attorney General may in his or her discretion exercise the parole authority under section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) to allow an alien described in subsection (b) of this section who has been removed or who has departed from the United States to apply (or reapply) for cancellation of removal as provided by such subsection.

(e) Detention.-- Notwithstanding sections 236 or 241 of the Immigration and Nationality Act (8 U.S.C. 1226 or 1231), the Attorney General shall not be required to detain any alien described in subsection (b) of this section.

(f) Construction.-- Nothing in this Act shall be construed to –

- (1) Require the Attorney General to admit or parole any alien into the United States;
- (2) Authorize the Attorney General to parole any alien into the United States in any case not described in section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A));
- (3) Authorize judicial review of any parole decision or other discretionary determination made by the Attorney General;
- (4) Limit any authority of the Attorney General to collect filing fees for applications or other documents filed pursuant to this Act or the Immigration and Nationality Act; or
- (5) Limit any authority of the Attorney General under sections 236 or 241 of the Immigration and Nationality Act (8 U.S.C. 1226 or 1231), or other applicable law, to detain any alien."

Explanation

Section 1.

The amendments to section 1 eliminate the general retroactivity in subsections 1(a)(2) and 1(b)(2) of H.R. 5062 providing that the changes to eligibility for cancellation under section 240A(a) of the Immigration and Nationality Act (INA) are effective as if included in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Retroactivity this sweeping – creating a legal fiction that the substantive law passed by Congress under which immigration cases have been adjudicated for four years never actually existed in that form – adds unnecessary complexity that is likely to spawn litigation that potentially will lead to opportunities for dangerous criminals to reenter the United States.

The goal of H.R. 5062 – allowing discretionary relief in appropriate cases previously decided in which the alien does not present a risk to the public safety – can be achieved without resort to such open-ended retroactive provisions. Rather than create what could be interpreted based on the retroactive effective date as a general right of former LPRs removed on criminal grounds to reenter the United States and reopen their cases, the proposed amendments to section 2 authorize a more careful process that limits the right to return and reopen cases to aliens determined to be suitable for parole who do not present a danger to public safety, based upon changes to eligibility for cancellation that follow the preferable general rule that a new law should apply to pending and future cases, but include an exception allowing reopening of selected, appropriate past cases.

The changes to the new paragraph 304(d)(1) of IIRIRA streamline the provision by removing unnecessary “notwithstanding” language. They also add more specific statutory references to the 1996 changes to the definition of aggravated felony, and to the INA definition itself, to clarify the definitional changes that will create a new opportunity to apply for cancellation of removal. Because by definition an offense that first became an aggravated felony for immigration law purposes by reason of the 1996 amendments was not so considered before those changes, the amendments remove the redundant proposed IIRIRA section 304(d)(1)(A). This change also has the benefit of removing the basis for a possible argument that H.R. 5062 provides a relief opportunity to a criminal whose serious offense was committed before 1996 and was not an aggravated felony at the time, but whose offense did become an aggravated felony before the 1996 changes; for example, a murder committed before the definition of “aggravated felony” (including murder) was first added to the immigration laws on November 18, 1988.

Section 2.

The proposed changes are intended better to balance opportunities for past offenders who are appropriate candidates for cancellation of removal to reopen completed cases with protecting the public safety and maintaining the fair and orderly administration and enforcement of the immigration laws than does H.R. 5062 as

introduced. First, the new proposed section 2(a) provides an effective date that is consistent with general principles that changes to the law should not reopen past, completed cases. We do not believe that allowing general reopening for former lawful permanent resident aliens removed for aggravated felonies who were affected by the 1996 changes to the law would be either appropriate or necessary. However, in order to provide a relief opportunity for those aliens whose cases are deserving, Section 2(b) authorizes the Attorney General to establish a reopening process for those aliens otherwise covered by section 1's relief, but whose cases have been completed, upon their showing that they do not pose a danger to the safety of other persons or of property.

The amendments would provide certain reasonable limitations on the opportunity to reopen a completed case in order to protect the public and avoid undue disruption of other important immigration resources and priorities. Aliens who have been removed, or who have departed from the United States, must obtain a grant of parole in order to participate in the process. This prevents aliens who may present a danger from illegally returning and then seeking to reopen, and the parole process provides an additional check of dangerousness, such as determining whether the alien has an additional criminal record in the home country subsequent to removal.

If an alien meets the test of showing that he or she does not pose a danger, and is eligible for parole and an opportunity to seek H.R. 5062's relief, it would not make sense to require the alien's detention. However, H.R. 5062 as drafted does not address the fact that many of the affected aliens may be subject to mandatory detention. The amendments provide that no alien who is eligible for cancellation under H.R. 5062 and who does not pose a public danger must be detained. As detention may be justified in some cases (such as a flight risk), the amendments clarify that H.R. 5062 does not limit the Attorney General's authority to detain. In other words, the Attorney General may detain an alien covered by H.R. 5062 to the extent authorized and appropriate under the immigration laws, but is not legally required to do so.

Finally, the amendments include clarifying provisions that confirm and protect the Attorney General's authority regarding parole and other discretionary determinations made under H.R. 5062. In particular, the amendments confirm that H.R. 5062 would create no new statutory right to be paroled or to obtain judicial review of any parole decision. The amendments also clarify that H.R. 5062 does not expand the existing statutory limitations on parole under section 212(d)(5)(A) of the INA; no alien may be paroled unless on a "case-by-case basis or significant public benefit."

Mandatory Detention Language:

AMENDMENTS REGARDING CUSTODY OF ALIENS AND COOPERATING ALIEN WITNESSES.

(a) Section 236(c)(2) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1226(c)(2), is amended to read as follows—

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

(A) the alien was lawfully admitted to the United States;

(B) the alien cannot be removed because the designated country of removal will not accept the alien; or

(C) a Federal, State, or local law enforcement agency makes a request for release, and the Attorney General determines, in the Attorney General's sole and nonreviewable discretion, that release of the alien from custody is appropriate where the alien is a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation.

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

(b) Section 241(a)(1)(B) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1231, is amended by inserting the following new clause (iv)—

"(iv) If the alien is not in Service custody at the time of a final administrative order, or final order from a judicial appeal, the date the alien is taken into Service custody after such order is issued."

