



EMAIL BULLETIN

U.S. HOUSE OF REPRESENTATIVES PASSES LEGISLATION NEGATIVELY IMPACTING LEGAL IMMIGRATION

Urge Your Senators to Oppose the Act's Ill-Conceived Provisions

12 January 2006

On December 16, 2005, the U.S. House of Representatives amended and passed legislation, H.R. 4437, which includes harsh provisions affecting legal immigration to the United States and denying remedies for certain individuals who experience even inadvertent lapses in lawful status. We urge employers to consider the impact of such legislation on their workforce and their ability to staff vital positions. Tindall & Foster, P.C. urges all concerned employers to voice their opposition to H.R. 4437 and to urge their Senators to do the same when the Senate considers the bill in February.

Immigration Status Violations Would Be Criminalized and Punished under Criminal Rather than Civil Law

For the first time ever, immigration status violations, even technical and inadvertent violations, would be treated as criminal violations rather than civil violations and would carry harsh criminal penalties including fines and imprisonment.

More Misdemeanor Activity Would Be Considered "Aggravated Felonies" for Purposes of Excluding or Removing Foreign Nationals

Some of H.R. 4437's more onerous provisions would further expand the definition of "aggravated felony" to include a wider range of conduct not considered felonious in the law under which a foreign national was convicted. Under current law, many misdemeanors are considered "aggravated felonies" for purposes of finding foreign nationals inadmissible or removable. Under the proposed legislation, an even wider array of misdemeanor behavior will be classified as "aggravated felonies" for purposes of excluding or removing foreign nationals from the United States.

Stiffer Penalties Would Be Imposed for Even Technical Violations of “Reformed” Employment Eligibility Verification System

Additional provisions of H.R. 4437 would reform the existing Employment Eligibility Verification System and provide stiffer penalties for first-time violations and would expand civil and criminal penalties for patterns of violations. Certain broadly drafted provisions of H.R. 4437 would permit employers to be fined or imprisoned for providing assistance to undocumented workers or those employees who experience even innocent gaps in lawful status.

Act Now to Urge Your Senators to Oppose the Act’s Ill-Conceived Provisions

The U.S. House of Representatives has already passed H.R. 4437. Although dubbed the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437 contains onerous provisions, including the unjust provisions outlined above, which are likely to have no impact on our national security but which will adversely impact foreign nationals who are not considered “illegal” or even “undocumented” under existing law.

Prior to the Senate’s consideration of H.R. 4437 in February, we urge you to contact your Senators now to urge their opposition to H.R. 4437 and all similar immigration legislation that includes only harsh enforcement provisions without addressing the need for just and realistic immigration reform. Please visit the advocacy section of the American Immigration Lawyers’ Association (AILA) web site at <http://capwiz.com/aila2/issues/alert/?alertid=8339716&type=CO> to utilize templates for voicing your opposition to H.R. 4437.

As with all legislation impacting legal immigration, Tindall & Foster, P.C. will continue to monitor the progress of H.R. 4437 in the Senate and will provide additional updates as they become available. In the interim, Tindall & Foster encourages you, as an individual and perhaps as an employer representative, to take action to oppose H.R. 4437 by contacting your Senators. Failure to act now could impact all employers in the coming months to a far greater extent than even Congress contemplated.

If you would like assistance in drafting and submitting a formal letter of opposition to H.R. 4437, please contact your Tindall & Foster immigration attorney. Should you wish to contact your Senators directly, we urge you to use the link above to submit your correspondence electronically, as delivery of paper correspondence to the Senate Office Building is routinely delayed for anthrax screening.