

IMMIGRATION IN THE NATIONAL INTEREST ACT

Congressional Press Releases

March 18, 1996, Monday

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Section: PRESS RELEASE

Length: 16864 words

Byline: JOHN BOEHNER , CONGRESSMAN , HOUSE

Body

Immigration in the National Interest Act

H.R. 2202

H.Rept. 104-469, Pts. I-III

Committee on the Judiciary

Introduced by Mr. Smith (TX) et al. on March 4, 1996

Floor Situation:

The House is scheduled to consider H.R. 2202 on Tuesday, March 19. On Thursday, March 14, the Rules Committee granted a modified closed rule providing for two hours of debate, equally divided between the chairman and ranking minority member of the Judiciary Committee. The rule self executes (i.e., adopts into the base text on passage of the rule) a provision to change the participation requirements for the five-state employment eligibility verification pilot program from mandatory to voluntary, and providing for incentives to employers who participate in the system. The rule also makes in order 32 amendments- each amendment may be offered only by a designated member, may not be amended, nor subjected to a division of the question. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration, and reduce to five minutes the amount of time for a postponed vote if it follows a regular 15-minute vote. It allows the Judiciary Chairman to offer any of the amendments made in order as an en bloc amendment, debatable for 20 minutes. Finally, the rule provides for one motion to recommit, with or without instructions.

Additional information on amendments, including arguments for and against controversial amendments, will be included in a Floor Prep that will be published prior to floor consideration.

Highlights:

H.R. 2202 alters immigration requirements for legal and illegal immigrants alike. The bill redoubles efforts to control illegal immigration, in addition to reducing levels of legal immigration. The bill prioritizes the granting of legal immigration visas to favor nuclear family members, and reduces the number of persons eligible for asylum. The bill directs the U.S. Attorney General to establish a voluntary pilot program for employers, in the five states with the highest illegal immigrant populations, to enable employer stover if a **job** applicant's eligibility to work in the U.S. It also establishes a new temporary worker program to give greater flexibility to employers to hire **aliens** for their businesses. In addition, the bill:

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- * modifies provisions allowing legal immigrants into the country to streamline the application process and narrow the relationships eligible for admission;
- * prohibits illegal immigrants from gaining access to social services such as welfare benefits, Medicare and Medicaid, and other means-tested programs;
- * strengthens protections against employers displacing American workers in favor of foreign workers;
- * raises the percentage of immigrants admitted into the U.S. on the basis of skills or education from 18 to 28 percent;
- * allows 50,000 foreign refugees per year;
- * enhances border patrol efforts by authorizing 5,000 additional agents and 800 additional administrative and support personnel;
- * authorizes an increase in the number of personnel to monitor airports and other interior portions of the U.S.;
- * reduces by 75 percent the number of documents an alien can use to gain employment in the U. S.; and
- * deters terrorists and other criminal aliens from entering the U.S. by enhancing law enforcement efforts to keep track of criminal activity.

Sticking Points

Although most public opinion polls indicate a broad consensus in favor of broad immigration reform, many legislative provisions of H.R. 2202 are highly controversial. Intense floor debate is likely to occur over the following issues:

Legal Immigration. Many proponents of immigration reform argue that the problem lies in illegal immigration, and that legal immigration has no place in a discussion of the issue. Opponents of legal immigration reform feel that attaching legal immigration is an affront to our country's principles and history. Business leaders express concern over legal immigration reform because it affects their ability to attract top-notch foreign talent, particularly in highly technical fields where it is difficult to recruit an entire staff of qualified employees domestically. However, bill supporters assert that the problems with illegal and legal immigration are inextricably linked, since most illegal immigrants initially entered the country legally but then overstayed their visits. Our current legal immigration policy imposes such long waits for relatives of citizens and permanent residents that many lose hope and others choose to enter illegally. This, reform proponents conclude, is ultimately unfair to immigrants who truly have something to offer the U.S.

* **Employee Verification System.** The bill currently allows voluntary employer participation in a new verification pilot project to confirm a job applicant's eligibility to work when he/she applies for a job. Some members believe that the program will create more problems than it solves; logistically, keeping track of the number of aliens-not all of whom will be properly recorded in Social Security Administration and INS databases-is next to impossible. Opponents of the system will try to strike it, arguing that it places a burden on businesses and is the first step on the way to a national ID card-a prospect that has Big Brother written all over it. Supporters of the program contend, however, that the program is necessary to control the growing number of illegal workers in the U.S., many of whom are able to provide documentation to an employer that looks sufficient on its face, but represents a false or otherwise insufficient proof of citizenship. Advocates also point out that both SSA and INS claim that they are perfectly capable of constructing and managing an accurate verification program. They argue that the primary draw for illegal immigrants is the opportunity to work here the pilot program is designed to address this problem at its roots. Some members believe in the merits of the new program so fervently that they wish to amend the bill to make participation in the pilot program mandatory.