Section by Section Analysis:

The proposed amendments expand the Attorney General's authority to release certain aliens from custody during immigration proceedings, under specified conditions. Release is only allowed for lawfully admitted aliens, aliens who cannot be removed, and aliens cooperating with a criminal investigation. Release may only occur where the alien satisfies the Attorney General that he or she does not present a danger to the public or a flight risk. Release of these categories of aliens would be strictly controlled by regulation.

This carefully limited expansion of release authority is necessary to allow the Attorney General enhanced flexibility in determining how to use limited detention space. The amendments borrow from the release provisions of the Transition Period Custody Rules contained in section 303(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 3546 (September 30, 1996). These provisions allowed release of lawfully admitted aliens and those who could not be removed. The regulations implementing the Transition Period Custody Rules, at 63 Fed. Reg. 27441 (May 1998), were carefully drawn to ensure that high risk aliens would not be released. For example, the regulations categorically precluded from release certain lawfully admitted aliens with serious criminal convictions.

The amendment retains the current release category in section 236(c) of the INA for aliens who will provide a public benefit by cooperating with a criminal investigation, and expands its coverage. Law enforcement agencies seeking the assistance of aliens to uncover crime are hindered when the cooperating alien is subject to mandatory custody. The current statutory language allowing release is limited to situations where the Attorney General formally has determined pursuant to 18 U.S.C. § 3521 that the release of the alien from custody is necessary to provide protection to a witness, potential witness, person who is cooperating with an investigation into major criminal activity, or an immediate family member of an individual who falls into one of these categories. However, 18 U.S.C. § 3521 controls witness relocation and protection, and not all aliens whose services are sought as cooperating individuals appropriately fall under the witness security program. The amendment also clarifies that these aliens may be provided work authorization, which is often important in securing the alien's cooperation. The amendment is not intended to create an avenue for cooperating aliens to remain indefinitely in the United States except in those special circumstances already determined proper by the Congress and set forth in the INA.

Section 241(a) of the INA mandates the detention of aliens during a 90-day "removal period" following a final order, in order to effect their removal. The provisions enacted by IIRIRA to provide for the beginning of the "removal period" fail to take into account the potential gaps in time that may occur after an administrative appeal or during the period of time after a final administrative order or final order from an appellate court. During these times, the INS may not immediately know of the finality of the order, the alien may fail to surrender, or the alien may be otherwise difficult to locate. An

amendment to section 241 closes these gaps in time so that the "removal period" begins when the alien is actually in INS custody.

Judicial Review:

Section 242 of the Immigration and Nationality Act of 1952 shall be amended by striking subsection (a)(2)(C).

MODIFICATION OF CANCELLATION OF REMOVAL

(a) Section 240A(a)(3) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1229b(a)(3), is amended by inserting before the period—
"or felonies, unless —

(A) the term or terms of imprisonment for such aggravated felony or felonies in the aggregate is two years or less;

(B) the term or terms of imprisonment for such aggravated felony or felonies is more than two years but less than five years and the alien demonstrates unusual or outstanding equities; or

(C) the most recent term of imprisonment actually served for any aggravated felony was completed not less than 10 years before the date the notice to appear is served."

(b) Section 240A(d)(1) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1229b(d)(1), is amended by striking "or when the alien has committed an offense referred to in section 212(a)(2) that renders the alien inadmissible to the United States under section 212(a)(2) or removable from the United States under section 237(a)(2) or 237(a)(4), whichever is earliest".

(c) **EFFECTIVE DATE.** — The amendments made by this section shall apply to removal proceedings commenced before the Executive Office for Immigration Review on or after the date of enactment of this section, or pending before the Executive Office for Immigration Review on the date of enactment of this section. Nothing in this section shall be construed to authorize any reopening or reconsideration of any final decision or order issued prior to the date of enactment of this section for the purpose of considering an application for cancellation of removal, or to apply the amendments made by this section to any such reopened or reconsidered final decision or order.

Description:

Subsection (a) – LPR Cancellation of Removal:

Background: Cancellation of removal is a discretionary form of relief from deportation. A lawful permanent resident (LPR) who is removable from the United States is eligible for cancellation under section 240A(a) of the Immigration and Nationality Act (INA) if the alien has been an LPR for 5 years, with 7 years of continuous residence. An LPR with an aggravated felony conviction is ineligible, however. The aggravated felony definition in section 101(a)(43) of the INA, as toughened in 1996, includes many offenses per se (i.e., regardless of length of sentence), while for others (such as theft or crimes of violence) the sentence has to have been at least one year.

Prior to 1996, relief from deportation was available (under section 212(c) of the INA) to most LPRs with seven years continuous residence, including aggravated felons if they had served five years or less imprisonment in the aggregate for their offense(s).

Improvements: A number of difficult cases have arisen since 1996 involving LPRs with relatively minor and/or long-ago criminal offenses that qualify under the 1996 changes as aggravated felonies that render the LPR deportable. These LPRs have no ability to make their case on the equities before an immigration judge that they should receive discretionary relief.

Section 240A of the INA should be amended to allow cancellation of removal in the case of LPRs who have been convicted of aggravated felonies with an aggregate term, or terms of imprisonment of two years or less, or if the offense was committed more than ten years before the applicant is put in removal proceedings (excluding time served in prison). In the case of offenses with sentences aggregating more than two years, but less than five years, cancellation should be available upon a showing of outstanding and unusual equities. This proposal strikes an appropriate balance between ensuring that removal of career violent felons, or those who commit heinous offenses, is swift and sure, but that relief is available to those who may be able to make a case on the equities that they have been rehabilitated, present no danger to the public, and should be allowed to remain in the United States.

Subsection (b) – “Stop-Time Rule”:

Current law: One of the eligibility requirements for the discretionary relief from deportation of cancellation of removal is accrual of the necessary period of continuous residence or continuous physical presence in the United States. The “stop-time rule” in section 240A(d)(1) of the Immigration and Nationality Act (INA) – a new feature of the law after 1996 -- provides that accrual of these time periods permanently stops when the alien is served a notice to appear in removal proceedings, or when the alien has committed a criminal offense rendering the alien removable or deportable, whichever is earlier.

