

## **Statement issued today by AILA in response to the Senate's failure to invoke cloture on S.1639, which most likely ends any movement on immigration reform this summer:**

June 28, 2007

WASHINGTON, DC - The U.S. Senate, in failing to pass a key procedural obstacle to the passage of its immigration reform legislation, today failed not only immigrants and their families and employers, but failed the country.

Our current immigration system is badly broken. Twelve million undocumented immigrants live and work in America without any opportunity whatsoever to earn full legal status and eventual citizenship. Our borders are not secure even with an historic level of enforcement. Family and employment-based immigration backlogs grow by the hour, requiring decades-long waits in many cases. U.S. employers cannot legally hire essential immigrant workers or needed highly skilled professionals, because no system is provided to afford necessary immigrant workers legal entry. The agricultural industry is unable to find sufficient workers and those undocumented working in the shadows labor under a badly broken system. High school students who excel are barred from continuing their education because they cannot obtain legal status. Immigrants seeking to feed their families and the chance to be part of the American dream continue to die in the desert seeking entry, and detention centers that are actual tent cities continue to grow.

The Senate bill was admittedly deeply flawed. Backroom negotiations and a convoluted amendment process ensured that the bill in its current form would not have led to workable reform. But the Senate has denied the House a chance to weigh in on this pivotal national issue to try to get things right, and to pass an immigration reform bill that would serve the interests of this country and its families, its businesses, and its immigrants.

AILA will advocate vigorously to ensure that the immigration reform debate stays alive, that Senators be held accountable for their actions, and that the House move boldly to take the lead and not replicate the Senate's mistakes.

Any immigration reform bill must include the following necessary architecture for meaningful, effective reform:

- (1) A clear path to lawful residence for those who come forward, pay fines, and demonstrate their commitment to become Americans by earning their status through working and learning English.
- (2) A new worker program that includes labor protections, job portability, and a realistic path to permanent residence.

(3) The elimination of the existing unconscionable backlogs in family immigration, preservation of meaningful family immigration with reasonable quotas, and recalibration of our employment-based immigrant visa quotas to accommodate the needs of our dynamic and growing economy.

(4) Smart border and worksite enforcement mechanisms that protect our national security interests, while respecting civil rights.

(5) Due process and civil liberties protections that guarantee immigrants their day in court, judicial review, and a meaningful opportunity to seek waivers and discretionary relief.

The Senate bill that foundered on the Senate floor today gave the appearance of adhering to this skeletal architecture, but its content, flawed from the beginning of the process, was further compromised by harsh amendments that were supported by a majority of Senators in order to secure passage of the bill and to try to keep the legislative process moving forward.

AILA's top objections to the Senate bill included:

(1) Decimation of the employment-based immigration system through creation of a mis-named "merit-based" point system that disconnects employment-based immigration from employer sponsorship and eliminates existing avenues of migration for aliens of extraordinary ability, multinational executives, and outstanding researchers.

(2) Evisceration of family-based immigration by eliminating 4 out of 5 long-recognized family relationships that qualify an individual for green card sponsorship in exchange for a partial reduction of the backlogs in those categories.

(3) Lack of meaningful opportunities for new temporary workers to transition to permanent residence.

(4) Lack of sufficient future numbers for employment-based immigrants at all ends of the skill spectrum.

(5) Unwarranted restrictions on the H-1B and L-1 nonimmigrant visa programs.

(6) Lack of sufficient confidentiality protections for Z-visa applicants.

(7) Harsh due process restrictions that violate fundamental protections guaranteed to all persons under our constitution.

For years, AILA has been at the forefront in advocating for a comprehensive solution to the multitude of problems plaguing our immigration system. Our collective experience on the frontlines of immigration law and policy highlights the dire and urgent need for

workable reform that advances the nation's economic, social, and national security interests.

AILA will do everything possible to assist and to support the Senate and the House to craft an immigration reform bill that comports with our tradition as a nation of immigrants.

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