



EMAIL BULLETIN

U.S. SENATE PASSES COMPROMISE BILL AFFORDING IMMIGRATION BENEFITS REFORM, AN INCREASE IN THE H-1B QUOTA, AND A REDUCTION OF BACKLOGS IN THE PERMANENT RESIDENCY PROCESS

The U.S. House of Representatives is Staunchly Opposed

26 May 2006

On May 25, 2006, the U.S. Senate reached an historic compromise providing for much-needed, comprehensive reform of immigration benefits. By a vote of 62 to 36, the Senate approved measures that would increase the annual H-1B Visa Quota, temporarily increase the number of immigrant visas available each Fiscal Year for all employment-based and family-based immigrant categories, and provide a path to permanent residency and citizenship for certain undocumented workers.

The Senate bill is not yet law, and it would only become law upon passage by the U.S. House of Representatives and signature by the President. While President Bush has given every indication that he would sign such a bill, the bill faces an uphill battle in the House of Representatives.

The U.S. House of Representatives, as reported in previous Tindall & Foster Email Bulletins, recently passed a draconian, enforcement-only bill that could make even inadvertent status violations a crime, would expand the scope of misdemeanors that would disqualify an applicant for immigration, and would require deportation of certain foreign nationals who assert their right to refuse a breathalyzer test during a traffic stop. Additionally, the House bill would strengthen work site enforcement of the employers' Form I-9 Employment Eligibility Verification obligation and provide more stringent civil and criminal penalties for violations.

In order for an immigration bill to pass, Senate and House committees must now work together to reach a compromise bill capable of a majority passing vote in both the full House and Senate. The Senate benefits-only bill and the House enforcement-only bill have nothing in common. For the two houses to reach an agreement on a bill that can secure majority approval in each body, significant bipartisan efforts at compromise will be required.

During the process of committee meetings, floor debate, and compromise, employers and other stakeholders are urged to contact their Senators and Representatives to voice support for a workable, comprehensive immigration reform bill that addresses benefits in

addition to border security and interior enforcement. It is important that elected leaders hear the voices in support of provisions that will alleviate backlogs in immigrant visa availability and provide a truly feasible solution for the problem of undocumented workers, measures that a majority of Americans polled support. Any viable solution must not tax our judicial system with an estimated 11 million deportation orders and must not adversely impact our economy by forcing the removal of millions of economic contributors employed in jobs U.S. workers do not want.

Summary of Provisions in the U.S. Senate Compromise Bill

- Increase the annual H-1B Visa Quota for highly-skilled workers to alleviate shortages in H-1B visa availability to meet employer needs.
- Temporarily increase annual quota of employment-based and family-based immigrant visas to reduce the years-long wait to reach U.S. lawful permanent residency under the existing quota system.
- Increase the period of employment authorization (Optional Practical Training) for F-1 students graduating from U.S. universities.
- Create a new temporary worker program and establish a path to permanent residency for qualified temporary workers in lesser-skilled occupations.
- Provide a path to permanent residency for students who were brought to the U.S. illegally as minors and who wish to pursue college degrees or military service.
- Provide a path to earned U.S. lawful permanent residency, upon payment of a substantial fine and back taxes, for long-time undocumented workers.
- Reform the Agricultural Worker Program and provide a path to permanent residency for qualified applicants.

Contact your Senators and Representatives now to express your support for the Senate compromise bill that would alleviate permanent residency backlogs and increase the H-1B quota. Stakeholders are encouraged to oppose the House enforcement-only bill that represents an unrealistic, unworkable reaction to a problem that did not happen overnight and cannot be adequately addressed without true immigration reform that affords benefits similar to those passed by the Senate.

Please visit the advocacy section of the American Immigration Lawyers' Association (AILA) web site at <http://capwiz.com/aila2/issues/bills/?bill=8298361> to utilize templates for voicing your opposition to H.R. 4437 and your support for the Senate Compromise bill. To contact your Senators and Representatives regarding other immigration measures, visit the AILA web site at <http://capwiz.com/aila2/home/>.

Please note: Due to security concerns and the lengthy process of screening paper mail for anthrax prior to delivery to members of Congress, both the Senate and House prefer facsimiles or electronic correspondence as made possible through the AILA site.

For assistance in preparing a letter to express your company's support of the Senate's compromise bill in advance of the coming committee meetings and debates, contact your Tindall & Foster immigration attorney. Your Tindall & Foster attorney will be happy to work with you to tailor an appropriate letter that expresses your company's position on issues of concern for the future of your business. As always, Tindall & Foster will continue to monitor the progress of legislative proposals and will make future updates available in Email Bulletins and on our web site at www.tindallfoster.com.