Improvements: The charging document stop-time rule serves the important purpose of deterring delay tactics in litigating proceedings for the purpose of accruing time until the cancellation requirements are met. The offense stop-time rule, however, leads to unnecessary hardship in some cases. Eligibility for cancellation should be based on the seriousness of the offense and/or the time that has elapsed since it was committed, rather than on the legal effect of the offense on a separate element of eligibility for relief. To retain this provision would be inconsistent with the necessary improvements to the eligibility of certain criminal aliens for cancellation, and it should be repealed.

NACARA/HRIFA:

- Attached is language that includes INS' technical fixes and date extensions for both NACARA and HRIFA. This language includes fixes for the document fraud and reinstatement problems.

A BILL

To amend the Nicaraguan Adjustment and Central American Relief Act and Haitian Refugee Immigration Fairness Act of 1998 to make certain necessary technical improvements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Title may be cited as the "NACARA and HRIFA Technical Improvements Act of 2000".

SECTION 2. EXTENSION OF NACARA APPLICATION PERIOD.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subparagraph (a)(1)(A), by striking "2000" and inserting "2004";

(2) in subparagraph (d)(1)(E), by striking "2000" and inserting "2004".

SECTION 3. TECHNICAL AMENDMENTS TO SECTION 202 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subparagraph (a)(1)(B), by adding after the word "apply"—

"and the Attorney General may, in her unreviewable discretion, waive the grounds of inadmissibility specified in clause 212(a)(1)(A)(i) and paragraph 212(a)(6)(C) of the Immigration and Nationality Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(2) in subsection (a), by redesignating paragraph (2) as paragraph (4), and adding the following as paragraphs (2 and (3))—

"(2) INAPPLICABILITY OF CERTAIN PROVISIONS.— In determining the eligibility of an alien described in subsections (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible

1 pursuant to sections 212(a)(9)(A) or (C) of the Immigration and Nationality Act
2 may apply for the Attorney General's consent to reapply for admission without
3 regard to the requirement that the consent be granted prior to the date of the —
4 alien's reembarkation at a place outside the United States or attempt to be admitted
5 from foreign contiguous territory, in order to qualify for the exception to those
6 grounds of inadmissibility set forth in sections 212(a)(9)(A)(iii) and
7 212(a)(9)(C)(ii) of the Immigration and Nationality Act."

8 (3) in subsection (a), by striking redesignated paragraph (3), and inserting in its
9 place—

10 "(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS. — An alien
11 present in the United States who has been ordered excluded, deported, or
12 removed, or ordered to depart voluntarily from the United States under any
13 provision of the Immigration and Nationality Act may, notwithstanding such order,
14 apply for adjustment of status under paragraph (1). Such an alien may not be
15 required, as a condition of submitting or granting such application, to file a
16 separate motion to reopen, reconsider, or vacate such order. Such an alien may be
17 required to seek a stay of such an order in accordance with subsection (c) to
18 prevent the execution of that order pending the adjudication of the application for
19 adjustment of status. If the Attorney General denies a stay of a final order of
20 exclusion, deportation, or removal, or if the Attorney General renders a final
21 administrative determination to deny the application for adjustment of status, the
22 order shall be effective and enforceable to the same extent as if the application had
23 not been made. If the Attorney General grants the application for adjustment of
24 status, the Attorney General shall cancel the order."

25 3) EXCEPTION -- The Attorney General may not adjust the status of an alien
26 described in subsection (b) to that of an alien lawfully admitted for permanent
27 residence if the Attorney General determines that the alien ordered, incited,
28 assisted or otherwise participated in the persecution of any person on account of
29 race, religion, nationality, membership in a particular social group, or political
30 opinion."(4) in paragraph (b)(1), by adding at the end the following—

1 "However, subsection (a) shall not apply to an alien lawfully admitted for
2 permanent residence, unless he or she is applying for such relief in deportation or
3 removal proceedings."

4 (5) in paragraph (c)(1), by adding at the end the following—

5 "Nothing in this Act shall require the Attorney General to stay the removal
6 of an alien who is ineligible for adjustment of status under this Act."

7 (6) in subsection (d)—

8 (A) by revising the subsection heading to read "SPOUSES, CHILDREN, AND
9 UNMARRIED SONS AND DAUGHTERS.—";

10 (B) in paragraph (1), by revising the heading to read "ADJUSTMENT OF
11 STATUS.—";

12 (C) by striking subparagraph (1)(A), and replacing it with the following—

13 "(A) the alien entered the United States on or before the date of
14 enactment of the NACARA and HRIFA Technical Improvements Act of
15 2000;";

16 (D) in subparagraph (1)(B), by inserting the following after "except
17 that"—

18 "(i) in the case of such a spouse, stepchild, or unmarried stepson or
19 stepdaughter, the qualifying marriage was entered into before the date of
20 enactment of the NACARA and HRIFA Technical Improvements Act of
21 2000; and (ii)"; and

22 (E) by creating a new paragraph (3) to read as follows—

23 "ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE
24 OF IMMIGRANT VISAS.—

25 (A) In accordance with regulations to be promulgated by the
26 Attorney General and the Secretary of State, upon approval of an
27 application for adjustment of status to that of an alien lawfully admitted for
28 permanent residence under subsection (a), an alien who is the spouse or
29 child of the alien being granted such status may be issued a visa for
30 admission to the United States as an immigrant following to join the
31 principal applicant, provided that the spouse or child:



THE FAX ON IMMIGRATION

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1 page

Failure to Support Immigration Legislation Undercuts Bush, GOP Effort to Win Latino Votes

Republican presidential contender George Bush seemed to be making headway in winning a good portion of the Latino electorate for the Republicans. In the end, however, his efforts fell short. According to *Hispanic Trends*, a Miami-based polling and research firm, Republican opposition to the *Latino and Immigrant Fairness Act* cut in to Bush's support among Latinos.

