



EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials **Esther Olavarria Interview, 08/28/2006**

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Miller Center Documents¹

- Esther Olavarria Timeline.

Secondary Source Materials

- *2000 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly Inc., 2001) pp. 15-3 to 15-14.
- *2002 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly Inc., 2003) pp. 13-8 to 13-9.
- *2004 Congressional Quarterly Almanac*, (Washington, D.C.: Congressional Quarterly Inc., 2005) pp. 11-3 to 11-13.
- Eunice Moscoso, "House Debates Immigration Bill; Senate Version Vastly Different," *The Atlanta Journal-Constitution*, 12/17/2005.
- Rachel L. Swarns, "Senate, in Bipartisan Act, Passes Immigration Bill; Tough Fight is Ahead," *The New York Times*, 05/26/2006.

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ESTHER OLAVARRIA IMMIGRATION LEGISLATION TIMELINE

Prepared by James McGill Patterson

Miller Center, University of Virginia, 07/13/2006

1999 Esther Olavarria becomes Minority Counsel for the Subcommittee on Immigration.

2000

March Senator Orrin Hatch (R-UT) proposes to the Senate Judiciary Committee a bill to increase the number of H-1B visas to 195,000 until 2003 to alleviate labor shortages in the technology industry. EMK attempts to amend the bill to lower the number of H-1B visas to 145,000 until 2002. EMK also proposes to increase the \$500 fee companies pay when hiring a H-1B employee to a minimum of \$1000 to a maximum of \$3000, depending on the size of the company, with revenue continuing to fund educating low-income college students studying technology-oriented fields. The amendment fails to pass with a vote of 8-10. Hatch's bill easily passes out of the committee. (*2000 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly Inc., 2001, p. 15-6)

September Democrats stall passage H-1B visa increase with demands that the bill be amended to include an amnesty program, permission for those awaiting residency status to remain in the U.S., and make easier certain groups to become permanent residents. The Senate votes 97-1 to proceed to the bill. In the last week of September, Republicans succeed in avoiding consideration of the amendments. (*2000 Congressional Quarterly Almanac*, p. 15-9)

After the immigration provisions fail to make it onto S 2045, Democrats in the Senate try to amend them to the Commerce-Justice-State (CJS) appropriations bill. The Democrats propose three amendments together called the Latino and Immigrant Fairness Act. Of the three, the Senate Appropriations Committee add ones by restoring the 245(i) program permitting illegal immigrants awaiting a change of status to permanent resident to remain in the U.S. The other two amendments require an amnesty program for illegal immigrants in the country since 1986 and ease entrance of Central Americans, Liberians, and Eastern Europeans. (*2000 Congressional Quarterly Almanac*, pp. 2-33, 2-35)

October The Senate passes Hatch's H-1B bill without other immigration amendments 96-1. The House quickly follows, and Clinton signs the bill into law on the 17th. (*2000 Congressional Quarterly Almanac*, pp. 15-3, 15-12 to 15-13)

Clinton threatens to veto the CJS appropriations bill if the amnesty program and ease of restrictions are not included to the bill sent to his desk. (*2000 Congressional Quarterly Almanac*, p. 2-35)

November Clinton, Hatch, and other key figures in the immigration lobby negotiate amnesty and ease of entrance amendments to the CJS appropriations bill. Most critical to the negotiations is how much to reduce the scope of amnesty. (2000 *Congressional Quarterly Almanac*, pp. 2-36 to 2-37)

December In the final version of the CJS appropriations bill, spouses and children of permanent legal residents could obtain temporary visas until they become legal residents themselves. Illegal aliens not provided amnesty under the 1986 bill could join two class-action lawsuits suing for permanent residency. Finally, the bill reinstates the 245(i) program to allow those overstaying their visas to stay in the country while the permanent residency applications are processed; however, the program is extended only for four months, thus requiring applicants who qualify to apply within that timeframe. (2000 *Congressional Quarterly Almanac*, p. 2-39)

2001

July The Senate Appropriations Committee considers the CJS Appropriations bill. Part of the bill is a permanent extension of the 241(i) program, which permitted immigrants to remain in the U.S. while waiting for residency status. The bill passes committee and the Senate floor. (2001 *Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly Inc., 2002, pp. 2-9 to 2-12)

September Mexican President Vincente Fox meets with President George W. Bush. During a press conference, Fox calls for Bush to press for legislation creating fairer conditions for undocumented workers. Aides to Bush indicate that the president is interested in expanded border control, increase in guest worker programs, and amnesty for selected workers. (*The New York Times*, 09/06/2001)

Permanent extension of the 241(i) program is removed from the CJS as part of conference negotiations in favor of the House version's four month temporary extension. (2001 *Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly Inc., 2002, p. 2-12)

November The Senate Judiciary Committee holds hearings with Attorney General John Ashcroft about the detention of hundreds of people on immigration charges. The people arrested are apparently linked to the investigation of terrorism after September 11th, although Ashcroft has not made public the details. (*The New York Times*, 11/28/2001)

December EMK, Feinstein, and Kyl propose immigration reform in response to the terrorist attacks on September 11th. The bill would require the INS to notify the government when recipients of student visas enter the U.S. and colleges verify that the recipients do in fact attend classes. Nonimmigrant visa applicants from the seven nations deemed sponsors of terror would undergo examination of

whether they are a threat to national security prior to approval. (*The New York Times*, 12/06/2001)

