

# **House Backs Controversial Immigration Provision; Program Allows Illegal Aliens Seeking Permanent Legal Status to Stay in U.S. by Paying a Fine**

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## **Body**

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The House yesterday gave a green light to a controversial immigration program that allows illegal aliens seeking permanent legal status to remain in the United States by paying a fine.

By a vote of 268 to 153, lawmakers rejected a motion, sponsored by Rep. Dana Rohrabacher (R-Calif.), that would have instructed House members of a House-Senate conference committee to vote against a permanent extension of the provision when the committee considers a spending bill that contains it. Although yesterday's motion would not have been binding, it represented an important indicator of House sentiment on the issue and generated a major lobbying effort by business groups and immigration advocates anxious to defeat it.

The Senate version of the spending bill contains an amendment to extend permanently the three-year-old provision, known as 245(i), which was originally scheduled to expire Sept. 30. The House version, which has no such amendment, would allow the provision to lapse. With the issue unresolved, Congress twice has temporarily extended the measure, most recently until Nov. 7.

The provision has triggered intense debate within Republican ranks, with members of Hispanic origin leading the fight to extend it and advocates of tighter immigration controls arguing that it should be killed.

The vote, in which Republicans opposed the motion by more than two to one, reflected a desire by the House GOP leadership to soften an anti-immigrant image that political analysts say cost the party heavily in the last elections. Democrats voted against the motion overwhelmingly.

The 245(i) provision allows foreigners who entered the country illegally or overstayed their visas to become legal permanent residents -- provided they are eligible -- by paying a \$ 1,000 fine, instead of having to leave the country to pick up their immigrant visas at a U.S. consulate abroad as previously required. The measure is crucial to as many as 1 million foreigners because of a separate provision in last year's immigration law that penalizes those who remain in the United States illegally for extended periods.

That new statute bars foreigners from receiving a U.S. visa abroad for three years if they stayed in the United States illegally for more than six months. Those who overstayed for more than a year are barred for 10 years. Speaker Newt Gingrich (R-Ga.) last week proposed the vote on yesterday's "motion to instruct conferees" as a way of gauging House support for 245(i) and resolving a dispute over the matter among Republicans. But whether it will be permanently extended remains unclear. Some Republicans who voted against the motion oppose a permanent extension, favoring instead a compromise that would continue it temporarily for those who are already in the legalization pipeline.

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In debate on his motion, Rohrabacher called 245(i) a "**permanent** rolling amnesty **program** for **illegal aliens**" that rewards people for breaking **immigration** laws at the expense of law-abiding foreigners who often wait years in their homelands for their visas to come through. He charged that "big business" supports an extension because it wants to be able to hire **illegal immigrants** and keep wages down.

Republican and Democratic supporters of the extension argued that it benefits only people who are eligible to become **legal** immigrants and, since many have put down roots here, keeps together families that might otherwise be separated if the green-card applicants had to return home. According to the **Immigration** and Naturalization Service, about 600,000 people have applied for green cards under the **provision** since it took effect in 1994. Up to 62 percent are believed to have entered the country illegally, and about 38 percent overstayed their visas.

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