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Bill to Broaden Immigration Law Gains in Senate

By RACHEL L. SWARNS

WASHINGTON, March 27 — With Republicans deeply divided, the Senate Judiciary Committee voted on Monday to legalize the nation's 11 million illegal immigrants and ultimately to grant them citizenship, provided that they hold jobs, pass criminal background checks, learn English and pay fines and back taxes.

The panel also voted to create a vast temporary worker program that would allow roughly 400,000 foreigners to come to the United States to work each year and would put them on a path to citizenship as well.

The legislation, which the committee sent to the full Senate on a 12-to-6 vote, represents the most sweeping effort by Congress in decades to grant legal status to illegal immigrants. If passed, it would create the largest guest worker program since the bracero program brought 4.6 million Mexican agricultural workers into the country between 1942 and 1960.

Any legislation that passes the Senate will have to be reconciled with the tough border security bill passed in December by the Republican-controlled House, which defied President Bush's call for a temporary worker plan.

The Senate panel's plan, which also includes provisions to strengthen border security, was quickly hailed by Democrats, a handful of Republicans and business leaders, as well as by the immigrant advocacy organizations and church groups that have sent tens of thousands of supporters of immigrant rights into the streets of a number of cities to push for such legislation in recent days.

But even as hundreds of religious leaders and others rallied on the grounds of the Capitol on Monday, chanting "Let our people stay!," the plan was fiercely attacked by conservative Republicans who called it nothing more than an offer of amnesty for lawbreakers. It remained unclear Monday night whether Senator Bill Frist, the Senate majority leader, would allow the bill to go for a vote this week on the floor or would substitute his own bill, which focuses on border security. His aides have said that Mr. Frist, who has said he wants a vote on immigration this week, would be reluctant to move forward with legislation that did not have the backing of a majority of the Republicans on the committee.

Only 4 of the 10 Republicans on the committee supported the bill. They were the committee chairman, Senator Arlen Specter of Pennsylvania, and Senators Lindsey Graham of South Carolina, Mike DeWine of Ohio and Sam Brownback of Kansas. All eight Democrats on the committee voted in favor of the legislation.

The rift among Republicans on the committee reflects the deep divisions in the party as business groups push to legalize their workers and conservatives battle to stem the tide of illegal immigration. Mr. Specter acknowledged the difficulties ahead, saying, "We are making the best of a difficult situation." But he said he believed that the legislation would ultimately pass the Senate and would encourage the millions of illegal immigrants to come out of the shadows.

"We do not want to create a fugitive class in America," Mr. Specter said after the vote. "We do not want to create an underclass in America."

"I think this represents a reasonable accommodation," he said, referring to the divergent views on the panel. "It's not a majority of the majority, but it's a good number."

Scott McClellan, the White House spokesman, said Monday night that President Bush was "pleased to see the Senate moving forward on legislation." Mr. Bush has repeatedly called for a temporary worker program that would legalize the nation's illegal immigrants, though he has said such a plan must not include amnesty.

"It is a difficult issue that will require compromise and tough choices, but the important thing at this point is that the process is moving forward," Mr. McClellan said.

Lawmakers central to the immigration debate acknowledged that the televised images of tens of thousands of demonstrators, waving flags and fliers, marching in opposition to tough immigration legislation helped persuade the panel to find a bipartisan compromise.

"All of those people who were demonstrating were not necessarily here illegally," said Senator John McCain, Republican of Arizona, who sponsored the legalization measures with Senator Edward M. Kennedy, Democrat of Massachusetts. Mr. Kennedy described the people who would benefit from the bill as "our neighbors," adding: "They're churchgoers. They're the shop owners down the street. They're the people we know."

The protesters were rallying in opposition to the security bill passed by the House. The House bill would, among other things, make it a federal crime to live in this country illegally, turning the millions of illegal immigrants here into felons, ineligible to win any legal status. (Currently, living in this country without authorization is a violation of civil immigration law, not criminal law.)

The legislation passed by the Judiciary Committee on Monday also emphasized border security and would nearly double the number of Border Patrol agents over the next five years, criminalize the construction of tunnels into the United States from another country and speed the deportation of illegal immigrants from countries other than Mexico. But it also softened some of the tougher elements in the House legislation.

Addressing one of the most contentious issues, the panel voted to eliminate the provisions that would criminalize immigrants for living here illegally and made an amendment to protect groups and individuals from being prosecuted for offering humanitarian assistance to illegal immigrants.

Conservatives on the committee warned that the plan would generate a groundswell of opposition among ordinary Americans who had been demanding tighter controls at the border and an end to the waves of illegal immigration.

Senator Jeff Sessions, Republican of Alabama, said the Judiciary panel "let the American people down by passing out a blanket amnesty bill."

Senator Jon Kyl, Republican of Arizona, said the foreign workers would take American jobs during a recession. "Get ready for a real tough time," Mr. Kyl said, "when American workers come to your office and say, 'How did you let this happen?' "

Under the proposal, participants in the temporary worker program would have to work for six years before they could apply for a green card. Any worker who remained unemployed for 60 days or longer during those six years would be forced to leave the country. (Employers could petition for permanent residency on behalf of their employees six months after the worker entered into the program.)

The legalization plan for the nation's illegal immigrants would require those without documents to work in the United States for six years before they could apply for permanent residency. They could apply for citizenship five years after that. Immigrants would have to pay a fine, back taxes and learn English.

Mr. Graham called it an 11-year journey to citizenship.

"To me that's not amnesty," he said. "That is working for the right over an 11-year period to become a citizen. It is not a blanket pardon."

"The president believes and most of us here believe that the 11 million undocumented people are also workers," Mr. Graham said. "We couldn't get by as a nation without those workers and without those people."