

## UPDATE AND CALL TO ACTION: IMMIGRATION

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*For background information, see below.*

An historic compromise was reached by Democrats and Republicans in the Senate Judiciary Committee on March 27. Four Republicans voted with all the Democrats in the Committee on a comprehensive immigration reform bill that encompasses what is necessary to fix our broken immigration system.

In December of last year, the House of Representatives passed a harsh immigration enforcement bill, "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005" (H.R. 4437), which was introduced by Representative Sensenbrenner (R-WI). To see the National Council of La Raza's (NCLR) position on this bill, please go to: <http://www.nclr.org/content/policy/detail/35618/>

It is possible that the Judiciary Committee bill will go to the Senate floor for full deliberation in the coming days.

**The following is not a complete summary of the bill that came out of the Judiciary Committee, but rather highlights a few of the provisions.**

**Is the Senate Judiciary Committee bill law yet?**

No. This bill will first be considered by the full Senate and voted on. The House and Senate will then meet in conference to reach a compromise between the Judiciary Committee's bill and the Sensenbrenner bill. The Senate and the House of Representatives will vote on the final language before the bill is sent to the President for his signature.

**Did the Judiciary Committee include a path to citizenship for undocumented immigrants?**

Yes. The provision that passed would allow for an undocumented immigrant to pay \$1,000 and apply for a six-year conditional non-immigrant visa. At the end of the six years, a visa holder could apply for legal permanent residence (a green card) after paying a \$1,000 fine, passing a background check, demonstrating an effort to learn English, and showing knowledge of U.S. civics. A legal, permanent resident would have the opportunity to become a citizen after an additional five years. The shortest possible time for an undocumented immigrant to become a citizen would be 11 years.

**Does the Senate Judiciary Committee proposal contain the provisions of the Sensenbrenner bill which would criminalize undocumented people and those who assist them?**

No. An amendment was introduced which deleted those provisions from Senator Specter's Chairman's Mark. However, other objectionable provisions of the Sensenbrenner bill are included in the Senate proposal. For example, the bill would deputize local police to act as immigration agents.

**Does the Senate Judiciary Committee bill create a new temporary worker program?**

Yes. The bill would create a new temporary worker program known as H-2C. A U.S. employer would be required to conduct a recruitment process and prove inability to hire a U.S. worker. That employer would have to pay the H-2C worker a wage that similarly employed workers receive, or the prevailing wage. The worker's spouse and minor children could accompany the worker, but would not receive work authorization. The temporary worker would be eligible to work for three years and extend his/her stay for three more. At that time, the worker would be required to leave the U.S. and would not be able to return for another year. If the worker did not leave at the time the visa expired, s/he would be deported and could not ever legally immigrate into the U.S. (except for refugee-related relief).

**Does the Senate Judiciary Committee proposal include increased border enforcement?**

Yes. The bills calls for increases in border and customs officers and investigators, an increase in the use of technology, and the use of biometric data collection and a biometric entry-exit system. It would also authorize 12,000 new border patrol agents by 2011. Currently, there are about 11,000 border patrol agents employed by U.S. Customs and Border Protection.

**Are provisions concerning local police enforcement of immigration law included in the bill?**

Yes. There are many problematic provisions that would involve local police enforcing immigration law.

**What else happened in the Judiciary Committee?**

The "DREAM Act" was included as an amendment, which would provide a path to permanent status to individuals who came to the U.S. as children, graduate from high school, and pursue higher education or a career in the military. Also, the Committee approved a modified version of "AgJOBS," which would allow certain undocumented agricultural workers to adjust their immigration status and participate in a new temporary work program. To earn a green card, a farmworker must perform agricultural work for at least 100 work days per year for five years, *or* perform 150 days per year for three years.

**What are the next steps?**

There is a good chance that the Senate will debate and vote on this Judiciary Committee bill in the next few days. There are still many problematic enforcement measures, and we will call on you to act immediately so that we can weigh in with each senator. Remember, this bill is not yet law. Please help increase awareness in your community. Misinformation communicated to undocumented immigrants can only cause fear and confusion. All of your efforts make an impact.

Thank you,

National Council of La Raza (NCLR)