

# **The Senate Immigration Bill: What Can We Expect? What Can You Do?**

## **Speak to Your Senators Now, Before They Return to DC (Week of May 27)**

Debate on the Senate immigration reform bill began on Monday, May 21. While the final vote on the bill was originally expected to be this week, debate has been extended for an additional week. Next week is Memorial Day recess, and debate on the bill will resume the week of June 4.

### **What is in the bill?**

The bill contains all of the key elements of comprehensive immigration reform: earned legalization, new worker visa program for future workers, and family backlog reductions. Most notably, **the bill contains a legalization program that is available to undocumented immigrants who arrived in the United States by January 1 of this year**; this is the most generous legalization proposal put forward so far. In addition, the “AgJOBS” bill and the “DREAM Act” are part of the Senate compromise. A summary of the bill is available at <http://www.nclr.org/content/publications/detail/46067/>.

However, there are serious concerns about three major areas of the legislation:

- **Temporary workers.** The proposed temporary worker program does not provide an adequate pathway to U.S. citizenship. Instead, a worker would only be allowed to stay in the U.S. for up to three two-year periods, each of which would be followed by a required year in the worker’s home country. Temporary workers would be able to participate in a new immigration point system, but few would likely obtain permanent visas this way.
- **Point system.** This legislation would eliminate most of the family preference categories, which have been the basis for our legal immigration system since 1965, replacing them with a “merit-based” point system aimed at highly-educated, English-speaking individuals.
- **Employment verification system.** The legislation would create a massive, mandatory electronic employment verification system (EEVS) based on the current Basic Pilot. Every single worker in the U.S. would have to be verified by government databases. The Basic Pilot has many severe problems, and expanding it quickly without fixing these problems could mean that many U.S. citizens and legal immigrants could be denied employment because of an error in the system.

### **Major developments this week:**

- **Dorgan amendment** to strike the temporary worker program. Rejected 31-64.
- **Bingaman amendment** to reduce the temporary worker program from 400,000 visas a year to 200,000. Passed 74-24.

- **Gregg amendment** to increase the number of Border Patrol agents and detention beds necessary to meet the “triggers” and allow legalization and the temporary worker program to begin. Passed by voice vote.
- **Coleman amendment** to outlaw state and local policies that prevent their employees --including police and health and safety workers -- from inquiring about the immigration status of those they serve if there is “probable cause” to believe the individual being questioned is undocumented. There is no exception where such policies are necessary to protect the health and safety or promote the welfare of the community. Failed 48-49.
- **Dorgan amendment** to sunset the temporary worker program. Failed 48-49.
- **McCain amendment** to require immigrants applying for legalization to pay all back taxes. Passed by voice vote.
- **Akaka amendment** to exempt children of Filipino WWII veterans from numerical limitations on family immigration. Passed 87-9.
- **Vitter amendment** to strike the legalization program. Failed 29-66.

#### **What we expect the week of June 4:**

It is not entirely clear which amendments will be offered when the Senate returns, but this is a partial list of some amendments that have been filed and may be considered:

- **Menendez-Hagel amendment** to change the arbitrary May 2005 cut off date for family backlog reduction and to include all people who have filed petitions.
- **Dodd amendment** to increase the number of visas available for parents of U.S. citizens
- **Clinton-Menendez-Hagel amendment** to reduce the backlog for spouses and minor children of legal permanent residents and remove the numerical limitations on this category in the future.
- **Baucus amendment** to improve the employment verification system
- **Cornyn Amendment** to expand the class of aggravated felony crimes and makes them retroactive and to expand deportability grounds to include fraudulent use of a Social Security number for employment reasons. This amendment drastically limits who is eligible for the legalization program of the bill.
- **Inhofe amendment** to make English the official language of the U.S.
- **Ensign amendment** to deny Earned Income Tax Credit (EITC) benefits to legalized immigrants
- **Allard amendment** to deny Social Security benefits to legalized immigrants.
- **McConnell amendment** to require photo ID for voting.

It is important to remember that this debate is opening in the Senate, and still needs to take place in the House. The National Council of La Raza (NCLR) and its many coalition partners around the country are deeply engaged in doing everything possible to improve the Senate bill as it moves forward, and to play a role in a more constructive debate in the House. NCLR believes that forward movement on immigration reform is absolutely essential, even though there are serious concerns in the Senate bill. If the

Senate fails to pass this legislation, it seems clear that our opportunity to move immigration reform in this Congress will be closed; there are no guarantees that a future Congress or Administration will move a favorable bill. The current situation for our communities is unsustainable and can only be resolved if Congress acts.

NCLR remains committed to passing the best possible immigration bill in this Congress. We will continue to keep you informed as we continue to address the problems in the Senate bill.

### **What you can do:**

Please continue to check our website for information and check your email for action alerts; **we need your help to improve the Senate bill and pass good, workable immigration reform legislation this year.**

During the Memorial Day recess, it is very important for all senators to hear positive messages from our community about the need for positive movement on a bill. If you know that your representative's vote was a positive one, please call the district office during recess to thank him or her. Another very important step to take is to schedule a visit with your senator so you can personally express your support for good immigration reform. In addition, letters or postcards to the member during recess that address the need for reform are very useful in moving the debate in the right direction. There are a number of organizations involved in other events, such as vigils, town hall meetings, educational forums, etc. The most important job for immigration advocates is to be present at the events where the senators are in attendance and would be able to address the questions and comments that relate to immigration reform.

The following telephone numbers will be available during the next few months so that all members of the community can voice their support for good comprehensive immigration reform.

For English call: (800) 417-7666

For Spanish call: (800) 882-2005

For more information contact Michele Waslin at [mwaslin@nclr.org](mailto:mwaslin@nclr.org), or Flavia Jimenez at [fjimenez@nclr.org](mailto:fjimenez@nclr.org).