According to the research firm, Bush had been polling well among Latinos earlier in the campaign. In the final days, there was a big swing towards Gore. For example, **among foreign-born Latino voters who were naturalized in the 1980's, Bush went from a five-point lead in the week before the election to a 17-point deficit.** The reason, according to *Hispanic Trends*: "*Extensive coverage by the national newscasts of Univision and Telemundo of Republican opposition to [the Latino and Immigrant Fairness Act] impacted on the presidential preference of immigrant voters.*"

Overall, **Latinos nationally went 62% for Gore, and 35% for Bush.** While Bush did better than Dole in 1996, Democrats still enjoy a wide margin of support among this increasingly influential voting block. Divided between pro- and anti-immigrant factions, the Republican Party may have difficulty making further inroads into the loyalties of New American voters. And their votes will be increasingly important:

- ➔ **In the last decade, the number of voting-age Latinos rose by 47%.** Latinos as a percentage of the voters nationwide went from 5% in 1996 to 7% in 2000.
- ➔ This year's turnout represented a greater proportional increase than the rise in the overall Hispanic population. That is because **Latinos are registering to vote in record numbers.** In five competitive House races lost by Republicans in California, Latino voters made up from 7% to 38% of the voters. In these districts, **approximately 50% to 65% of these Latino voters were newly registered since the 1996 election.**
- ➔ **Most of the country's 32 million Latinos are concentrated in the five states with the largest number of electoral college votes.** In all of these states except Florida, Gore won the Latino vote by margins ranging from 11 points (Texas) to 62 points (New York). In Florida, Bush drew 49% support from Latinos, compared to Gore's 48%. However, in Florida, where Bush drew 78% support from the state's Cuban population, the non-Cuban Latino population is growing faster than the Cuban population.
- ➔ According to *Hispanic Trends*, in 1990, 80% of Latino voters nationwide were born in the U.S. In 2000, **50% of Latino voters are native-born.** By 2010, 30% will be native-born. **Naturalized Latino voters tend to vote at almost twice the rate of native-born Latinos.** For these voters, immigration is a major concern.

RICK SWARTZ & ASSOCIATES, INC.
1869 Park Road, N.W., Washington, DC 20010
Telephone (202) 328-1313 Fax (202) 797-9856
Email: RickSwartz@aol.com

FAX

DATE:

10/26/00

TO:

Maria Echaverte

FROM:

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE:

3

MESSAGE:

As reminder, attached is Home bot
letter supporting Narana.

Also remember atty fees issues re
Schey/late amnesty

You can use arguments in letter
to throw back at bot.

Congress of the United States

Washington, DC 20515

October 19, 2000

Honorable Harold Rogers, Chairman
Subcommittee on Commerce, Justice, State, and the Judiciary
Committee on Appropriations
United States House of Representatives

Dear Mr. Chairman,

We are writing to support the inclusion in the CJS conference report of the provisions of H.R. 2722, the Central American and Haitian Adjustment Act, and H.R. 2741, the Andean Adjustment Act. These important initiatives will provide adjustment to lawful permanent residence for qualified nationals of El Salvador, Guatemala, Honduras, and Haiti (H.R. 2722) and of Colombia and Peru (H.R. 2741).

It is essential that we provide this relief, to avoid the mass deportation of thousands of productive, law-abiding, freedom-loving people. The beneficiaries have lived and worked in the United States as productive members of our society, many of them for 10 or 15 years. They fled their home countries at a time when these countries were dangerous places. Now they are our neighbors, co-workers, and friends. Their children are often United States citizens who have never known any other society. Our laws must be changed to recognize these basic fact that these people are integral and valuable members of our society.

Not only would mass deportations cause great hardship to the deportees and their families, it would also have disastrous consequences for U.S. foreign policy. Dumping these people into the labor markets of their home countries would ruin the economies of these countries and could destabilize their political systems. Democracy and human rights are flourishing in the Western Hemisphere today as never before, but they are still fragile. At the same time, these mass deportations would hurt our own economy and impoverish our culture. It would also confirm the unfortunate belief among some of our neighbors in the Western Hemisphere that U.S. immigration policy is based on racism and xenophobia. We need to show them that the United States is still the fairest and most open society in the world.

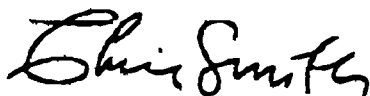
As you know, limited relief from deportation has already been provided in the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA) for Guatemalans and Salvadorans who entered the United States no later than 1991 and who filed asylum applications within a designated time period. This group includes the substantial majority of those who would be affected by H.R. 2722. However, the relief available to these people under NACARA requires that the applicant undergo a removal proceeding. These formalities --- which, under the terms of NACARA and its implementing regulations, should almost always result in adjustment of status rather than in deportation --- are a waste of taxpayer money and of

the time of INS officers and immigration judges. They will also clog the immigration court dockets over the next several years with many thousands of cases which will not only impose unconscionable delays on NACARA-eligible applicants, but also result in substantial delays in the removal of illegal immigrants who have no available relief under the immigration laws. It is simple common sense to substitute a simple administrative adjustment procedure for these cases.

In order to avoid these two evils -- pointless, expensive, and time-consuming immigration procedures for NACARA-eligible Guatemalans and Salvadorans, and mass deportations for other similarly situated persons -- it is vitally important that the provisions of H.R. 2722 and H.R. 2741 be enacted by the end of the year. As a practical matter, this means they should be included in the CJS conference report.

Please accept our thanks for your thoughtful consideration of this urgent request.

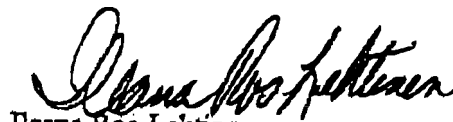
Sincerely,



Christopher H. Smith
Member of Congress



Lincoln Diaz-Balart
Member of Congress



Neena Ros-Lehtinen
Member of Congress



Bill McCollum
Member of Congress



Thomas M. Davis
Member of Congress



Constance A. Morella
Member of Congress



Christopher Vays
Member of Congress

cc: The Honorable J. Dennis Hastert, Speaker
The Honorable Richard K. Armey, Majority Leader
The Honorable Tom DeLay, Majority Whip
The Honorable C.W. Bill Young, Chairman, Committee on Appropriations

RICK SWARTZ & ASSOCIATES, INC.
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F A X

DATE:

10/26/00

TO:

Maria Echavette

FROM:

Rick Swartz

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 2

MESSAGE:

Ronald Reagan's statement upon
signing 1986 amnesty.

