

Administration Proposal

The Administration has indicated that it will veto the Commerce, Justice, State Appropriations bill if it does not include the so-called Latino Fairness Act. As outlined in Mr. Podesta's October 12th letter, the Latino fairness legislation would do three things: (1) Advance the registry and thereby legalize a whole class of illegal immigrants; (2) Expand the grants of permanent residency to Nicaraguans and Cubans in NACARA to nationals of El Salvador, Guatemala, Honduras, Haiti, and Liberia; and (3) Reauthorize 245(i), allowing immigrants to adjust their status while remaining in the United States.

Alternative Proposal

- **Restore Due Process:** Deal with the actual due process and fairness issue by repealing the 1996 court-stripping provision that prevented the so-called class of 1982 from litigating the legal issues surrounding their opportunity to file for residency under the 1986 Act. This would provide due process to a class of immigrants arguably denied it through INS administrative error. There is little or no due process argument for legalizing illegal immigrants who arrived between 1982 and 1986 (which would be the effect of the Administration's proposal to advance the registry). Indeed, the U.S. Border Patrol Officers have taken the position that "a new amnesty would encourage innumerable others to break our laws in the future." Further, advancing the registry would establish a bad precedent.
- **Family Immigration Fairness:** Further the legitimate objective of family reunification for those applicants who have played by the rules. Accomplish this by providing interim relief for those immigrant visa applicants on waiting lists for 5 or more years through the establishment of a new form of visitor visa for Family First (unmarried sons and daughters of U.S. Citizens) and Family Second 2A (spouses and children of lawful permanent residents) applicants. Eligible applicants would be permitted to re-unite with their families, reside in the U.S., and work legally while awaiting a decision on the merits of their petitions. These are individuals who will likely be entitled to enter eventually, but are currently waiting to be with their spouses and parents due to existing caps on legal immigration.



Maria Echaveste

10/24/2000 06:34:55 PM

Record Type: Record

To: Irene Bueno/WHO/EOP@EOP

cc:

Subject: Registry in LIFA versus amnesty in Sen. Abraham's bill

fyi--please have ins analyze

----- Forwarded by Maria Echaveste/WHO/EOP on 10/24/2000 06:34 PM -----



Peter Schey <pschey@mediaone.net>

10/24/2000 06:07:08 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

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

Subject: Registry in LIFA versus amnesty in Sen. Abraham's bill

Dear Maria,

please see attached correspondence addressed to you, and related materials.
thanks for your and the White House's consideration.

Best wishes,

Peter A. Schey
President
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TEXT OF AMNESTY PROVISION OF LIFEAS AS OF OCTOBER 23, 2000. this contains pretty much all the plaintiffs and class members have sought in discussions with the authors. we hope that a provision will also be included taking note of the passage of time in relation to proof of residence.

TITLE II —ENCOURAGING IMMIGRANT FAMILY REUNIFICATION

SEC. II 01. SHORT TITLE.

This title may be cited as—

(1) the “Legal Immigration Family Equity Act”; or

SEC. II 04. ADJUSTMENT OF STATUS OF CERTAIN CLASS

ACTION PARTICIPANTS WHO ENTERED BEFORE

JANUARY 1, 1982, TO THAT OF PERSON

ADMITTED FOR LAWFUL RESIDENCE.

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

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

(1) Catholic Social Services, Inc. v. Meese, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993); or

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

(c) MODIFICATIONS TO PROVISIONS GOVERNING ADJUSTMENT OF STATUS.—The modifications to section 245A of the Immigration and Nationality Act that apply to an eligible alien described in subsection (b) of this section are the following:

(1) TEMPORARY RESIDENT STATUS.—Sub- 17
section (a) of such section 245A shall not apply. 18
(2) ADJUSTMENT TO PERMANENT RESIDENT 19
STATUS.—In lieu of paragraphs (1) and (2) of sub- 20
section (b) of such section 245A, the Attorney Gen- 21
eral shall be required to adjust the status of an eligi- 22
ble alien described in subsection (b) of this section 23
to that of an alien lawfully admitted for permanent 24
residence if the alien meets the following require- 1
ments: 2

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

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

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

(ii) NONIMMIGRANTS.—In the case of 1
an alien who entered the United States as 2
a nonimmigrant before January 1, 1982, 3
the alien must establish that the alien's pe- 4
riod of authorized stay as a nonimmigrant 5
expired before such date through the pas- 6
sage of time or the alien's unlawful status 7
was known to the Government as of such 8
date. 9

(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 United States and to be in an unlawful status in the United States.

(C) CONTINUOUS PHYSICAL PRESENCE.—

(i) IN GENERAL.—The alien must establish that the alien was continuously physically present in the United States during the period beginning on November 6, 1986, and ending on May 4, 1988, except that—

(I) an alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of this subparagraph by virtue of brief, casual, and innocent absences from the United States; and

(II) brief, casual, and innocent absences from the United States shall not be limited to absences with advance parole.

(ii) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this section or section 245A of the Immigration and Nationality Act.

(D) ADMISSIBLE AS IMMIGRANT.—The

alien must establish that the alien— 4
(i) is admissible to the United States 5
as an immigrant, except as otherwise pro- 6
vided under section 245A(d)(2) of the Im- 7
migration and Nationality Act; 8
(ii) has not been convicted of any fel- 9
ony or of three or more misdemeanors 10
committed in the United States; 11
(iii) has not assisted in the persecu- 12
tion of any person or persons on account 13
of race, religion, nationality, membership 14
in a particular social group, or political 15
opinion; and 16
(iv) is registered or registering under 17
the Military Selective Service Act, if the 18
alien is required to be so registered under 19
that Act. 20

(E) BASIC CITIZENSHIP SKILLS.— 21
(i) IN GENERAL.—The alien must 22
demonstrate that the alien either— 23
(I) meets the requirements of 24
section 312(a) of the Immigration and 25
Nationality Act (8 U.S.C. 1423(a)) 1
(relating to minimal understanding of 2
ordinary English and a knowledge and 3
understanding of the history and gov- 4
ernment of the United States); or 5
(II) is satisfactorily pursuing a 6
course of study (recognized by the At- 7
torney General) to achieve such an 8
understanding of English and such a 9
knowledge and understanding of the 10
history and government of the United 11
States. 12

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

(iii) RELATION TO NATURALIZATION 21

EXAMINATION.—In accordance with regulations of the Attorney General, an alien who has demonstrated under clause (i)(I) that the alien meets the requirements of section 312(a) of the Immigration and Nationality Act may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III of such Act.

(3) TEMPORARY STAY OF REMOVAL, AUTHORIZED TRAVEL, AND EMPLOYMENT DURING PENDING OF APPLICATION.—In lieu of subsections (b)(3) and (e)(2) of such section 245A, the Attorney General shall provide that, in the case of an eligible alien described in subsection (b) of this section who presents a prima facie application for adjustment of status to that of an alien lawfully admitted for permanent residence under such section 245A during the application period described in paragraph (2)(A), until a final determination on the application has been made—

(A) the alien may not be deported or removed from the United States;

(B) the Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need; and

(C) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an “employment authorized” endorsement or other appropriate work permit.

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

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

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

(7) TEMPORARY STAY OF REMOVAL AND WORK 9
AUTHORIZATION FOR CERTAIN APPLICANTS BEFORE 10
APPLICATION PERIOD.—In lieu of subsection (e)(1) 11
of such section 245A, the Attorney General shall 12
provide that in the case of an eligible alien described 13
in subsection (b) of this section who is apprehended 14
before the beginning of the application period de- 15
scribed in paragraph (2)(A) and who can establish 16
a prima facie case of eligibility to have his status ad- 17
justed under such section 245A pursuant to this sec- 18
tion (but for the fact that he may not apply for such 19
adjustment until the beginning of such period), until 20
the alien has had the opportunity during the first 30 21
days of the application period to complete the filing 22
of an application for adjustment, the alien— 23
(A) may not be deported or removed from 24
the United States; and 25
(B) shall be granted authorization to en- 1
gage in employment in the United States and 2
be provided an “employment authorized” en- 3
dorsement or other appropriate work permit. 4

(8) JURISDICTION OF COURTS.—Effective as of 5
November 6, 1986, subsection (f)(4)(C) of such sec- 6

tion 245A shall not apply to an eligible alien de- 7
scribed in subsection (b) of this section. 8

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

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

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

(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—The 22
provisions of subparagraphs (A) and (B) of section 23
245A(f)(4) of the Immigration and Nationality Act (8 24
U.S.C. 1255a(f)(4)) shall apply to administrative or judi- 25
cial review of a determination under this section or of a 1
determination respecting an application for adjustment of 2
status under section 245A of the Immigration and Nation- 3
ality Act filed pursuant to this section. 4

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

* * * * *

Your fax cover should indicate a total of 3 pages.
Your fax cover message should read:

URGENT -- RE IMMIGRATION PROVISIONS OF APPROPRIATION BILL FOR STATE,
JUSTICE AND COMMERCE. PLEASE SEE ENCLOSED CORRESPONDENCE. THANK YOU.

