



NCLR Immigration Update September 22, 2006

Thursday topped off an atrocious week in the U.S. House of Representatives. The House overwhelmingly passed three immigration enforcement bills which, if allowed to become law, would have an extremely harmful impact on the Latino community and indeed all American communities.

What happened?

First, the House passed the **“Community Protection Act of 2006” (H.R. 6094)** by a vote of 328-95. This bill would:

- Overturn two Supreme Court decisions which prevent indefinite detention of noncitizens. Certain countries (Vietnam, Laos, Cuba) do not accept deportees from the U.S., so this bill would allow the U.S. government to indefinitely detain those immigrants who are found deportable but cannot be deported.
- Expand expedited removal of anyone immigration officers believe to be a noncitizen. Because it severely limits due process, some people such as U.S. citizens who cannot produce proof of citizenship, abused spouses who cannot prove their eligibility for the Violence Against Women Act, and others could be quickly deported.
- Create an overbroad definition of “gang” and give the U.S. Department of Homeland Security (DHS) unfettered discretion to determine who is a “gang member.” This is likely to have the effect of criminalizing young people who are not involved in gang activity, which would have a disproportionate impact on Latino youth.

Next, the House passed the **“Immigration Law Enforcement Act of 2006” (H.R. 6095)** by a rule of 277-140. This bill:

- Contains language from the “CLEAR Act” reaffirming the “inherent authority of state and local police to enforce federal immigration laws.” NCLR has consistently opposed these measures, along with many police officials throughout the country, because they destroy the trust between the police and the communities they protect. When members of our communities fear reporting crimes they witness or are victims of, everyone is less safe. These provisions would also have a disproportionate impact on Hispanic Americans, who are likely to be mistaken for immigrants and singled out for questioning.

Finally, the House quickly passed the **“Border Tunnel Prevention Act” (H.R. 4830)** by a vote of 422-0. This bill:

- Prohibits the unauthorized construction, financing, or reckless permitting (on one's land) of a tunnel or subterranean passageway between the United States and another country.

Previous House votes

On September 14, the House passed the “**Secure Fence Act**” (**H.R. 6061**) by a vote of 283-138. This bill:

- Authorizes construction of 700 miles of fencing along the U.S.-Mexico border.
- Grants the Secretary of the U.S. Department of Homeland Security (DHS) the authority "to take all actions necessary and appropriate" to prevent all unlawful entries into the U.S.

On Wednesday, the House also passed the “**Federal Election Integrity Act of 2006**” (**H.R. 4844**), by a vote of 228-196. This bill would:

- Require that all persons show a photo ID at the polls in order to vote. If it were to become law, it is very likely that Latinos, elderly Americans, Native Americans, young, first-time voters, and low-income Americans will be the most likely to have their ability to vote undercut because they are less likely to possess driver's licenses or other documents necessary to vote.

For roll call votes on each of these bills, go to http://clerk.house.gov/evs/2006/ROLL_400.asp

What's next?

The “Secure Fence Act” is now before the Senate and is likely to be taken up early next week. A vote on the fence bill may occur as early as Tuesday.

The latest three House bills will also be sent to the Senate, but it is unlikely that the Senate will take each of them up as stand-alone bills, mainly because there is not enough time left on the legislative calendar (the Senate plans to recess by the end of the month). However, it is possible that the House will try to attach all of these recently-passed immigration bills to appropriations bills. Currently, the DHS appropriations bill is in conference (reconciling the differences between the House-passed and Senate-passed bills).

What does this mean?

This week's actions are part of an ongoing assault on immigrants and Latinos. Cities around the country have proposed ordinances to declare English the official language, prohibit the flying of foreign flags, penalize landlords who rent to undocumented immigrants, and even prevent Hispanics from using public parks. This week's antics in the House only add to the virulent atmosphere. The situation is likely to further erode as we near the November elections and candidates attempt to use immigration as a wedge issue to divide communities and win votes.

These events can be explained by two factors. The first is ongoing frustration at our nation's broken immigration system; this is a frustration which we share, but which can only be dealt with by congressional action on a comprehensive, workable immigration reform. The second is the assumption that attacking immigrants is a politically wise and safe thing to do; some policy-makers assume that, because undocumented immigrants are not voters, there is no risk to anti-immigrant rhetoric and policies. There is much that our community can do to demonstrate that this is a mistaken assumption.

What can you do?

Find out how your representative voted on the immigration bills. **THANK THEM** if they opposed the bills; **CALL** to express disapproval if they supported them. It is important to know that the community is watching them and will hold them accountable.

CALL YOUR SENATORS and tell them to reject the House bills and the enforcement-only approach. We need comprehensive immigration reform, not a fence.

REGISTER TO VOTE AND HELP OTHERS TO DO THE SAME. The best way to change the political and policy environment is to show our concern at the ballot box in a way which will make both political parties take notice. Latinos need to make their voices heard at the polls in November.

For more information contact Michele Waslin, mwaslin@nclr.org, or Flavia Jiménez, fjimenez@nclr.org.