



EMAIL BULLETIN

THE U.S. SENATE DEBATES COMPREHENSIVE IMMIGRATION REFORM

Urge Your Senators to Support the Senate Compromise Bill Derived from the Judiciary Chairman's Mark, the "Comprehensive Immigration Reform Act of 2006" - Oppose Enforcement-Only Bills Such as S. 2454 and H.R. 4437

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The recent renewal of debate concerning comprehensive immigration reform has generated three major bills in the U.S. House of Representatives and the U.S. Senate. As reported in previous Tindall & Foster Email Bulletins, the U.S. House of Representatives passed H.R. 4437, a draconian, enforcement-only proposal that failed to address issues of reform and has not yet come to a vote in the Senate. Similarly, the Senate passed S. 2454, an enforcement-only proposal dubbed the "Secure America's Borders Act" that has not yet come to a vote in the House. In Response, the Senate Judiciary Committee issued a Chairman's Mark-up entitled the "Comprehensive Immigration Reform Act of 2006," a competing Senate proposal that would address comprehensive reform issues as well as strengthen certain enforcement provisions, providing a fair alternative for debate in subsequent conference. Bi-partisan efforts under way in the Senate now will determine the ultimate version of the Comprehensive Immigration Reform Act that will be paired with H.R. 4437 in conference, a process that will affect the content of the law that ultimately passes.

New Temporary Worker Program

The Comprehensive Immigration Reform Act of 2006 includes many favorable provisions. One such provision would establish a new temporary worker category for "essential workers" in occupations other than those for which H-1B, L, O, and P visas may be obtained. Employers would be required to demonstrate unavailability of U.S. workers and attest that the employment of such essential workers will not harm the wages and working conditions of U.S. workers. This new category, H-2C, would be numerically limited per Fiscal Year.

Reduction of Backlogs in Immigrant Visa Availability

Included in the Comprehensive Immigration Reform Act of 2006 are measures which would reduce the backlogs in immigrant visa availability occasioned by the annual quotas by modifying the current quota system.

The Act would first increase the annual employment-based immigrant visa quota from 140,000 to 290,000. Further, individual per-country limits would be increased. Additionally, the Act would exempt shortage occupation workers (nurses and physical therapists) and dependents of employment-based applicants from the annual quota.

Additional measures would exempt immediate relatives (spouses, children, and parents), who would no longer be counted under the annual worldwide immigration quota.

Earned Legalization for Certain Undocumented Workers

In an effort to deal effectively and fairly with approximately 11 million undocumented immigrants in the United States, the Comprehensive Immigration Reform Act of 2006 includes provisions that would enable taxpaying workers and their families to legalize their status, first as conditional nonimmigrants, and subsequently, upon meeting additional eligibility requirements, as lawful permanent residents of the United States. Qualified applicants would be required to pay fines in addition to applicable government filing fees. A bi-partisan compromise will likely impact the categories of undocumented workers that would be eligible to take immediate advantage of earned legalization. In essence, the compromise seeks to ensure that those here the longest become eligible more rapidly than late-comers who recently arrived in the United States.

Additional provisions would reform the agricultural worker program, add certain worker protections, and provide for the earned residency of certain agricultural workers who pay a required fine and meet certain additional statutory requirements.

Finally, certain provisions of the Comprehensive Immigration Reform Act would allow certain individuals brought to the United States as minors by their parents to apply for conditional lawful permanent residency in the United States. All such applicants would be required to prove admissibility, good moral character, arrival in the United States prior to the age of 16, and matriculation from a U.S. high school or enrollment in an institution of higher education. Conditional status may be removed and permanent status acquired upon proof of good moral character and matriculation from a U.S. institution of higher education, two years of higher education or two-years of U.S. military service.

Enforcement Provisions

The Comprehensive Immigration Reform Act also contains reasonable measures intended to improve border security and internal enforcement. Included among these provisions are increases in the number of Customs & Border Protection officers, Port-of-Entry Inspectors, and personnel dedicated to the investigation of human smuggling. Other provisions address the need to improve infrastructure, checkpoints, and surveillance technology to prevent unlawful entry into the United States. Certain fraud provisions address the need to better detect and prevent fraud, as well as the need for better tracking of entries into and exits from the United States. Finally, other provisions would increase penalties and enforcement for certain criminal activity and immigration status violations.

Contact Your Senators Now

As the Congress is scheduled to leave Washington today, Friday, April 7, 2006, for a two week recess, Tindall & Foster urges clients to contact their U.S. Senators now, and over the next two weeks at their local constituent offices by email and fax to urge approval of the bi-partisan compromise modifying the Judiciary Committee's Comprehensive Immigration Reform Act of 2006. By approving the Comprehensive Immigration Reform Act of 2006, the Senate can ensure that a balanced bill proceeds to conference rather than an enforcement-only bill that ignores the widespread public call for comprehensive reform.

You may email your Senators through the advocacy page on the American Immigration Lawyers Association (AILA) web site at <http://capwiz.com/aila2/issues/alert/?alertid=8339716&type=CO>. Alternatively, you may contact your Senators through the U.S. Capitol switchboard at 202-224-3121.