Fax List

Jack Lew, Director, OMB (202) 395-3888

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Marcia Echaveste, Deputy Chief of Staff, The White House (202) 456-2883

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Sen Daschle
Attention: Andrea (202) 454-7895

Sen Orrin G. Hatch
Attention: Sharon Prost (202) 458-1115

Sen Leahy
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Sen. Ted Kennedy
Attention: Esther O. (202) 458-0464

Sen Abraham
Attention: Lee Otis (202) 458-4506

Rep Hastert
Attention: Chris Sheve (202) 455-5646

Rep Gephardt (202) 455-7414

Rep Hyde- Jon Dudas (202) 455-7686

Rep Conyers (202) 455-7680

Rep Smith
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ASSOCIATION FOR CITIZENSHIP AND RESIDENCY OF AMERICA

Washington State Chapter
1505 145th Place SE, Suite A-1, Bellevue, WA 98007
Telephone (206) 310-9531 Facsimile (206)932-1149

October 23, 2000

EXTREMELY URGENT

President William Jefferson Clinton
The White House

Hon. Trent Lott
Majority Leader, United States Senate

Hon. J. Dennis Hastert
Speaker, House of Representatives

Hon. Tom Dasch
Minority Leader

Hon. Richard A. Gephardt
House Democratic Leader

Dear President Clinton and Honorable Leaders of Congress:

We are writing on behalf of over 15,000 amnesty applicants under the *Catholic Social Services v. Reno* and *Newman (formerly League of United Latin American Citizens) v. Reno* cases who live in the State of Washington. We have lived in this country continuously for about 20 years. Many of us live with and support United States citizen children. We work in the service and manufacturing industries, and some of us own our businesses. Many of us received our college education in this country. Nevertheless, for over 12 years, we have been denied the benefits of the legalization program Congress enacted in 1986 because INS turned us away, despite our eligibility, because we had briefly traveled abroad (as allowed by Congress). In order to allow us to finally become legalized and stop our reliance on underground illegal employment, we urgently seek your support for the amnesty section of the Legal

Immigration Family Equity Act (LIFE Act). Our amnesty applications have been pending before the INS for over ten years. Not one class member of over 350,000 has yet been processed for legalization by the INS. Every day we are forced to work in menial jobs for unscrupulous employers willing to hire "illegal aliens" despite the fact that many of us have college degrees we obtained here. Our United States citizen children live in constant fear that their parents will be arrested and deported.

The vast majority of amnesty applicants will not apply for the registry provision of LIFA because it requires abandoning their long-pending amnesty applications, starting all over in a new program gathering new evidence of residence from 1988 to the present, provides no guarantees of judicial review, is entirely discretionary, and exposes us to being placed in deportation hearings if our applications are denied.

We urge all Democrats and Republicans to support the legalization provision of LIFEA which would finally bring about a full, just and rational solution to our cases which have now been lingering before the INS and the courts for over a decade.

Respectfully yours,

Admal C. Reddy
(Chairman)

Saleem Basha
(Secretary)

Swaram Singh
(Vice-Chair)

P. Dhillon
(Vice-Chair)

Sincerely,

The Mexican American Association represents Mexican American families across the United States. Since Congress granted the 1986 amnesty, we have been carefully monitoring the implementation of the program and the ensuing litigation brought about by INS' illegally denying eligible applicants the opportunity to apply.

We support for (1) repeal of section 377 of the 1996 IIRAIRA, (2) 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*, *LULAC v. INS* and *Zambrano v. INS*, and (3) a further amendment requiring that the Attorney General process applications for adjustment to permanent rather than temporary resident status for these class members.

Thousands of eligible applicants, including many Mexican migrants, were turned away by the INS and now continue to reside in this country in "underground" status. These amnesty applicants have built their lives here for almost 20 years and many have U.S. citizen children and own businesses and homes. National immigration policy should require that the Attorney General move forward to process these amnesty applications which have now been pending, mostly without INS action, for over ten years. If enacted, this legislation will immediately and dramatically change the lives of thousands of long-term resident immigrants who will become eligible for immediate work permits, stays of deportation, the ability to travel, and even the right to apply from abroad.

Very truly yours,

Alberto Garcia
State President

October 23, 2000

URGENT

President Bill Clinton,
Attention: Maria Echaveste
Facsimile (202) 456-621

Senator

The Florida chapter of the Association for Residency and Citizenship of America ("ARCA") is one of the largest ARCA chapters in the country. As you may know, ARCA is an organization of volunteers who assist immigrants from all backgrounds with residency and citizenship issues. For the past twelve years, ARCA has been at the forefront of advocacy efforts on behalf of eligible applicants wrongfully turned away by the INS during the 1987-88 application period because they had briefly traveled abroad. Thus, ARCA has a very strong interest in legislation affecting its members.

It is unacceptable that after twenty years in this country the great majority of amnesty applicants live in legal limbo. Thus, as we have in the past, we continue to strongly support legislative solutions which repeal section 377 of the IIRAIRA and requires that the Attorney General promptly and fairly process these long-pending applications. We also support a further amendment requiring that the Attorney General process applications for adjustment to permanent rather than temporary resident status for these class members and a running statute of limitations on certain violations of the immigration laws.

Please consider providing belated justice to a large population of hard-working, long-term resident immigrant who pay taxes, have U.S. citizen children, and own homes and businesses. Enacting such legislation is also good for the country as the negative impact of a large undocumented population is minimized.

Very truly yours,

Executive Director

October 23, 2000

URGENT

President Bill Clinton,
Attention: Maria Echaveste
Facsimile (202) 456-621

As you may know, Association for Residency and Citizenship of America ("ARCA") is an organization of volunteers who assist immigrants from all backgrounds with residency and citizenship issues. The Los Angeles chapter of ARCA is the most politically active ARCA chapter in the country. During the many years of ARCA's work on behalf of these amnesty applicants, ARCA has met with religious, community and labor leaders, and expressed its views to members of Congress and the White House.

We strongly support repeal of section 377 of the 1996 IIRAIRA, 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*, an amendment requiring the Attorney General to process applications for adjustment to permanent status for these class members, and a running statute of limitations on certain violations of the immigration laws.

Late amnesty applicants were severely harmed when INS wrongfully turned them away from the amnesty program in 1987-88 and should not be forced to apply under a new registry program, with new fees, new standards, new long waiting periods, and new appeals of denied applications in order to receive what Congress granted them in 1986. Although late amnesty applicants should have begun enjoying the benefits of U.S. citizenship several years ago, the great majority still live with great fear and uncertainty. Please help these immigrant families escape their underground status by providing them access to what Congress granted them fourteen years ago.

Very truly yours,

Executive Director

October 23, 2000

URGENT

President Bill Clinton,
Attention: Maria Echaveste
Facsimile (202) 456-621

Amir S. Tehrani
1105 Nielson Ct. McLean, VA 22102

October 22, 2000

The Hon. President Bill Clinton
The White House
Attention: State, Commerce and Judiciary Appropriations Negotiators;
Maria Echaveste
Via Facsimile: 202-456-2461

The Hon. Orrin G. Hatch
Chairman
U.S. Senate Committee on the Judiciary
Attention: Sharon Prost
Via facsimile: 202-224-9102

Re: State, Justice, Commerce Appropriation Bill, INA Amendments

Dear President Clinton and Chairman Hatch,

I am a plaintiff and class-representative in the nationwide class action case called *Newman v. INS* (a.k.a. *LULAC v. INS*). I have been an active member of the Association for Residency and Citizenship of America (ARCA), one of several groups formed by amnesty class members. I have met with members of Congress several times to discuss the amnesty cases. Legislation to resolve my 13 year-old case has now been proposed by both Democrats and Republicans in Congress. This letter is about those proposals.

I have resided here since 1975. I am gainfully employed and have paid taxes since 1986. I completed my high school, college, and graduate work here. I hold an MA degree in Financial Economics from the Johns Hopkins University and work as a Financial Planner with Washington Square Securities. I hold NASD series 7, 63, and 65 licenses. I have a US citizen child and I have been happily married for 12 years. My wife's immigration status is dependent on my legalization.

I have reviewed the proposal to resolve the 12-year old amnesty cases offered by the Chairmen of the Senate Judiciary Committee and Senate Subcommittee on Immigration. Their proposal offers an efficient, effective and humane solution for myself and over 300,000 amnesty applicants. I understand that an alternative has been proposed which would update the registry date to 1986, mainly to help me and the class members I represent. I wish to make clear that a remedy allowing me and my class members to be processed under the rules Congress intended to apply to us when it enacted the 1986 amnesty program is far superior. The reasons for this are clear. A

President Bill Clinton, Sen Orrin Hatch
October 22, 2000
Page 2

new updated registry program will be costly and time-consuming for the INS, causing me and my class members to wait several more months or years before being processed. Unlike the benefit we were granted by Congress in 1986, under a registry program our applications would *not* be confidential and those denied registry will be placed in deportation proceedings. Therefore, *far fewer of us will apply for registry if we are ultimately denied a remedy under the 1986 amnesty*

law.