Nov. 6 / Administration of Ronald Reagan, 1986

tion—that all of that is making it more difficult for us in our effort to get the other hostages free.

Note: The President spoke at 10:10 a.m. in the Roosevelt Room at the White House. S. 1200, approved November 6, was assigned Public Law No. 99-603.

Statement on Signing the Immigration Reform and Control Act of 1986

November 6, 1986

The Immigration Reform and Control Act of 1986 is the most comprehensive reform of our immigration laws since 1952. In the past 35 years our nation has been increasingly affected by illegal immigration. This legislation takes a major step toward meeting this challenge to our sovereignty. At the same time, it preserves and enhances the Nation's heritage of legal immigration. I am pleased to sign the bill into law.

In 1981 this administration asked the Congress to pass a comprehensive legislative package, including employer sanctions, other measures to increase enforcement of the immigration laws, and legalization. The act provides these three essential components. The employer sanctions program is the keystone and major element. It will remove the incentive for illegal immigration by eliminating the job opportunities which draw illegal aliens here. We have consistently supported a legalization program which is both generous to the alien and fair to the countless thousands of people throughout the world who seek legally to come to America. The legalization provisions in this act will go far to improve the lives of a class of individuals who now must hide in the shadows, without access to many of the benefits of a free and open society. Very soon many of these men and women will be able to step into the sunlight and, ultimately, if they choose, they may become Americans.

Section 102(a) of the bill adds section 274B to the Immigration and Nationality Act. This new section relates to certain kinds of discrimination in connection with employment in the United States. Section 274B(a) provides that it is an "unfair immigration-related employment practice" to

"discriminate against" any individual in hiring, recruitment or referral for a fee, or discharging from employment "because of" such individual's national origin or—if such individual is a United States citizen or an alien who is a lawful permanent resident, refugee admitted under INA section 207, or asylee granted asylum under section 208, and who has taken certain steps evidencing an intent to become a United States citizen—because of such individual's citizenship status. Employers of fewer than four employees are expressly exempted from coverage. Discrimination against an "unauthorized alien," as defined in section 274A(h)(3), is also not covered. Other exceptions include cases of discrimination because of national origin that are covered by title VII of the Civil Rights Act of 1964, discrimination based on citizenship status when lawfully required under government authority, and discrimination in favor of a United States citizen over an alien if the citizen is at least "equally qualified."

The major purpose of section 274B is to reduce the possibility that employer sanctions will result in increased national origin and alienage discrimination and to provide a remedy if employer sanctions enforcement does have this result. Accordingly, subsection (k) provides that the section will not apply to any discrimination that takes place after a repeal of employer sanctions if this should occur. In the light of this major purpose, the Special Counsel should exercise the discretion provided under subsection (d)(1) so as to limit the investigations conducted on his own initiative to cases involving discrimination apparently caused by an employer's fear of liability under the employer sanctions program.

President William J. Clinton
The White House
1600 Pennsylvania Avenue

attn. Jhon Podesta
202-456-6797

cc: Maria Echaveste
Irene Bueno

President Clinton:

We, the immigrant families that belong to the Association for Residency and Citizenship of America (ARCA), greatly appreciate your efforts to support the Latino Immigrant Fairness Act (LIFA) that is currently being discussed in the U.S. Congress. You have demonstrated sensibility towards the needs and problems of immigrant working families that have always been a part of the development of this great nation; a nation that has been built on the values of family unity, democracy and justice.

We, ARCA also acknowledge other attempts to not recognize these values and the importance of immigrants and their assets to the country. Together, we struggle with that challenge. We will support any action that you take to implement the principals of LIFA.

Once again, we express our solidarity and commend you for your commitment.

Sincerely,

Dora Morales U.S. Citizen

Center for Human Rights & Constitutional Law*256 S. Occidental Blvd.**Los Angeles, CA 90057*

213/388-8693

fax: 213/386-9484

FAX COVER SHEET

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To: John PodestaThe White HouseFax: (202) 456-2883From: Silvia HerreraDate: 10/30/2000Time: 4:24:43 PM

No. of pages (including this cover sheet):

5

Fax message:

Asian Law Caucus

URGENT

Asian Law Caucus, Inc.
720 Market Street, Suite 500
San Francisco, CA 94102
Phone: (415) 391-1655
Fax: (415) 391-0366
E-mail: ALC@asianlawcaucus.org

October 26, 2000

President Bill Clinton
Attention: John Podesta, Maria Echaveste
Facsimile (202) 456-2883

Senator Orrin G. Hatch
Attention: Sharon Prost
Facsimile: 202-224-9102

Dear President Clinton and Senator Hatch:

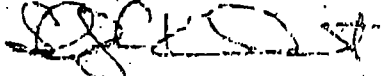
The Asian Law Caucus is one of the principal legal organizations serving the Asian community in Northern California. Many of our clients are immigrants requiring representation on a wide range of issues, some involving the INS and others not.

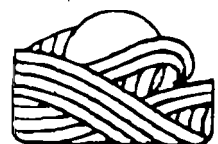
We write in support of the Latino and Immigrant Fairness Act ("LIFA") which includes important amendments to our immigration laws. The Caucus supports providing relief to deserving immigrants through parity for Haitians and Central Americans with NACARA and reinstatement of relief with an appropriate penalty available to immigrants under section 245(i). We strongly believe these amendments make significant contributions to a more fair and humane national immigration policy, principally by uniting families and decreasing the number of undocumented people living here.

The Caucus also supports the legalization provision of the Legal Immigration Family Equity Act ("LIFEFA"). Well over 100,000 class members in the amnesty cases are Asian long-term residents of this country. While they have prevailed several times in the courts, repeated appeals by the INS, and then the passage of section 377 of the IIRAIRA, have delayed a just remedy for these applicants. Under this legislation, thousands of Asian immigrants, as well as immigrants from many other parts of the world, will have the opportunity to finally have their long-pending amnesty claims decided. There can be little doubt this is in their best interest, as well as the best interest of the country. We urge you to consider requiring the Attorney General to implement an outreach program, including through Asian and Spanish language media, about the remedy, and the benefits of compensating non-profits working under contract with the INS, to assist these applicants as was done during the 1987-88 application period.

