



Proposed Immigration Legislation Erodes Civil and Human Rights

"The worst immigration bill in a century!"

That's how many people are describing badly flawed legislation that was passed by the House of Representatives at the end of last year. This week the Senate will consider these proposals. The results will affect everyone, citizens and immigrants, regardless of their legal status.

Where did these proposals come from?

In late 2005, the House of Representatives passed HR 4437, the "Border Protection, Anti-Terrorism, and Illegal Immigration Control Act" (also known as the Sensenbrenner-King Bill). HR 4437 was "fast-tracked" through the House, spending barely a week before a vote was taken on the bill. The vote was based on party-line affiliations and with upcoming midterm elections in mind.

What will happen now? For the past two weeks, the Senate Judiciary Committee has been considering this bill and other related measures. The committee has discussed but has yet to decide on a future guest-worker program, increased enforcement penalties, and more military-style "security" along the US/Mexico border. Republican Senate Majority leader Bill Frist has imposed a March 27 deadline on the committee to have a final version ready for the full Senate to consider. If his deadline is not met, he will seek a full Senate vote on his own enforcement-only proposal. Frist has also stated he intends to limit discussion on the proposal. Observers predict that the Senate will debate these proposals for most of this week. If the full Senate adopts a version of the bill, a conference committee will negotiate the final legislation. President Bush has already expressed his intention to sign into law whatever comes out of the Congressional process.

How will this bill affect non-immigrants? This bill opens the door to prosecution of faith-based groups, nonprofits and service providers that offer undocumented immigrants assistance. They could face criminal penalties for being "Good Samaritans" and offering emergency medical care, religious services or even a ride on one's car.

How will this bill affect immigrants? Measures in the proposals would break up families through deportation. Undocumented immigrants (currently estimated at 11-12 million) would face harsh criminal penalties and permanent bars to residency. Furthermore, undocumented immigrants would be subject to apprehension and an expedited deportation process that would violate the nation's due legal process. Immigrants would be denied legal rights within the courts to seek consideration of their individual circumstances and the ability to appeal court decisions. The proposals reverse recent Supreme Court and circuit court decisions made in favor of immigrants.

Will this legislation make our communities safer? At the border and beyond, blockade-style "security" policies have forced millions of people to live in the shadows, unable to earn honest wages for a day's work, afraid to turn to law enforcement if they are victims of violence, unable to participate openly in the lives of their communities. Policies like these endanger all of us.

Do we need to update our immigration policy? AFSC believes that current US immigration policy is badly broken and in need of reform. We support **true comprehensive immigration reform**, (see attached principles). For more than twenty years, our government has pursued an unworkable path to reducing the level of undocumented immigration. We've poured billions into harsher penalties, more deportation, increased technology and border patrol officers, and more detention facilities — all without reducing the level of undocumented immigration.



Current immigration legislation in Congress

HR .4437- Border Protection, Anti-Terrorism and Illegal Immigration Control Act (Sensenbrenner-King) Bill's Key Provisions (Approved by the House in December 2005)

- Undocumented immigrants would be classified, "aggravated felons";
- The "Good Samaritan" rendering services or aid to an undocumented person could be jailed (e.g., faith-based persons, social service providers, educators and others);
- Local police authorities would enforce federal immigration laws thus potentially undermining the ability of immigrants to report abuses or crimes due to fear;
- A wall along an additional 700 miles would be constructed on the border with Mexico
- The bedrock of the nation's legal system would be altered and the constitutional due process would most likely disappear for many immigrants.

Secure America and Orderly Immigration Reform (proposed by Senators Kennedy and McCain:

Considered by some to be the least restrictive of the proposed measures, McCain-Kennedy's bi-partisan effort nonetheless warrants that immigrants 'earn' citizenship by applying for a six-year temporary immigration status, be gainfully employed, pay back taxes, learn English and pay a \$2,000 penalty. AFSC does not support this legislation due to the legislation's enforcement measures and the limited scope and timeframe of the proposed guest worker program.

The Chairman's Mark in the Senate Judiciary Committee: The Comprehensive Immigration Act of 2006

Committee Chairman Senator Arlen Specter has taken most of the provisions of HR .4437 and added his 'mark' to these. However, the "markup" does nothing to improve the overall immigration system or its current structure:

- Undocumented immigrants are granted time-limited work approval and legal authorization to stay in the U.S. The possibility of legal permanent residence ("green card") and eventual citizenship is not addressed. While a temporary worker program is recommended, a process that protects the labor rights of 'temporary' workers is absent. This sets the tone for the potential abuse of workers' and their rights.
- Specter's proposal also mirrors some of harsher components of HR .4437, such as criminalizing undocumented immigrants who are in the U.S.; increasing the powers to the Department of Homeland Security (including the power to deny citizenship to anyone they deem a 'security concern'); and creating a dangerous shift in legal procedures and due process that have historically been granted to every person in this country. The latter include reversing of Supreme Court and circuit court decisions around indefinite detention, the inability of immigrants and asylum-seeks to appeal a decision, and the denial of the civil and human rights of not just immigrants but non-immigrants as well (e.g., under the pretext of national security).

Securing America's Borders Act (S2454) proposed by Senator Bill Frist

The Senate Majority (Republican) leader Bill Frist informed the Judiciary Committee that if it fails to produce a bill for the larger Senate to consider by March 27, he seek a vote on his own bill directly to the floor of the Senate. Frist's proposal prioritizes increased control and enforcement of the U.S. borders and ignores other immigration-related areas (e.g., family reunification, adjustment of status, etc.) Senator Frist also generally ignores President's Bush's ongoing call for a controlled guest-worker program.