I am close to having my application for amnesty processed by the INS. If the proposal offered by the Chairmen of the Senate Judiciary and Immigration Subcommittee is accepted by the White House, I believe my application will be promptly and fairly processed under clear standards by the INS. I cannot tell you how disappointed I and thousands of my class members will be if instead we are forced to file brand new applications, for a brand new program, with different standards, new filing fees, far less protections, and much longer waiting periods. INS has been in possession of our applications for over ten years with virtually no forward movement. All we ask is for legislation that requires the INS to finally process our applications.

At the same time, I support the Democratic proposals to reinstate section 245(i) and for greater protections for Central American migrants. However, we are a large population of long-term residents. We were deprived of the opportunity Congress extended us to legalize in 1987-88. *We should not be denied an effective and efficient remedy at the expense of a minority of applicants who committed fraud in their amnesty applications and actually arrived here between 1982 and 1985; i.e. those who would benefit by updating the registry date.* Nor should we be denied an effective and proper remedy merely to benefit a smaller group of immigrants who arrived here between 1982 and 1985. We hope these later arriving immigrants will benefit by a "general amnesty" to be proposed shortly by the AFL-CIO and its supporters.

Our population is substantially larger than all immigrants who applied under the 1986 registry program. *Please do not sacrifice our rights for the rights of a smaller population who arrived years after we did.* Thank you for your consideration and concern.

Respectfully,

Amir S. Tehrani

CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW

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October 23, 2000

confidential — not for public distribution

Maria Echaveste
Deputy Chief of Staff
The White House

Via telecopier and email

Dear Maria:

As you know Sen. Abraham has announced that he other Republican members of Congress will include in their Legal Immigration Family Equity Act (LIFEA) a detailed provision allowing the 350,000 class members and their spouses and children we represent to immediately apply for green cards (lawful permanent resident status). We write to make clear our unwavering support for the Latino and Immigrant Fairness Act (LIFA), but also to explain why we believe the White House should likewise support a complete legislative solution for hundreds of thousands of Latinos and many other immigrant groups who would be directly benefited under Senator Abraham's bill, something the LIFA as it is presently constituted would clearly not accomplish.

For the past 12 years the Center has served as class counsel for the plaintiffs in the two major legalization cases, *Catholic Social Services v. Reno* and *Newman* (formerly *League of United Latin American Citizens*) *v. Reno*. The Center and its co-counsel are the only organizations with a legal and ethical obligation to advocate directly and unequivocally on behalf over 350,000 CSS and *Newman* class members.

The certified classes in these two cases comprise individuals who have lived and worked in the United States since before 1982, but whom the INS unlawfully blocked or discouraged from applying for legalization under the 1986 Immigration Reform and Control Act. The argument for legalizing this population is extraordinarily compelling. Indeed, *the principal argument for advancing the registry date to 1986—a key component of the LIFA—is that doing so would resolve the plight of CSS and Newman class members.*

It is true that some legalization class members would realize some benefit from LIFA's proposed updated registry (e.g. those who claimed they arrived before 1982, but actually arrived after that date, a group we call pseudo-amnesty applicants). However, there are substantial differences between registry and legalization that render registry an imperfect and far inferior substitute for adjustment of status for the 350,000 class members and their spouses and children we represent.

First, Senator Abraham's bill would allow persons who applied for the benefits available to class members under the CSS and *Newman* to seek legalization under provisions identical to § 245A of the Immigration

Act (the amnesty program), despite the lapse, long ago, of the 1986 Reform Act's one-year application period.

Senator Abraham's bill would require individual class members to demonstrate continuous residency in the United States *only between January 1, 1982 and May 4, 1988*, about six years, thus relieving class members from proving continuous residency from 1986 to the date of application—approximately 14 or 15 years—which they would be obliged to do to qualify for registry. Many class members will be so disillusioned at the abandonment of their 10-year old applications, and discouraged by the new requirement to prove continuous residence in the U.S. for the past 14 years, they will simply give up on legalizing their status.

Second, nothing in LIFA's "registry" provision precludes the INS from using information furnished by an alien applying for registry to initiate removal proceedings or obtain an order of removal against the unsuccessful applicant.

In contrast, Senator Abraham's bill *specifically* bars the INS from using "the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination of the application..." Senator Abraham's bill, therefore, preserves confidentiality, precisely as Congress intended for class members in the 1986 IRCA, thus relieving them of the agonizing choice between remaining in the undocumented underground versus applying for an immigration benefit the denial of which leads to removal proceedings.

Based on hundreds of conversations with legalization class members, and contact with thousands more through correspondence and email, it is obvious that the lack of confidentiality in registry applications, and exposure to being placed in removal proceedings, provides a real and often decisive barrier to adjustment of status that legalization applicants were not required to face when seeking amnesty under the 1986 law, and would not be required to face under Senator Abraham's bill.

Third, nothing in Senator Abraham's bill would allow the Attorney General under the next Administration to *withhold* legalization from qualified individuals as a matter of discretion. Just as under the original amnesty program, under Senator Abraham's bill the class members we represent will receive adjustment of status if they are eligible. The program is *mandatory*. On the other hand, *the registry remedy offered in LIFA is a "discretionary" program in which applicants may be denied under a new Attorney General for any number of reasons*. Section 249 provides: "A record of lawful admission for permanent residence may, *in the discretion of the Attorney General and under such regulations as he may prescribe*, be made in the case of any alien ... if such alien establishes that he— (a) entered the United States prior to January 1, 1972." (Emphasis supplied.) As practitioners who have represented literally millions of immigrants in major class action and individual cases for over 20 years, we know full well when dealing with the INS the major difference between discretionary programs and those that mandate a result upon establishment of eligibility. The comparison in the treatment of immigrants and their success in being granted the benefit sought is like day and night.

Fourth, and linked to the discretion point made above, LIFA grants class members who are eventually denied registry neither administrative nor judicial review of these discretionary denials. To the contrary, INS regulations on registry declare that unsuccessful applicants have "no" right to administrative appeal, 8 C.F.R. § 249.2., and § 242(a)(2)(B) of the Act would appear to preclude judicial review of discretionary denials altogether. Registry, therefore, would place the fate of legalization applicants in the sole hands of the INS, an agency renowned for its institutionalized anti-immigrant culture and one that has shown an unrelenting hostility to legalizing long-term residents it wrongfully turned away over a decade ago. Our class members have the right, as extended by Congress in the 1986 IRCA, to administrative and judicial

review of denials. We are not prepared to abandon this right. Senator Abraham's bill grants this right to any applicant denied adjustment of status. *In our experience, the availability of judicial review is an indispensable and often the only meaningful check on arbitrary administrative denials that proliferate in INS-administered benefit programs.*

Finally, ***we have no doubt that far more long-term immigrants would have their status adjusted under the amnesty provisions incorporated into LIFEA than the registry provisions of LIFA.*** The number of people who have come forward to apply for registry programs has historically been low. In the ten (10) years following the last update of the registry program (from 1987 to 1997), only about *one quarter (1/4)* the number of amnesty applicants *who already have applications pending* under the *Catholic Social Services* and *Newman* cases bothered to apply.¹ Furthermore, Senator Abraham's bill, like the amnesty law, will allow family members of successful applicants to almost immediately adjust their status. It is obvious that the number of people who will benefit under Senator Abraham's bill's amnesty provision (who will be able to end their underground "illegal" status) far exceeds the number of people who will ever be granted registry under LIFA.

Senator Abraham's bill, or LIFEA as it is being called, addresses a different group of immigrants and a different set of public policy questions than does the LIFA. We as class counsel are ethically obliged to inform anyone considering these matters that there is no question whatsoever that legalization is a far superior remedy than registry for those who arrived here before 1982. We do not believe that the question of registry versus legalization has *anything* to do with the merits of the independent LIFA components addressing parity for Central Americans under the Nicaraguan Adjustment and Central American Relief Act of 1997, and restoring the ability of qualified immigrants to adjust their status to that of permanent residents from within the United States.

Some advocates may portray the LIFA and the LIFEA as elements of a zero-sum game: that is, that any support whatsoever for the principles embodied in the LIFEA necessarily detracts to an equal degree from one's support for the LIFA. As lawyers and class counsel for 350,000 families, we cannot mute our support for the principles underlying the amnesty provision in LIFEA on the weight of such political arguments.