Thank you for your consideration.

Yours truly,


Sally L. Kinoshita
Staff Attorney



**ASIAN PACIFIC
AMERICAN
LEGAL CENTER**
OF
SOUTHERN CALIFORNIA

1145 Wilshire Blvd., Second Floor
Los Angeles, CA 90017
(213) 977-7500 • Fax (213) 977-7595

October 26, 2000

President Bill Clinton
Attention: John Podesta, Maria Echaveste
Facsimile (202) 456-2883

Senator Orrin G. Hatch
Attention: Sharon Prost
Facsimile (202) 224-9102

Dear President Clinton and Senator Hatch:

The Asian Pacific American Legal Center represents thousands of Asian immigrants in the United States. We also serve as a technical support center for community groups serving the Asian community.

We wish to express our strong support for repeal of section 277 of the 1996 IIRAIRA, and an amendment to the Immigration and Nationality Act requiring the Attorney General to promptly and fairly process the long-pending legalization applications filed by class members in *Catholic Social Services v. Reno*, and *LULAC v. INS*. We also strongly urge passage of the Latino and Immigrant Fairness Act in this session of Congress, including reinstatement of section 245 (i) and parity for Haitians and Central Americans.

As you may know, thousands of long-term residents were improperly turned away by the INS when they tried to apply for legalization under the 1986 IRCA and now reside in this country in "underground" status. These amnesty applicants, including well over 100,000 Asians, have built their lives here for almost 20 years and many have U.S. citizen children. National immigration policy would be well served if section 377 was repealed and the Attorney General ordered to process these pending amnesty applications. While we support the proposal of the Congressional leadership to provide a full remedy for the pending amnesty applicants, we urge the Congressional minority leadership and the White House to include provisions in the bill requiring the Attorney General to fund publicity about the program for a 3-6 month period, particularly in the Asian and Spanish-speaking media, and to reimburse community-based groups for the cost of assisting these deserving applicants.

Very truly yours,

Stewart Kwoh
President and Executive Director



4201 Connecticut Ave., N.W.
Suite 300
Washington, DC 20008
Tel: (202) 244-2990
Fax: (202) 244-3196
e-mail: adc@adc.org
<http://www.adc.org>

Alex Odeh (1944-1985)
Hon. James Abourezk, *Chair Emeritus*
Naila Asall, *Chairperson*
Hala Maksoud, *President*
Khalil E. Jahshan, *Vice President*

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Stephen P. Yodich
*George Younan
Joe Yustif

*Honorary Board Members

October 20, 2000

By fax

The Honorable Spencer Abraham, (202) 228-4506
Attention: Stuart Anderson
The Honorable Orin Hatch, (202) 224-9102
Attention: Sharon Prost
U.S. Senate Committee on the Judiciary
Room SD-224, Dirksen Senate Office Building
Washington, DC 20510-6275

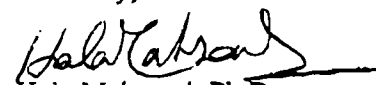
Dear Senators Abraham and Hatch:

We are writing to urge your support of an amendment to the Immigration Act repealing section 377 of the 1996 IIRAIRA as part of the appropriation bill for Commerce, Justice and State. Enactment of section 377 stripped the federal courts of jurisdiction to implement a remedy for thousands of immigrants who have continuously resided here since before 1982 and were unlawfully turned away by the INS when they sought to apply for amnesty in 1987-88 because they had briefly traveled abroad sometime after 1981. The 1986 amnesty law specifically allowed "brief" departures from the United States, but during the 12-month application period in 1987-88 the INS held to the view that such immigrants were "ineligible to apply" for amnesty. Tens of thousands of amnesty applicants from all parts of the world, including the Middle East, to this day continue to reside here underground, working in jobs that violate federal laws, solely because of INSI unlawful amnesty travel rules (which the agency ultimately repealed after federal courts held the rules invalid).

These amnesty applicants deserve a remedy. The country will benefit more by their legalization than by forcing them to continue living here illegally. We therefore strongly urge your support for a repeal of section 377 of the 1996 IIRAIRA, which we understand will allow court ordered remedies to be implemented for most of the applicants who did not benefit from the 1986 amnesty solely because of unlawful rules adopted by the INS in direct conflict with the law as enacted by Congress.

Thank you for your consideration.

Sincerely,


Hala Maksoud, Ph.D.
President

cc: Maria Echaveste, (202) 456-6218

THAI COMMUNITY DEVELOPMENT CENTER

3465 W. 8th Street, 2nd Floor
Los Angeles, CA 90005
Phone: (213) 739-8455 Fax: (213) 738-9919

October 30, 2000

URGENT

Via Facsimile

President William Clinton
The White House

Senator Trent Lott
Majority Leader
United States Senate

Dear President Clinton and Senator Lott:

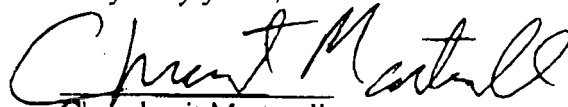
The Thai Community Development Center represents thousands of Thai immigrants in the United States. We serve as a community support center for Thai immigrants throughout the United States, and also directly represent hundreds of immigrant families in Southern California.

We strongly support passage of the Latino and Immigrant Fairness Act, repeal of section 377 of the 1996 IIRAIRA, and an amendment requiring the Attorney General to quickly and fairly process the pending legalization applications filed by class members in *Catholic Social Services v. Reno*, *LULAC v. INS* and *Zambrano v. INS*.

These amnesty applicants, including several thousand immigrants from Thailand, have built their lives here for almost 20 years and many now have U.S. citizen children and own enterprises and homes. They have no intention of leaving the United States. If enacted, this legislation will immediately permit thousands of applicants to apply for adjustment of status. Please also consider requiring that the Attorney General work with the Asian and Spanish-language media to publicize the program, and with community-based organizations assisting this large immigrant population.