The House passes its version of a border security bill. The bill authorizes an increase the number of the INS inspectors and Customs Service agents at U.S. entry points, the creation of a terrorist database for government agencies, and an electronic system to locate and follow foreign students. Under the border security bill, schools suffer harsher penalties for failing to track foreign student class attendance. The bill also funds technological improvements, recruitment, and training for INS agents. (*2002 Congressional Quarterly*, Washington, D.C.: Congressional Quarterly Inc., 2003, pp. 13-7 to 13-8)

2002

March Four top officials from the INS resign after an investigation uncovers that two of the September 11th attackers remained in the U.S. because of lag in the INS updating their visa status. (*The New York Times*, 03/16/2002)

April The Senate attempts to pass as a unanimous consent agreement in its version of the 2001 border security bill, but Senator Robert Byrd (D-WV) opposes unanimous passage. Pressure to pass the bill mounts throughout the spring, and Democratic leadership allow debate on the bill. Byrd amends the bill to delay deadlines for security requirements placed on schools with foreign students. (*2002 Congressional Quarterly*, p. 13-7)

May The House agrees to the Senate version of the border security bill after the Senate agrees to drop a provision freeing the attorney general from the normal bidding process for determining who will develop the terrorist database. (*2002 Congressional Quarterly*, p. 13-7)

Congress passes a farm bill containing a provision restoring food stamp benefits to legal permanent residents who had lived in the U.S. for five years, to recently arrived children, to the disabled, and to refugees. (*2002 Congressional Quarterly*, p. 4-4)

June Senator Bob Graham (D-FL) amends a welfare reform bill to permit states to provide some legal health care for some legal immigrants, specifically children and pregnant women. The bill passes the Senate Finance Committee. When Republicans win back the majority in the Senate, they set aside debating the bill any further in favor of considering their own version the following year. (*2002 Congressional Quarterly*, p. 15-3 to 15-6)

November Congress passes legislation to create the Department of Homeland Security. The bill abolishes the INS and absorbs its functions into newly created parts of Homeland Security. The portion of the INS that handled immigration claims is moved to the Bureau of Citizenship and Immigration Services. The portion of the

INS that handled border security becomes part of the Bureau of Border Security in the Border and Transportation Division. (2002 *Congressional Quarterly*, pp. 7-3 to 7-4, 13-8 to 13-9)

2003

June Senator Don Nickles (R-OK) attempts to amend the Medicare reform bill to remove language restoring coverage for legal immigrant children and pregnant mothers. His amendment fails. (2003 *Congressional Quarterly*, Washington D.C.: Congressional Quarterly Inc., 2004, p. 11-5)

2004

October The Senate passes a bill massively overhauling government intelligence bureaucracy after rejecting amendments concerning immigration. The House passes a weaker bill but one including immigration provisions, such as expediting the deportation of immigrants charged with a crime if they had lived in the U.S. for fewer than five years. (2004 *Congressional Quarterly*, Washington D.C.: Congressional Quarterly Inc., 2005, pp. 11-4 to 11-5)

December The conference committee removes a prohibition of states to issue drivers licenses to illegal immigrants but includes several other House provisions. The report requires all visa applicants to be interviewed in person by U.S. consular official and to increase the number of consular officers by 150. The report also retained language setting stricter standards for personal identification such as replacing Social Security cards. (2004 *Congressional Quarterly*, p.11-9)

2005

December The House passes a major immigration reform bill. The bill requires businesses to verify the legal status of their workers and increase sentences for those smuggling immigrants across the U.S. border. Also, the bill expands on what grounds immigrants could be deported and authorizes local police to enforce federal immigration laws. The legislation makes being in the U.S. illegally a felony. Finally, the bill authorizes the building of a two-layer fence with surveillance cameras, lighting, and motion sensors. The business lobby expresses dissatisfaction at the lack of a temporary work program, while Hispanic/Latino civil rights groups and the Roman Catholic Church object to the perceived punitive nature of the legislation. (*The Atlanta Journal-Constitution*, 12/17/2005)

2006

April The Senate Judiciary Committee passes the immigration reform bill offered by EMK and McCain. Senate Majority Leader Bill Frist (R-TN) offers a narrower version of the bill, one with greater focus on border security, as a substitute for the McCain and EMK bill. Frist asks Senator Arlen Specter (R-PA), the Senate

Judiciary Committee chair, to help find votes to break a filibuster, but the Frist substitution bill goes makes no headway. (*Sacramento Bee*, 04/03/2006)

May

In a bipartisan vote, EMK and McCain pass their Senate version of immigration reform. The Senate version contains provisions designed to tighten border security, such as ordering the deportation of illegal immigrants convicted of a felony or three misdemeanors and building a 370 mile triple layer fence between U.S. and Mexico, and declares English the U.S. national language. However, it also contains a guest worker program and a path for illegal immigrants to become citizens. The guest worker program would admit 200,000 foreign workers to U.S. employers who cannot find U.S. workers to fill positions. Also, the bill creates a second guest worker program for immigrant farm workers, who can earn permanent legal residency. The path to citizenship divides illegal immigrants into three categories. Those who have been in the U.S. for more than five years can become citizens if they demonstrate employment for three years, pass security checks, pay fines and back taxes, and enroll in English classes. Those who have been in the U.S. for two to five years have to leave the U.S. and apply for a work visa and return as guest workers. While here as guest workers, these immigrants can then apply for permanent residency. Those who have been in the U.S. for fewer than two years have to leave the U.S. without a guarantee of being admitted as guest workers. Critics of the House bill, including La Raza and the Roman Catholic Church, line up behind the Senate bill. (*The New York Times*, 05/26/2006; *Milwaukee Journal Sentinel*, 05/26/2006)