As class action attorneys representing a specific, identifiable group of over 350,000 clients, we are not at liberty to forsake the rights of those we represent for the benefit of persons with whom we have no attorney-client relationship. As legal counsel, we have an ethical obligation to cooperate with whichever political party, or court within the Judicial Branch, or officer within the Executive Branch offers the fullest and fairest help to the class we represent. On this basis we negotiated in good faith with the Department of Justice -- our litigation opponents -- for one year attempting to draft a settlement to extend the full scope of benefits intended to be conferred on our class by Congress in 1986. Those negotiations ended after we reached almost final agreement on process and procedures, but the INS only wanted to adjudicated a small portion of the class members' pending applications (those who presented complete applications and fees and had them rejected during the 1987-88 application period -- this *excluded* all others who visited INS and QDE offices but were turned away, and those who visited attorneys and were

¹ For example, after the registry was updated in the 1986 IRCA we understand the following numbers represent approvals of registry applications in the following ten years: 1987 8,000; 1988 40,000; 1989 10,000; 1990 5,000; 1991 2,000; 1992 2,000; 1993 1000; 1994 900; 1995 600; 1996 400; 1997 300). These numbers, over a ten year period, fall far short of the number of class members who could almost immediately apply for adjustment of status under Senator's Abraham's amnesty provision, not even including their spouses and children, who will also qualify to apply for adjustment of status.

told that under INS' invalid travel rules they were "ineligible to apply"). Presently, it is clear that the amnesty provision in LIFEA offers 350,000 class members a full, just and efficient remedy which could end what has been an administrative nightmare for both thousands of families and INS officers alike.

It has been suggested that a solution for the special interests of the legalization classes would be inconsistent with the broad aim of LIFA to benefit the immigrant community generally. As we have said, however, the principal argument for advancing the registry date to 1986 in LIFA is and has always been that doing so would resolve the plight of CSS and *Newman* class members. We have no objection to leveraging the cause of legalization class members for the benefit of all immigrants *provided* that doing so does not prejudice those to whom the argument properly belongs. Those to whom the argument properly belongs are those who arrived here before 1982, and they want and deserve legalization, not registry.

Further, unlike the registry and § 245(i) components of the LIFA, the Central American component transparently singles out a special group of immigrants for a special benefit, yet we have heard no one demand that Central Americans settle for registry. We, of course, welcome the benefits Central Americans would receive under LIFA, but we see no principled reason why Mexicans, Indians, or Pakistanis, for example, should be denied similar treatment. More to the point, *we see no fairness in demanding that legalization applicants selflessly subordinate their interests for the greater good when LIFA itself singles out for special treatment another group of immigrants whose arrival in the United States post-dates that of legalization class members by some 13 years.*

In addition to the moral and ethical case for supporting a comprehensive solution for legalization class members, we believe there is a political one as well.

The proposition that the Administration will indefinitely shut down the Departments of Commerce, Justice, and State in an obdurate insistence on "the whole of LIFA versus nothing" places a palpable strain on credulity. We believe it very likely that legislation embodying the principles of the LIFA and the LIFEA will become law as a matter of compromise between the Administration and the Republican congressional majority. In the end, those who are the beneficiaries of that legislation will be indebted to those who supported it. We hope Democrats will be among those supporters.

For better or worse, the Republican proposal is a political strategy that cannot be neutralized by tactical silence or opposition. The LIFEA demonstrates that the Republican Party is prepared to compete, on a serious, albeit limited basis, for the Latino and ethnic minority vote. That strategy can be countered effectively only by Democrats embracing the Republican initiative and making it their own, or better yet, improving on it (e.g. propose waiving the filing fee since these folks have been denied proper jobs for over 10 years).

In sum, we applaud the efforts of the Congressional Hispanic Caucus and others to enact the LIFA; indeed, we consider ourselves among LIFA's strongest supporters. The foregoing has demonstrated, however, that those immigrants who would benefit under the LIFEA are not a sub-set of those who would benefit under the LIFA. The LIFEA, therefore, is not a substitute for the LIFA. Rather, the LIFEA is specifically directed toward alleviating the plight of a major group of immigrants whose status has been at issue before the federal courts for over 12 years and who deserve a solution tailored to their needs every bit as much as do Central Americans. The amnesty population contains remarkably few Central Americans, and a heavy concentration of Mexican and Asian nationals, precisely because Mexican and Asian nationals do not have access to programs such as NACARA.

In all events, professional responsibility to our clients—those individuals who have made the United States their home since before 1982—precludes our denying the obvious and important benefits the

LIFEA would confer on these long-suffering individuals and their families. We accordingly have no choice but to support the amnesty provision of LIFEA independently of our support for the LIFA.

We encourage the White House to support a meaningful, fair and efficient remedy for the 350,000 amnesty applicants denied a remedy for over ten years. Amending the registry program so that it provides the same broad protections, standards and administrative and judicial review available through the amnesty program would be another option.

We trust that the foregoing has made clear our position on both the LIFA and the LIFEA. We have historically worked and allied ourselves with the Democrats on many human rights issues for over 20 years. We commend the White House's leadership in the area of immigration policy. On the issue of registry versus amnesty, there is no reason for the White House to allow the Republicans to upstage the Democrats' proposal for updating registry. The White House could and should embrace a full, fair and efficient remedy for the 350,000 amnesty families, and even improve on Senator Abraham's proposals. We are ready, willing and able to make proposals in that direction.

Please feel free to contact us if you have questions or need additional information. Peter Schey may be reached at 323/251-3223, Carlos Holguin at 213/388-8693 ext. 109.

Sincerely,

Peter A. Schey
President

Carlos R. Holguín
General Counsel

attachments (copy of amnesty provision of LIFEA; related correspondence)

United States Senate
Committee on the Judiciary
Subcommittee on Immigration
Senator Edward M. Kennedy

520 Dirksen Senate Office Building
Washington, DC 20510
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DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998 (Senate - September 30, 1997)

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. Sessions). The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President.

I rise today to speak in support of the amendment offered by the Senators from Florida. This may be a somewhat unusual occurrence in the Senate, because it is often the case that individuals who chair authorizing committees, in this case the Immigration Subcommittee which I chair, frequently are at odds with Members who seek to use appropriations bills as vehicles for substantive legislation.

So I wanted to come down today to speak on behalf of this amendment and to explain it a little bit, both why I am not here in opposition on the basis of the process we are using, and also why I support doing something at this time along the lines outlined in the amendment.

First, Mr. President, let me just indicate that a number of us have been working for some months to try to resolve the issues that are addressed by this amendment. We are working with our House counterparts. We will continue to work, even as we move forward in the Senate today, to try to find an ultimate solution.

At the same time, though, time is of the essence. There is a sense of urgency, I think a growing sense of urgency, among a number of Members, as expressed by both the Senators from Florida, as well as in my case and probably other Members as well, because the impact of the 1996 immigration legislation is slowly but surely coming into effect. The people who may or may not be affected by that legislation, depending on the various decisions to be made by the Department of Justice and the courts, are living on a day-to-day basis under the threat of the prospect of deportation. It seems it is in everyone's interest, but it is also in the interest of fairness for these individuals, for us to try to take legislative action to resolve and address these matters once and for all.

Both Senators have already talked at some length about the chronology of circumstances that brings us here today. I won't go into all the detail, nor do I have the sort of personal, firsthand experience of having served in the Senate or the Congress at the time many of these issues were previously debated. I am a late arrival to the debate, and I am more an observer of the circumstances that took place in Central America than a participant.

Those were significant times, Mr. President. The civil wars of the 1980's in El Salvador, in Guatemala, and Nicaragua were integrally related to the national security policy of our country, as well as our views with regard to America's role in our hemisphere.

they were permitted to seek suspension and adjustment of their status from being in illegal status here or being here under one of the special programs for the Central Americans. Extensions were given to the Central American communities I have mentioned to allow them to stay here long enough to apply for these programs.

Detrimental reliance on their part occurred under the belief that if they continued to follow these programs, they would be given their day in court and given a fair adjudication of their status, and that is what transpired.

At every step of the way, either through an act of Congress or through an act of the executive branch, these individuals were given, I think, a very clear signal that they would be able remain if they played by the rules that were then existent: That if they stayed for 7 years and proved themselves to be of good moral character, they would be given an opportunity to have a full adjudication of whether or not any process to deport them would be suspended and whether or not they would be given a green card and a chance to stay permanently.

However, the 1996 bill changed the rules under which this would be permitted. In my judgment, Mr. President, it was not the intent of Congress to have this 1996 legislation retroactively apply to the people in these circumstances. I believe that Congress tried to avoid changing the standard retroactively.

We specifically provided that, generally speaking, the old rules are supposed to be applied to people in deportation proceedings before April 1, 1997, the effective date of the act. The problem is the INS has interpreted the act as saying that many of the Central Americans were not in deportation proceedings before that time and, hence, it has to apply the tougher new standards to them.

Now, the basis on which this determination was made by the INS, I believe, Mr. President, is extremely subject to question. I think it is an extremely difficult case to make that the group that the INS has argued were not in proceedings as of April 1, 1996, truly were not in proceedings. I believe they acted exactly as they had been told they should act, to qualify for the adjudications I have mentioned. But for whatever reason, the INS has concluded that, as to them, we will retroactively change the rules.

Let me talk about what those rule changes would be. First, as opposed to being required to be in the country for 7 years, the requirement was changed to 10 years, meaning an additional 3 years before one could even seek to have their status cleared. In addition, the standard to be used in such adjudications was made much more difficult. In other words, the standard that people had been promised they would be judged by for all the years they were here was altered and made a much tougher standard retroactively after they had stayed longer, after they had detrimentally relied on the assurances they had been granted with regard to whether or not they would be given a hearing, and after they had been told what they had every reason to expect was the basis on which the relief would be granted.