Thank you for your consideration.

Very truly yours,



Chanchanit Martorell
Executive Director

THAI COMMUNITY DEVELOPMENT CENTER
3465 W. 8TH ST., 2ND FLR.
LOS ANGELES, CA 90005
PHONE: (213) 739-8455 FAX: (213) 738-9919

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TO:	FROM:
John Podesta, Chief of Staff	Chanchanit Martorell, Executive Director
COMPANY:	DATE:
White House	10/30/00
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(202)456-2883	2
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:
Attention

THAI COMMUNITY DEVELOPMENT CENTER

3465 W. 8th Street, 2nd Floor
Los Angeles, CA 90005
Phone: (213) 739-8455 Fax: (213) 738-9919

October 30, 2000

URGENT

Via Facsimile

President William Clinton
The White House

Senator Trent Lott
Majority Leader
United States Senate

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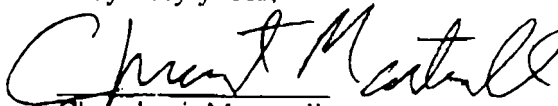
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Thank you for your consideration.

Very truly yours,



Chanchanit Martorell
Executive Director



FAX TRANSMITTAL SHEET

ANDREW L. STERN
International President

BETTY BEDNARCZYK
International Secretary-Treasurer

ANNA BURGER
Executive Vice President

PATRICIA ANN FORD
Executive Vice President

ELISEO MEDINA
Executive Vice President

PAUL POLICICCHIO
Executive Vice President

WESTERN REGION OFFICE
Service Employees
International Union
AFL-CIO, CLC

3055 Wilshire Blvd.
Suite 1050
Los Angeles, CA 90010
213.368.7400
Fax: 213.381.7348

TO John Podesta DATE 10-26-2000
FAX # (202) 456-1121 PAGE(S) 5 INCLUDING COVER SHEET

FROM: Juan Jose

COMMENTS Please Acknowledge Receipt
of this Correspondence. Thank-You
~~(213)~~ (213) 368-7417.

Coalition For Immigration Reform OLAW

**3055 Wilshire Blvd., Suite 1050
Los Angeles, CA 90010**

**Phone: (213) 368-7417 Fax: (213) 381-7348
Email: gutierrez@seiu.org**

October 26, 2000

Honorable William Jefferson Clinton
President of the United States of America
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Sent Via Fax: (202) 456-1121

Dear President Clinton:

On behalf of the Coalition For Immigration Reform-OLAW, we would like to thank you for all that you are doing to insure enactment of the "Latino and Immigrant Fairness Act of 2000" LIFA.

We represent a broad coalition of labor, immigrant rights, community-based organizations, and religious institutions working to improve immigration policy to bring justice and fairness to millions of hardworking and deserving immigrants.

LIFA represents hope and opportunity for many immigrants and their families, and is a step in the right direction.

We are reassured by your public statement reaffirming your support for the LIFA legislation and encourage you to continue promoting justice and equity. We also want to register that we believe that LIFA is the best and minimum remedy to the bureaucratic limbo that Central Americans, Haitians, and Late Amnesty members have been enduring for the last 15 years. We understand that as the congressional session comes to close, negotiations on these important issues will be inevitable. However, the opportunity for a better future in this country that these immigrants deserve must not be compromised.

Please continue to stand firm on your resolve not to negotiate the futures of those working to make this country still better. And know that millions of hard working, tax paying, and law abiding Americans are and will continue to stand with you. Thank you again for your support and know that our communities are paying close attention to the actions of our representatives in these last days of the congressional session.

Sincerely,

Eliseo Medina Maria Elena Durazo M. Contreras

Eliseo Medina
Executive Vice-
President, SEIU

Maria Elena Durazo
President, SEIU, Local 11

Miguel Contreras
Executive Secretary
Treasurer, LA Co. Federation
of Labor, AFL-CIO

Bert Corona Angelica Salas Rita Chaires

Bert Corona
President, Hermandad
Mexicana Nacional

Angelica Salas
Executive Director,
CHIRLA

Rita Chaires
Vice-President
Proyecto Pastoral

Carlos Holguin Angela Sambrano Julio Villaseñor

Carlos Holguin
General Counsel
Center For Human Rights
And Constitutional Law

Angela Sambrano
Executive Director
CARECEN

Julio Villaseñor
Executive Director
Guatemalan Unity
Information Agency

Ernesto Cortes Elena Roschdi Jorge Perez

Ernesto Cortes
Executive Director
Industrial Areas
Foundation

Elena Roschdi
Acting Ex. Director
One Stop Immigration
And Ed. Centers

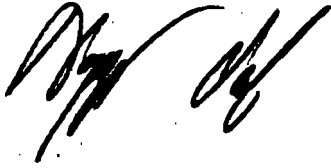
Jorge Perez
ABC Committee

Gloria Saucedo Ken Fujimoto Margarita Casillas

Gloria Saucedo
Hermandad Mexicana
Nacional, San Fernando

Ken Fujimoto
L.A. Metro Region
Senior Organizer

Margarita Casillas
Hermandad Mexicana
Nacional, Huntington
Park



Nongyao Varanand
Executive Director
Thai Health and Life



Pedro Mejia
Hermanidad Mexicana
Nacional, Compton



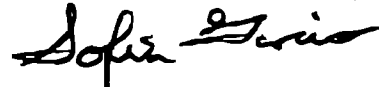
Victor Narro
CHIRLA



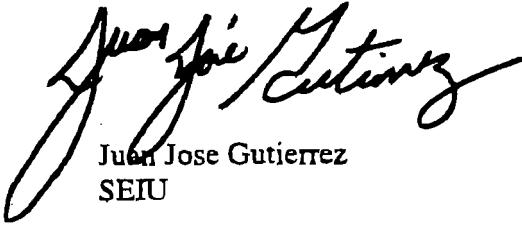
Benjamin Monterroso
Regional Director
SEIU, Western Region



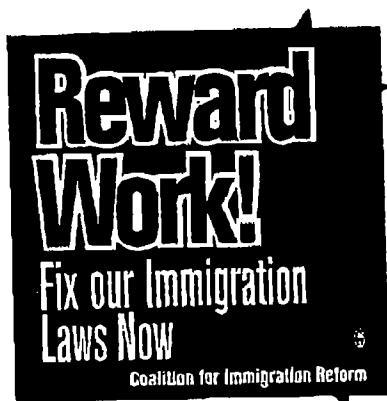
Christina Sanchez
Latino Movement USA



Sofia Garcia
Vice-President
International Coordinating
For the Full Rights of
Immigrant Workers



Juan Jose Gutierrez
SEIU



The Coalition for Immigration Reform, made up of more than 70 unions, community and faith-based organizations, originally was formed to organize for the AFL-CIO Forum on Immigrant Worker Rights in Los Angeles on June 10, 2000. The historic forum brought together more than 20,000 participants from several states. The Coalition continues to work on reforming immigration laws to reward workers who are contributing to our communities and economy.