* **Guest Worker Program.** The bill includes no significant changes to current law guest worker statutes however, the rule has made in order an amendment which grants greater flexibility to business owners-mostly farmers and other

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agriculture-related businesses-to hire aliens to work for them, and continue to verify their eligibility as provided under current law, without fear of prosecution. Advocates of limiting the immigrant influx into the country argue that any provisions which allow for increased numbers of aliens in the U. S. are contrary to the overall intent of the bill. Supporters of the amendment contend that it is necessary because the existing guest worker provisions do not work, and they require a well-managed program to efficiently run their farms.

Background:

At different points in recent history, Americans have confronted the issue of immigration reform. In each instance, Congress has passed legislation to ameliorate concerns for the nation's well-being if certain steps were not taken to ensure that scarce and valuable resources would remain available for U.S. citizens. Immigration reform legislation has been enacted in 1981, 1986, and 1990. However, the most recent immigration changes, rather than curbing the problem, resulted in the highest levels of immigration ever witnessed. In fact, 1991 marked the first year that at least one million immigrants entered the U.S. In addition, another 400,000 persons are estimated to enter the U.S. every year illegally. Out of concern for public resources, fairness, and making necessary changes to a system that is deemed to be broken, public opinion has once again propelled Congress to act to address numerous concerns of citizens and immigrants alike.

U.S. immigration law is governed largely by the 1952 Immigration and Nationality Act (INA). The law created definitions for different types of immigrants based on several factors, including their anticipated employment status on arrival and whether they had relatives already in the U. S. The INA defines aliens as persons who are "not citizens or nationals of the United States," and applies this definition to all persons who are foreign, in addition to non- naturalized citizens of another country. Immigration reform is a hot topic in light of several recent events, including California's Proposition 187, which restricted non-citizen access to public services- and recent developments resulting from American free trade with other countries, such as the loss of low-wage, low-skill jobs to foreign workers.

Legal vs. Illegal Immigration

Current estimates indicate that approximately one million immigrants enter the U.S. every year, a steady trend for the last five years. As individuals and families arrive in the U. S. from other countries, most come to create new permanent lives as Americans, whereas many come for shorter periods of time to study, conduct business, or tour the country.

Most public concern surrounding the immigration issue relates to the number of illegal aliens who reside in the U. S. Recent estimates by the Immigration and Naturalization Service (INS) show that over 80 percent of illegal aliens live in just seven states: New York, Texas, California, Florida, Illinois, New Jersey, and Arizona. Together, these states were estimated to contain between 3.5-4 million illegal immigrants as of April, 1994. Given these statistics, concerns arise over how benefits for U. S. citizens, such as jobs, education, and public assistance benefits, will be affected. According to Commerce Department data released in August, 1995, over five million immigrants present in the U. S. before 1994 lived under the poverty level, while over 750, 000 received some form of public assistance, such as AFDC. States with high populations of illegal immigrants have even appealed to the federal government for relief to stave off the drain on state resources.

Although strong support exists in Congress to strengthen U.S. efforts to stop the influx of illegal immigrants, deep divisions exist over how, or whether, to limit legal immigration. Rifts between residents of border states, which tend to have the highest levels of immigration, feel strongly that both legal and illegal immigration reform is necessary, and that the issues are not divisible. They cite statistics that claim that of the estimated 400,000 illegal immigrants entering the U.S. each year, up to 50 percent are believed to have been legal immigrants who have overextended their legal stay in the U.S. A substantial backlog in the number of legal immigration applicants causes many to "jump the line" and travel to the U.S., expecting to live here and await confirmation of their admission into the country as an immigrant. However, as these aliens reside illegally in the U. S., they become targets for disdain from citizens and government alike. Thus, they argue, it would not make sense to divide legislative efforts to reform a system of immigration by dealing with only half of the problems in one bill.

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Other people, however, argue that strict limits on legal immigration are unnecessary because these people actually contribute to society as dynamic citizens. Their expertise helps the U.S. to better compete in global markets, particularly in fields of high technology, and their presence here proves invaluable. They also argue against limits on philosophical grounds-America, being a country founded by immigrants, is a land of opportunity that should be open to all who wish to legally come here. The resultant population influx of legal immigrants produces more consumers and thus more jobs, while increasing the country's cultural diversity.

A major factor driving the debate over whether to limit legal immigration is the July, 1995, report issued by the U. S. Commission on Immigration Reform, or Jordan Commission (named after the late B Barbara Jordan, a former Representative and chairwoman of the commission). Established by the 1990 Immigration Act, the commission was created to perform a comprehensive study of all aspects of immigration-both legal and illegal-and make recommendations for improving the system. The commission's report, which has been endorsed by President Clinton, concluded that a properly regulated legal immigration system is in the national interest, and recommended that annual admissions of legal immigrants be limited to a core level of 550,000 per year, with a major emphasis (over 400,000 of total admissions) being placed on direct family members.

Border Strength

Until recently, a popular notion among Mexican citizens attempting to cross the Rio Grande border was founded on a "three tries and you're in" philosophy. That is, because of the number of individuals attempting to cross the border at any given time, and due to limited U. S. resources along these border areas, persistence would eventually pay off in the form of successful illegal entry into the U.S.