Furthermore, based on a judicial decision made within the immigration courts, the clock was stopped with respect to the accrual of time toward the 10-year standard, or, for that matter, the old 7-year standard, because it was determined as soon as the individuals had received so-called orders to show cause, the clock would stop.

Mr. President, these are obviously fairly complicated legal terms, and I will try to simplify them here for purposes of this discussion. The rules were changed in the middle of the game to the detrimental reliance of literally thousands of individuals who had been waiting and playing by the rules and, in most cases, had actually made themselves available for this process by coming forward in response to requirements that had been in the earlier legislation that had set the process in motion.

Now they had a choice when the earlier legislation was passed. They could have disappeared into the country, never subjected themselves to the process, and been totally immune from any deportation unless they were somehow discovered. Alternatively, they could make themselves available, accept orders to show cause, subject themselves to the process under a standard they believed would remain in place until they had their trials, and then either be able to stay or be required to leave based on a fair adjudication.

For the people who played by the rules, the second group, the rules are now being changed. They will be disadvantaged as opposed to the people who did not play by the rules. To me, Mr. President, that would be a complete and catastrophic mistake for us to make. It has to be addressed in the interests of fairness.

Now, there is another thing that has changed that I will also mention in the bill that was passed in 1996, a limit, a cap of 4,000 suspensions and adjustments per year was placed and put in force. I believe it was put in force at that level because it was the view of the drafters of the legislation that 4,000 would be adequate to meet the amount of such suspensions and adjustments of status that would be granted by the reviewing boards, the immigration courts. I believe that 4,000 figure was recommended by the Immigration Service because it was never contemplated that it would be applied to those who are in this category of Central Americans we are trying to address today because this category is

a much larger group. They will consume more than 4,000 adjustments per year, because at least that many and probably as many as 7,000 or 8,000 more per year will meet the standard and be permitted to stay.

The cap now in place has the perverse effect of literally putting people in a position where if they somehow meet the 7- or 10-year standard, if they somehow meet the adjudicatory standard of whether or not they will be permitted to stay if the 4,000 cap is reached, they will still be deported. Now, I can't imagine that that was the intent of the drafters, and I can't imagine, frankly, Mr. President, it would be sustained in the Federal court system. I believe it is one of a variety of problems that now exists and which will be effectively addressed by Senator Mack's proposal.

To summarize what these problems are, there are the constitutional issues that I think will arise. The due process question is whether the standards could be changed in the middle of the game and applied retroactively. We have the problem of this cap, which potentially creates the absurd circumstance I just described where people who have been adjudged to be able to stay in the country are still deported because the 4,000 limit has been reached. We have the anomaly I have described where those people who were trying to play by the rules, who subjected themselves to the process in response to legislation we passed, would suddenly find themselves in a disadvantaged position as opposed to those who never played by the rules in the first place. And what we have, in effect, is a circumstance that I describe as bait and switch. We encouraged people to come forward, to make themselves available for the adjudicatory process, and once they do, based on this interpretation of the 1996 bill, we have now changed the standard by which they will be subjected and changed whether or not even if they successfully meet a standard, they will be allowed to stay.

For all those reasons, I think we really have to do something in the short run, not wait any longer. I think the bill offered by Senator Mack makes sense, and it is consistent with the long history of America's response to the Central American community and to the struggles of the 1980's. For that reason, as I said at the outset, although it is a little bit unusual for an authorizing committee chairman to come down to the floor to support the inclusion of legislation within their sphere on appropriations, I support this legislation and look forward to working with other Members--if we are going to pass this--work both with the Senators as well as with our House colleagues to try to ultimately reach a solution that is satisfactory to everyone affected.

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DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998 (Senate - November 09, 1997)

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the Senator from Alaska.

I wish to speak in relationship to this legislation, and in favor in particular of title II of the District of Columbia portion of this legislation.

Title II incorporates an agreement reached recently between House and Senate negotiators to correct provisions in last year's immigration law. These provisions, as they were being interpreted by the Board of Immigration Appeals and others, would have had the effect of changing the rules in the middle of the game for thousands of Central Americans and others who came to the United States because their lives and families had been torn apart by war and oppression and are seeking permanent residency here. That violates the sense of fairness that is so much a part of the American character.

Mr. President, during the 1980s civil wars rocked Central America. These civil wars in Nicaragua, El Salvador, and Guatemala were of great importance to the United States. They critically affected our national security policy, as well as our conception of America's role in the Western Hemisphere.

In 1979, the Sandinistas seized power from Anastasio Somoza. Upon gaining control of the state they carried out a program of land seizure, suppression of civil liberties, and other forms of oppression. They also aligned themselves with the communist government of the Soviet Union. A number of groups formed, seeking to overthrow the Sandinista regime, including some who had played an active role in the overthrow of Somoza on account of his civil liberties violations. These groups ultimately were supported by the U.S. government and became known as the Contras.

The Contras' cause ultimately met with success when, in a stunning upset, Violeta Chamorro defeated the Sandinistas in national elections. But the war, combined with a United States embargo on trade and a series of natural disasters, ruined the economy and added to the unrest that endangered many lives. Approximately 126,000 Nicaraguans fled their homeland, came to the United States, and applied for asylum between 1981 and 1991. That was a quarter of all our asylum applications during that time period.

During that same time, El Salvador experienced a brutal civil war which left tens of thousands dead. Over a quarter of the population were driven from their homes. The economy was left in a shambles. Faced with these terrible circumstances, and with continual danger for themselves and their families, hundreds of thousands of Salvadoran made their way to the United States. They asked for asylum

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Partly argument because acknowledged Salvadorans fear death at hands of some inds who threatened
 because they feared death at the hands of the leftist guerrillas partially backed by the Sandinistas in Nicaragua, or at the hands of the military and the extremist death squads. Between 1981 and 1991 approximately 126,000 of these Salvadorans applied for asylum. *Register Date*

During the same era, Mr. President, the people of Guatemala faced similar tragic and extremely dangerous circumstances. Approximately 42,000 of them made their way here and applied for asylum in the United States.

A great many of the Central Americans who came here during this period received some form of encouragement or support from our government for that decision. This started in 1979, when President Carter's Attorney General used his discretionary authority to protect recent arrivals from Nicaragua by establishing an extended voluntary departure program for them. When that program expired, it was extended further through a variety of other congressional and administrative actions.

During the early to mid-1980s, Nicaraguans' claims for asylum had a high success rate, and very few were deported. That success rate began to decline toward the end of the decade. Recognizing the dangers presented by the civil war, however, the Reagan administration in 1987 established a special Nicaraguan Review Program. Based in part on a recent Supreme Court decision bearing on the standard of proof for asylum, the NRP encouraged Nicaraguans to reapply for asylum under the new standard, thereby providing an extra level of review to Nicaraguans whose applications had been denied.

When Violeta Chamorro won the election in 1990, conditions in Nicaragua began to change for the better and the Nicaraguan Review Program began to dissipate. In the meantime, however, many of the Nicaraguans had laid down strong roots here.

The Nicaraguan Review Program was officially ended in 1995. However, the INS established a special phase out program under which Nicaraguans could remain in the country an additional year and receive work authorization. The work authorizations were again renewed in 1996.

There were a number of reasons for this phase out program. But one of its purposes, as expressly stated in agency documents, was to allow the Nicaraguans who had laid down roots here to utilize the additional time to accrue the 7 years they would need to be eligible to adjust their status to legal residents under a procedure called 'suspension of deportation.' In one form or another, this relief has been in existence for 40 years. In recent times, and until April 1 of this year, it was available to anybody who had been here for 7 years, was of good moral character, and whose deportation would cause extreme hardship to the person or his or her citizen or permanent resident immediate family members.

The Salvadorans and Guatemalans likewise received special protection from U.S. government authorities. Their asylum claims received a less sympathetic hearing initially. As a result, the Salvadorans filed a class suit, known as the 'ABC' class action, subsequently joined by the Guatemalans, in which they challenged the way in which their asylum applications were being handled. President Bush's Administration settled this suit by agreeing to readjudicate their claims, and in order to facilitate this Congress gave the class members a special 'temporary protected status' in the 1990 Immigration Act. That temporary status was administratively extended in one way or another while the class members awaited their readjudications.

My point, Mr. President, is that during the 1980's people fearing persecution, fearing death squads, fearing disruptions of their communities, came to America and we took extraordinary measures to make it feasible for them to stay here, even if they had been denied asylum through the official asylum-seeking procedures.