A partial list of participating coalition organizations:

Asian Pacific American Labor Alliance, AFL-CIO
 Asian Pacific American Legal Center
 Asian Pacific American Policy and Planning Council
 Asociacion Cultural de Michoacanos
 Asociacion de Clubes Colinenses
 Asociacion Guanajuntense
 Asociacion Guerrerense
 Asociacion Michoacana
 Asociacion Potosina de California
 Asociacion Tlaxcalteca del Sur de California
 Asociacion Orgullosamente Mexiquense
Association for Residency and Citizenship of America
 Bangladesh Community Center
 CARECEN
 Casa Nicaragua
Catholic Archdiocese of Los Angeles
 Center for Human Rights and Constitutional Law
Central American Coalition (GUIA)
 Chinese American Citizens Alliance, Grand Lodge
 Chinese American Citizens Alliance, Los Angeles Lodge
 Chinese American Civil Rights Organization
 Chinese Consolidated Benevolent Association, LA
 Club Citlalli
 Club de Guanajuato
 Club Ixylan del Rio
 Club Social Tende
 Club Sonorense de Accion Social
 Club Veracruzano
Coalicion de Organizaciones Mexicanas
Coalition for Humane Immigrant Rights of LA (CHIFILA)
 Comité Civico Guatemalteco Pro-Voto Desde el Extranjero
 Comité de Beneficencia Mexicana
 Comité Mexicano Civico Patriotico
East Los Angeles Health Task Force
 El Rescate
 Federacion de Clubes Duranguenses
 Federacion de Clubes Jaliscienses
 Federacion de Clubes Zacatecanos del Sur de California
 Filipino-American Service Group, Inc.
 Fraternidad Sinaloense
 Frente Civico Zacatecano
 Frente Indigena Oaxaqueño
Greater Los Angeles Metro Strategy-IAF
 Grupo del Distrito Federal

Hermanidad Mexicana Nacional
Hotel Employees and Restaurant Employees (HERE)
 Institute of Popular Education of Southern CA (IDEPSCA)
 Japanese American Citizens League, Pacific SW District
 Jewish Labor Center
 Korean American Coalition
 Korean Immigrant Worker Advocates
 Korean Resource Center
 Korean Youth and Community Center
 Las Memorias/The Wall
 Late Amnesty Movement in Action (LAMA)
 Latino Movement USA
 Latino Theater Company
 Little Tokyo Service Center
 Los Angeles Alliance for a New Economy (LAANE)
Los Angeles County Federation of Labor, AFL-CIO
 National Korean American Service and Education Consortium, Inc.
 National Coalition for Redress and Reparations
One Stop Immigration and Education Center
 Organization of Chinese Americans
 Organizacion Regional de Oaxaca
 Pacific Islander Community Council
 Pilipino Workers Center
 Proyecto Pastoral
 Samoan Federation of America
Service Employees International Union (SEIU)
 South Asian Network
 Southeast Latino Community Center
 Southwest Voter Education Project
 St. Philip Neri Community Group
 Strategic Action for a Just Economy (SAJE)
 Thai American Citizens Alliance
 Thai Community Development Center
 UCLA Labor Center
UNITE!
United Farm Workers (UFW)
United Food and Commercial Workers (UFCW)
 United Hondurans of Los Angeles (HULA)
 United Steelworkers of America (USWA)
United Teachers of Los Angeles (UTLA)
 Willie C. Velasquez Foundation
Co-sponsors of AFL-CIO Immigrant Worker Rights Forum on June 10, 2000 in Los Angeles are in bold



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October 26, 2000

President Bill Clinton
Attention: John Podesta, Maria Echaveste
Facsimile (202) 456-2883

Senator Orrin G. Hatch
Attention: Sharon Prost
Facsimile (202) 224-9102

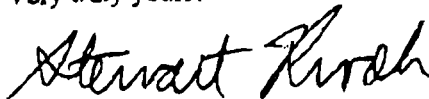
Dear President Clinton and Senator Hatch:

The Asian Pacific American Legal Center represents thousands of Asian immigrants in the United States. We also serve as a technical support center for community groups serving the Asian community.

We wish to express our strong support for repeal of section 277 of the 1996 IIRAIRA, and an amendment to the Immigration and Nationality Act requiring the Attorney General to promptly and fairly process the long-pending legalization applications filed by class members in *Catholic Social Services v. Reno*, and *LULAC v. INS*. We also strongly urge passage of the Latino and Immigrant Fairness Act in this session of Congress, including reinstatement of section 245 (i) and parity for Haitians and Central Americans.

As you may know, thousands of long-term residents were improperly turned away by the INS when they tried to apply for legalization under the 1986 IRCA and now reside in this country in "underground" status. These amnesty applicants, including well over 100,000 Asians, have built their lives here for almost 20 years and many have U.S. citizen children. National immigration policy would be well served if section 377 was repealed and the Attorney General ordered to process these pending amnesty applications. While we support the proposal of the Congressional leadership to provide a full remedy for the pending amnesty applicants, we urge the Congressional minority leadership and the White House to include provisions in the bill requiring the Attorney General to fund publicity about the program for a 3-6 month period, particularly in the Asian and Spanish-speaking media, and to reimburse community-based groups for the cost of assisting these deserving applicants.

Very truly yours,



Stewart Kwok
President and Executive Director