When the outlines of an agreement along these lines first emerged in the House, it included a proposal to eliminate an entire category of legal immigration, albeit a relatively small one, as the price for allowing these people to seek to stay under the rules they had been told would apply to them. Under the final version of the agreement embodied in this amendment, there will be no elimination of any legal immigration category. There will be a temporary reduction of no more than 5,000 visas per fiscal year in the 'other workers' employment-based immigration category, but only after those now in the backlog receive their visas. There will also be a temporary reduction of not more than 5,000 visas per fiscal year in the Diversity visa program. These temporary reductions will last until the cumulative total of these reductions equals the number of Salvadorans and Guatemalans who ultimately adjust to permanent residence. The numbers will be taken evenly out of the two categories.

The legislative process of necessity involves compromise. The version of this legislation before us today contains some provisions that were not in Senator Mack's original proposal. I am quick to say I preferred the original for that reason. First, while I think that temporary reductions in legal immigration categories are far superior to elimination of any, as the House originally proposed, I am not persuaded that we should be doing either. Moreover, since we have current categories with unused visas, if we must turn anywhere to 'borrow' visas for these refugees, an approach that I feel is at odds with our humanitarian traditions, I would prefer to borrow any unused visas from the previous fiscal year before making any reductions.

Second, while the legislation makes clear that no retroactive change is to be made in the standards for suspension of deportation as applied to Central American, Eastern European, and Soviet asylum applicants, it also makes clear that we are retroactively changing those standards for everybody else. I see no reason to do so. I have opposed the retroactive application of this provision to all individuals, regardless of their nationality. This is not because I take issue with the objective I believe the House is seeking: to make it harder for some people who have been abusing the rules by dragging out their deportation proceedings in order to accrue the 7 years they need for suspension of deportation. The problem is that the legislation does not and cannot distinguish between those who have been taking advantage of this loophole and others who have done nothing wrong and who have been stuck in administrative backlogs through no fault of their own.

Retroactivity is particularly unjustified with respect to refugees from countries not covered by this compromise who have equities similar to those of the Nicaraguans, Salvadorans, and Guatemalans. In recent years, many people came to the United States under a legal or quasi-legal status, fleeing tyrannical regimes that were either enemies of the U.S. or allies whose domestic abuses were countenanced because of the country's strategic significance in the struggle for world freedom going on at the time. The retroactivity may force some of these people to leave despite the roots they have laid down and the fact that the conditions they are returning to remain dangerous.

Despite these reservations, I support this agreement. On the whole it will advance the cause of fairness and the promise that America will make good on its commitments better than if we were to do nothing. It will free a large number of people from the threat of immediate deportation. It will allow some of them to adjust to legal status and assure others of a fair hearing on their effort to do so. Accordingly, Mr. President, I urge adoption of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Mr. President, I am very pleased to be here, even though it is 7 o'clock on Sunday night,

SALVADORAN AMERICAN NATIONAL NETWORK

c/o CARECEN - 2845 West 7th Street - Los Angeles, CA 90005 - Tel. (213) 385-0987 - Fax: (213) 385-1094

October 23, 2000

Honorable William J. Clinton
President of the United States of America
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Sent via fax to (202) 456-2461

Dear President Clinton:

On behalf of the communities we represent, we would like to convey our most sincere gratitude for your leadership and support in favor of a legislative amendment to the Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997. The amendment would grant certain nationals from El Salvador, Guatemala, Haiti and Honduras; what the law already granted to certain nationals from Cuba and Nicaragua: The right to apply for adjustment of immigration status.

The purpose of this letter is to share with you concerns of the organizations and individuals who make up the Salvadoran American National Network (SANN), in relationship to what may happen in the next few days with the Latino and Immigrant Fairness Act (LIFA) of 2000. In particular, we want to share with you our concerns in regard to the component of LIFA related to nationals from Central America and Haiti.

It is our strong opinion that as we reach what may be the last few days of the 2000 legislative session, the Democratic leadership in the Congress as well as the White House, must be stronger than ever in demanding that NACARA be amended in a way that is consistent with bills filed long ago before the U.S. House (H.R. 2722) and the U.S. Senate (S. 1592). Anything short of what the two above mentioned bills propose would represent a significant setback to the long denied justice to these communities. Furthermore, anything short of this would be a disservice to the fundamental American principle of equality under the law.

We have felt compelled to communicate our concerns to you now because we know that in the next few days there will be great pressure put, by Republican leaders in the Congress, on the Democratic leadership and the White House. The purpose of this pressure will be to have you back down from your commitment to have NACARA amended in the way proposed by H.R. 2722 and S. 1592.

One reason why we would like to respectfully encourage you to remain firm on your position regarding a NACARA amendment is that we believe that despite many potential arguments some members of the Republican party may pose against it, we also know that there are other Republican leaders who understand the need and the wisdom of embracing the very changes to NACARA supported by your Administration. Some of the arguments against a NACARA amendment you may hear include that Salvadoran and Guatemalan have already been granted what they deserve in terms of immigration remedies, or that only Salvadoran and Guatemalan nationals who can prove they are members of the American Baptist Church vs. Thornburgh class deserve the right to apply for permanent residence.

Nationals from El Salvador, Guatemala, Haiti and Honduras who sought safe-heaven in the U.S. through 1995 did so because of the brutal human rights violations, widespread -and often officially sponsored- political persecution and bloody civil wars which took the life of many tens of thousands of defenseless civilians. These horrible conditions were not only true in the case of Nicaragua. They were equally true in the case of El Salvador, Guatemala and Haiti. In the case of Honduras, where a civil war per se was not

fought, many of the conditions of political persecution and human rights violations also occurred, largely as a result of the profound militarization that Honduras experienced during the 1980's and early 1990's. Therefore, Honduran nationals should not be excluded from the benefit of a NACARA amendment.

Some Republican leaders will argue that Dec. 1995 is a too generous cut-off date. We would like you to remind such leaders that it was they who established that specific date. December 1995 is not a particularly meaningful date for any Central American group. Nor is it for Haitians either. The Contras' war against Nicaragua was settled in 1989. The civil war in El Salvador was settled through a negotiated settlement signed in 1992. The civil war in Guatemala was not settled until 1996. December 1995 was not a date of national significance to any Central American national group or Haitian nationals until NACARA was enacted in Nov. 1997. In light of the existing precedent, the fairest thing to do is to keep this cut off date the same for all national groups to be benefitted from a NACARA amendment. It would not be practical, nor would it be desirable to retroactively roll back the Dec. 1995 cut off date for our Nicaraguan and Cuban brothers and sisters, such a cut off date should be retained as a matter of respect to the principle of equality under the law.

Like our Nicaraguan and Cuban brothers and sisters, many nationals from El Salvador, Guatemala, Haiti and Honduras did not arrive in the U.S. with proper authorization. Many of our country people came to the U.S. propelled by horrible circumstances where all they were trying to do was protect their lives and those of their families. Clearly, under such difficult circumstances of fear and desperation, U.S. immigration laws may have been inadvertently violated. However, such courageous acts on the part of our people resulted in the preservation of thousands of lives that otherwise would have perished under ruthless dictatorships, criminal military regimes and murderous death squads. Unfortunately, some Republican leaders like Mr. Lamar Smith from Texas suggest now, many years later, that our people be penalized and deported. We consider his position hypocritical as he was clearly not bothered by the fact that, in enacting NACARA, Nicaraguans and Cubans who also arrived in the U.S. under similar circumstances were essentially forgiven the fact that they, too, inadvertently violated U.S. immigration laws.

NACARA was a major step forward in the correction of a long neglected injustice committed against Central American national groups during the 1980's and early 1990's: The denial of humanitarian protection through the granting of political asylum in the United States of America. As we look back today to what happened in Central America during the 1980's and early 1990's, it is difficult to understand how it was that of every 100 nationals from Guatemala, El Salvador, Haiti, Honduras and Nicaragua, who applied for political asylum in the U.S., only a handful received a favorable response. This is why SANN recognized in 1997 that NACARA, although full of imperfections, was a positive step forward.

The time to finish for good the task initiated by the Republican party with the passage of NACARA in 1997 is now. The time is now not only because of the moral and legal reasoning, but also because of the people who would benefit from a NACARA amendment have become a key economic asset to our nation's well being. For example, many of the potential beneficiaries work in important service sectors of the economy. Similarly, many of these people who stand to benefit from a NACARA amendment are small business owners. Finally, many of these workers are reliable and responsible. Virtues which have gained the confidence and trust of their employers. In short, potential beneficiaries have all become important contributors to the economic well-being of the United States of America. Therefore, a NACARA amendment is not only the moral and just thing to do. It is also the smart thing to do, as it is good for business in America.

As SANN, we remain committed to everyone of the components included in LIFA. However, our specific area of expertise is the part related to Central American and Haitian parity. We would like to end by encouraging you once again to remain as strong as you have been for the past few months in demanding true parity for Central American and Haitians under NACARA. Our communities have placed a great deal of hope and confidence in your capacity to deliver to us. We will always be grateful for your unequalled leadership in bringing about parity under NACARA for nationals from El Salvador, Guatemala, Haiti and

Honduras. If we can be of assistance, please contact Oscar A. Chacón, the Salvadoran Network's President at (415) 336-6267. Thank you for your consideration.

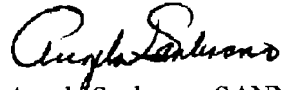
On behalf of the Salvadoran American National Network,



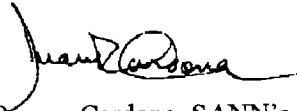
Oscar A. Chacon, SANN's President



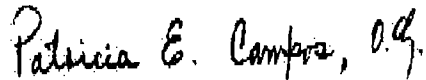
Saul Solorzano, SANN's Vice President and Executive Director at the Central American Resource Center in Washington, DC



Angela Sanbrano, SANN's Treasurer and Executive Director at the Central American Resource Center in Los Angeles, CA



Ramon Cardona, SANN's Executive Committee Member and Executive Director at the Central American Resource Center in San Francisco, CA



Patricia E. Campos, Executive Committee Member and Associate Director at the Labor Council for Latin American Advancement

cc: Senator Thomas Daschle
Senator Harry Reid
Senator Edward Kennedy
Senator Bob Graham
Senator Dianne Feinstein
Rep. Richard Gephardt
Rep. David Bonior
Rep. Martin Frost
Rep. Lucille Roybal-Allard
Rep. Luis Gutierrez
John Podesta, Chief of Staff, The White House
Maria Echaveste, Deputy Chief of Staff

FAX COVER

ASSOCIATION FOR CITIZENSHIP AND RESIDENCY OF AMERICA

Washington State Chapter
1505 145th Place SE, Suite A-1, Bellevue, wa 98007
Telephone (206) 310-9531 Facsimile (206) 932-1149

URGENT

TO

**Maria Echaveste, Deputy Chief of Staff, The White House
(202) 456-2883**

FROM

**Association For Citizenship
And Residency of America
Seattle, Washington.**

Re. LIFA & LIFEA

Proposed Amendments To the Immigration and Nationality Act

Thank you for your consideration

**ASSOCIATION FOR CITIZENSHIP
AND RESIDENCY OF AMERICA**

Washington State Chapter
1505 145th Place SE, Suite A-1, Bellevue, WA 98007
Telephone (206) 310-9531 Facsimile (206) 932-1149

October 23, 2000

EXTREMELY URGENT

President William Jefferson Clinton
The White House

Hon. Trent Lott
Majority Leader, United States Senate

Hon. J. Dennis Hastert
Speaker, House of Representatives

Hon. Tom Dasch
Minority Leader

Hon. Richard A. Gephardt
House Democratic Leader

Dear President Clinton and Honorable Leaders of Congress:

We are writing on behalf of over 15,000 amnesty applicants under the *Catholic Social Services v. Reno and Newman* (formerly *League of United Latin American Citizens v. Reno*) cases who live in the State of Washington. We have lived in this country continuously for about 20 years. Many of us live with and support United States citizen children. We work in the service and manufacturing industries, and some of us own our businesses. Many of us received our college education in this country. Nevertheless, for over 12 years, we have been denied the benefits of the legalization program Congress enacted in 1986 because INS turned us away, despite our eligibility, because we had briefly traveled abroad (as allowed by Congress). In order to allow us to finally become legalized and stop our reliance on underground illegal

President Clinton and Congressional leaders

October 23, 2000

Page 2

employment, we urgently seek your support for the amnesty section of the Legal

Immigration Family Equity Act (LIFEA). Our amnesty applications have been pending before the INS for over ten years. Not one class member of over 350,000 has yet been processed for legalization by the INS. Every day we are forced to work in menial jobs for unscrupulous employers willing to hire "illegal aliens" despite the fact that many of us have college degrees we obtained here. Our United States citizen children live in constant fear that their parents will be arrested and deported.

The vast majority of amnesty applicants will not apply for the registry provision of LIFEA because it requires abandoning their long-pending amnesty applications, starting all over in a new program gathering new evidence of residence from 1988 to the present, provides no guarantees of judicial review, is entirely discretionary, and exposes us to being placed in deportation hearings if our applications are denied.

We urge all Democrats and Republicans to support the legalization provision of LIFEA which would finally bring about a full, just and rational solution to our cases which have now been lingering before the INS and the courts for over a decade.

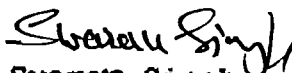
Respectfully yours,



Admal C. Reddy
(Chairman)



Saleem Basha
(Secretary)



Swaram Singh
(Vice-Chair)



P. Dhillon
(Vice-Chair)

Irene Bueno

10/24/2000 08:04:35 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc:

Subject: Reinstating Old Rules on Cancellation

Here is Esther's comments on this proposal but her sense is that groups (Forum, NCLR, Catholics, AILA) did not think this was good proposal and she thinks that CHC would be very upset. Below is the groups' proposal.

CONS

Reinstating the old rules is it not parity - ie Salvadorans and Guatemalans would not be helped.

It will take INS forever to process these applications. For example, groups argue that their estimates is that it will take 20 years to process the current sect 203 applications of Salvadorans and Guatemalans.

Also, it would be harder to win relief for single men b/c need to show hardship to self and spouses and/or children.

Derviates (spouses and children) would have to be individually eligible or wait for the principal to get their green card then they can apply but they would have wait unless we pass something along in VAWA II (allow children to be paroled in).

PROS

It would help more nationalities b/c it is an across the board fix.

Health and public charge is not factor that would deny cancellation.

Asylum officers would adjudicate the cases.

GROUPS PROPOSAL

1. Salvadorans, Guatemalans, Haitians and Liberians would get sect. 202 relief (similar to Nicaraguans and Cubans) but Honduran get 203 relief (similar to what Salvadorans and Guatemalans get now).

2. Salvadorans and Gutemalans would get sect. 202 relief and everyone else would get sect. 203 relief

Guatemala -- Final Peace Accords signed in Guatemala City on Dec. 29, 1996, ending 36-year internal armed conflict. Last presidential elections were held in December 1999. Alfonso Portillo of the Guatemalan Republic Front was the victor. Implementation of the peace accords remains incomplete and is stalled at present.

El Salvador -- Comprehensive peace accords were signed in January 1992, ending 12 years of civil war. The last presidential election was held on March 7, 1999. Francisco Flores of the right-wing ARENA Party defeated his main opponent from the leftist FMLN Party. The post-war reconstruction process has been a lengthy one. For example, crime is a persistent problem and the country suffers from extremely high homicide rates.

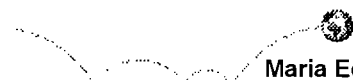
Honduras -- Last presidential election was held on Nov. 30, 1997. Carlos Fuentes of the Liberal Party won. Hurricane Mitch struck Honduras in October, 1998, causing extensive damage. The USG granted TPS to Honduran nationals in the United States beginning in January, 1999, and has extended TPS through July of 2001.

Nicaragua -- Last presidential elections was held on October 18, 1996. Arnaldo Aleman of the Liberal Constitutionalist Party won. He was a political rival of the Sandinistas (FSLN), defeating FSLN candidate Daniel Ortega and 21 other candidates from smaller parties. Ortega ruled the country from 1979, when the FSLN overthrew the Somoza government, until 1990, when he was defeated in democratic elections by an anti-Sandinista coalition (National Opposition Union) headed by Violeta Chamorro. A non-FSLN, democratically-elected leader has governed the country since 1990.

Haiti -- Boat crisis occurred in May-July 1994. Aristide returned to Haiti in October 1994. In March 1995, a multinational force in Haiti transitioned to a UN mission. Aristide transferred power to Preval in February 1996, after Preval had won elections in December 1995. In April 1997, parliamentary elections were marred by violence. On May 21, 2000, parliamentary and local election were also marred by violence.

Liberia -- outbreak of civil war in late 1989, spurring a refugee crisis with large numbers still residing in neighboring countries today. Final peace accords were signed in the fall of 1996 after extensive fighting in Monrovia that year. Charles Taylor was elected president in 1997. The Camp Johnston Road incident occurred in September, 1998, which involved violence between the government security forces and followers of Roosevelt Johnson (an anti-Taylor faction). An American was injured in the violence, which reach the gates of the US Embassy. Johnson and some of his followers were airlifted from the US Embassy to Nigeria. There is continuing instability in Liberia.

Maria Echaveste



Maria Echaveste

10/23/2000 04:24:14 PM

Record Type: Record

To: Arturo A. Valenzuela/NSC/EOP@EOP, Wendy L. Patten/NSC/EOP@EOP

cc: Irene Bueno/WHO/EOP@EOP

Subject: central americans

would you please give me info on date when Guatemala peace agreement reached (1993?), nicaragua



THE FAX ON IMMIGRATION

A nation of immigrants....a nation of prosperity

October 23, 2000
Vol. 1, No. 35

Contact: Angela Kelley (202) 544-0004, ext. 19
5 pages

Prominent Republicans Urge Passage Of Immigrant Fairness Measure

Seven prominent House Republican members, **Christopher Smith (NJ)**, **Lincoln Diaz-Balart (FL)**, **Ileana Ros-Lehtien (FL)**, **Bill McCollum (FL)**, **Thomas M. Davis (VA)**, **Constance A. Morella (MD)**, and **Christopher Shays (CT)**, have come out in support of the *Central American and Haitian Adjustment Act (H.R. 2722)*, and the *Andean Adjustment Act (H.R. 2741)*. The measures provide permanent residence status to qualified nationals of El Salvador, Guatemala, Honduras, Haiti, Colombia, and Peru. H.R. 2722 is one of the provisions of the *Latino and Immigrant Fairness Act* currently being debated as part of the CSJ appropriations bill.

In a letter to House leaders, these Republicans say that the legislation is justified because these nationals “fled their home countries at a time when these countries were dangerous places.” They go on to say that the people affected are “productive, law-abiding, freedom-loving people”, who have “lived and worked in the United States as productive members of our society, many of them for 10 or 15 years.”

The letter also stresses that the deportation of people who “are integral and valuable members of our society” would “hurt our economy and impoverish our culture.”

“Republicans Are Split” on Including Immigrant Fairness Measures in Spending Bill, Says New York Times

A *New York Times* article on October 22, 2000 reports that Republicans in Congress are split on including provisions of the *Latino and Immigrant Fairness Act (LIFA)* in a spending bill for the State, Commerce and Justice departments. President Clinton has threatened to veto the spending legislation if it does not include LIFA provisions.

Republican leaders, such as **Sen. John McCain (R-AZ)**, **Rep. Thomas M. Davis (R-VA)**, former **Republican Vice Presidential candidate Jack Kemp**, and “business groups with ties to the Republicans” support the LIFA provisions. In a September 27, 2000, speech on the Senate floor, McCain said of LIFA, “It is the right thing to do, and our leaders on both sides of the aisle should find a way to bring it to a vote.”

The article says that the “stakes appear much higher for Republicans than Democrats” because “rejecting the legislation could alienate Hispanic voters just before Election Day and resurrect the divisive fights of the 1990’s over immigrants’ benefits that hurt Republicans in many immigrant communities.”

(The article, “G.O.P. Fight With Clinton on Immigrants Splits Party,” October 22, 2000) is attached.)

The New York Times

Sunday October 22, 2000

G.O.P. Fight With Clinton on Immigrants Splits Party

By ERIC SCHMITT

WASHINGTON, Oct. 21 — Congressional Republicans are locked in a battle with the White House over easing immigration law that threatens to undercut Gov. George W. Bush's efforts to court Hispanic voters and shed the party's lingering image as insensitive to new immigrants.

As Congress draws to a close, among the last sticking points between President Clinton and Republicans on a year-end budget deal are Democratic proposals to grant limited amnesty to hundreds of thousands of longtime residents who came to the United States illegally, expand permanent residency to certain Central Americans and help certain other immigrants obtain green cards.

The provisions are in a spending bill that finances the State, Commerce and Justice departments. Mr. Clinton has threatened to veto the legislation if it does not include the immigration proposals.

The stakes appear much higher for Republicans than Democrats. Many conservatives argue that bowing to Mr. Clinton would reward lawbreakers and encourage a new wave of illegal immigrants. But rejecting the legislation could alienate Hispanic voters just before Election Day, and resurrect the divisive fights of the 1990's over immigrants' benefits that hurt Republicans in many immigrant communities.

A coalition of business groups with ties to Republicans, including health care providers, restaurant owners and landscapers, has also endorsed the changes as necessary to retain badly needed workers. "If the Republican Party is really serious about changing its image in the Latino community, it's hard to understand their resistance to these proposals," said Cecilia Muñoz, vice president for policy of the National Council of La Raza, the nation's largest Hispanic civil rights group.

Democrats say they are united behind the proposals, which Vice President Al Gore has said are essential to "ensure fairness and equity for certain immigrants and their families already in the United States."

But Republicans are split. House and Senate Republican leaders have balked at the provisions. Representative Tom DeLay of Texas, the House Republican whip, acknowledged that some immigrants' cases were mishandled in the 1980's, and should be remedied. "But the president wants a blanket amnesty," Mr. DeLay said. "He's playing politics. He's trying to buy votes through an amnesty."

Several other prominent Republicans, including Jack Kemp, the party's 1996 vice-presidential nominee; Senator John McCain of Arizona and Representative Thomas M. Davis III of Virginia, the House Republican re-election chairman, support the proposals. Mr. Davis said that one in five adults in his suburban Washington district was born overseas. "It is the right thing to do, and our leaders on both sides of the aisle should find a way to bring it to a vote," Mr. McCain said on the Senate floor on Sept. 27.

Governor Bush, of Texas, sought to distance himself from the contentious issue. "The governor has not gotten involved in the maneuvering or negotiations with any specific immigration bills," said Ray

Sullivan, a Bush campaign spokesman. "The governor has said he does not support a blanket amnesty for illegal immigrants at this time."

But another Bush adviser, speaking on condition of anonymity, expressed concern that the issue could backfire on Republicans, adding, "We're trying to find a way to do this without making it a political issue."

The legislation, called the Latino and Immigrant Fairness Act, would make three major changes in immigration law.

First, the measure would allow at least 400,000 immigrants who came to the United States illegally before 1986 to apply for permanent residency, as people who came before 1972 were already able to do.

Proponents say many of these immigrants were wrongfully denied amnesty under an earlier law when the Immigration and Naturalization Service bungled their claims. Critics say some of those cases should be reviewed by a court, but that in many others immigrants are not entitled to a green card, which confers permanent residency. "If we keep granting amnesty to people who came to the country illegally, we are in essence putting up a neon sign on all of our borders saying, Violate our law, come into our country illegally," said Senator Phil Gramm, Republican of Texas.

The second provision calls for granting legal status to 300,000 immigrants who fled wars and political chaos in Haiti, El Salvador, Honduras, Guatemala and Liberia, and applied unsuccessfully for refugee status. Proponents say these immigrants should be treated the same as those from Cuba and Nicaragua, who were granted legal status in 1997.

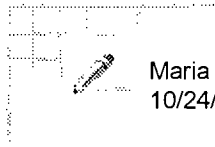
The third provision would permit immigrants who are changing their legal status to pay a \$1,000 fee and complete the process in the United States, rather than return to their home country and leave relatives here behind.

Senator Orrin G. Hatch, a Utah Republican who heads the Judiciary Committee, has countered the Democrats' plan with a proposal to adjudicate some of the amnesty claims, and grant temporary visas to reunite spouses and children with legal permanent residents here.

Most Democrats hailed Mr. Hatch's plan, but said it fell short.

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1. The "V" Visa. The Hatch legislation would create a new nonimmigrant visa category, the "V" visa, for spouses and minor children of legal permanent residents who have been waiting for at least three years for an immigrant visa to become available to allow them to join their family member in the U.S.
2. This provision fails to require these "nonimmigrants" to meet the standards for admission that they will have to meet to become legal permanent residents once a visa becomes available. As a result, INS estimates that about 13% of these "nonimmigrants" will have to leave the U.S. once a visa becomes available. This nonsensical result will not further the Republicans' alleged goal of reuniting families, but instead will give thousands of them false hope by allowing them into the U.S. to begin putting down roots, only to uproot them when a visa does become available.
3. Moreover, by allowing certain "nonimmigrants" to come to the United States for an unlimited period of time until a visa becomes available, including some with criminal pasts, this legislation could allow a foreign criminal the opportunity to commit crimes in the United States – a criminal who would have been denied admission to the U.S. under current law.
4. This legislation, in essence, dissolves the historic distinction between nonimmigrants and legal permanent residents and ignores the worldwide and per-country numerical limitations that were enacted in 1990 after careful study and broad-based deliberation. If Congress wishes to reopen that debate, it should be done with hearings and broad input, not by creating a new nonimmigrant category in the last days of the congressional session.
5. Legalization substitute for registry update. In addition, the provision to essentially reopen complex legalization litigation and extend the possibility of permanent residence to a small group of persons is an unacceptable alternative to the Administration's proposal to update the registry date to 1986, which would help 500,000 persons with longterm ties to the United States.
6. 245I parallel provision. Finally, this legislation fails to provide vital relief for many persons presently in the United States who are waiting for a visa to become available, such as the adult unmarried children of U.S. citizens and permanent residents. Instead, this legislation only allows a narrower class of persons – spouses and minor children of permanent residents – who have been waiting for a visa for at least three years and are currently in the U.S., to adjust their status.



Maria Alexandra Arriaga
10/24/2000 05:59:27 PM

Record Type: Record

To: Irene Bueno/WHO/EOP@EOP

cc:

Subject: speaking order

----- Forwarded by Maria Alexandra Arriaga/WHO/EOP on 10/24/2000 05:59 PM -----



"Carroll, Sean" <Sean.Carroll@mail.house.gov>
10/24/2000 05:42:41 PM

Record Type: Record

To: Maria Alexandra Arriaga/WHO/EOP

cc:

Subject: speaking order

Alex,
Menendez
Gephardt
Daschle
Kennedy
Reid
MACKAY
Roybal-Allard
Conyers
Durbin
Jackson-Lee