Once present in the U. S.-even through illegal means-current law provides aliens with a series of procedural rights and privileges to enable them to delay or defeat any attempts to remove them to their countries of origin. In particular, aliens are well-versed in requirements surrounding the asylum process; usually they will orchestrate the circumstances surrounding their arrival in the U. S. to meet the requirements of an alien who might seek asylum, thereby entering the review process with the hope of convincing officials to grant them asylum or in the alternative, delaying their deportation and receiving a chance for a formal hearing by an immigration judge. However, a key difference between this issue and others in the immigration debate centers on the unanimous posture of its supporters in favor of revamped protections against illegal immigration, and measures to buttress border enforcement are among the first areas to address. Advocates also favor increasing airport and other land border security points to ensure that aliens who are lawfully present in the U. S. do not violate the terms of their entry and add to the already ballooning number of illegal entrants.

Access to Public Benefits

Current federal law provides legal immigrants and permanent resident aliens access to public assistance benefits, including means- tested entitlement programs such as Supplemental Security Income (SSI) and Aid to Families with Dependent Children (AFDC). Illegal immigrants have limited access to certain programs, including public health services and emergency assistance in most exigent circumstances. In addition, children of illegal aliens are allowed to attend public schools through high school. However, statistics showing that up to 400, 000 people enter illegally in the U.S. every year lead some to conclude that such demands on limited public resources cannot be sustained indefinitely without some reform. Additionally, questions arise over whether access to benefits is actually helpful to the overall immigrant population in light of the numbers of aliens who (1) are not in the work force, (2) receive public assistance, including an increase in AFDC recipients due to increased birth rates, and (3) voluntarily leave the public elementary and secondary schools. Supporters of immigration reform cite economics as the primary reason to limit benefits- continued increases in demand cannot keep pace with the available resources, which ultimately results in a shortfall of public services for regular citizens across the board.

Provisions:

Please Note: the following analyst assumes passage of both the rule and the manager's amendment, which make significant changes to certain provisions of the bill. Consequently, those changes have been incorporated into the provisional analysis below.

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Title I - Deterring Illegal Immigration Through Improved Enforcement

Improved Enforcement at the Border

Border Patrol Agents and Personnel. The bill increases the number of border patrol agents by 1,000 annually from 1996 to 2000. Over 5,000 agents currently patrol the U. S. Canada and U. S.-Mexico border areas. The bill also increases by 800 the number of enforcement support personnel for the Immigration and Naturalization Service (INS). Finally, the bill requires that new border patrol agents be deployed along the border to cover the sectors with the highest levels of illegal crossings.

Improved Border Barriers. The bill authorizes \$ 12 million for improving barriers in critical sectors, and directs the U.S. Attorney General and INS commissioner to enhance existing border barriers by adding multiple lines of fence separated by existing roadways to deter crossings in the areas with the highest levels of illegal entry, including San Diego, California. It permits a limited waiver of the Endangered Species Act (ESA) to allow patrolling and fence-building in critical sectors where ESA has prohibited effective border enforcement.

Equipment and Technology. The bill authorizes the Attorney General to acquire heavy equipment to use to deter border crossings, including helicopters, aircraft, land vehicles, and night vision equipment. The bill allows the Defense Department to make some of its equipment available for use by the Attorney General, as well as military personnel to provide any necessary training.

Border Identification Cards. The bill mends current law by requiring all border identification cards (ID) issued to aliens to include "biometric identifiers" within six months of enactment. Biometric identifiers are finger or hand prints that provide greater certainty of identification and prevent fraudulent use by person senting the U.S. Immigration statute shovel on authorized issuing ID cards to persons who frequently enter the U.S. from Canada and Mexico, allowing the bearer to conduct specific business for up to 72 hours within 25 miles of the border. Border officials have asserted, however, that the current ID cards are easily counterfeited.

Penalties for Illegal Entry. The bill permits fines of \$ 50-250 to be levied against persons who are apprehended for illegally entering the U. S. Persons with prior convictions must pay a fine of double the regular amount.

Prosecution for Recidivist Illegal Aliens. The bill authorizes such sums as necessary to detain and prosecute aliens who illegally enter the U. S. and are found to have been apprehended two or more times previously. Funding already accessible by the Attorney General may also be used for this purpose.

Training for Border Patrol Agents. The bill amends current law to require border patrol agents to receive training to ensure and safeguard any constitutional and civil rights, personal safety, and human dignity concerns when engaging in border crossing enforcement.

Pilot Programs

Repatriation Programs. The bill requires the Attorney General and Secretary of State to establish a pilot program for up to two years which is designed to discourage aliens from attempting multiple entry efforts into the U.S. Currently, when aliens are deported to their countries of origin, they are taken to the border of the country from which they entered the U.S., regardless of the region of the country from which they came. Pilot programs authorized by this provision would enable the U. S. to practice interior repatriation (i.e., where the U.S. returns aliens to the native region of their country), or third country repatriation (i.e., returning aliens to a country other than the one they entered from due to circumstances-such as lack of travel documents or civil unrest-which make deportation to their home country impracticable). The Attorney General must report on the progress of the program within 30 months of enactment, and make recommendations on whether any part of the program should be permanently continued.

Use of Closed Military Bases for Detention. The Attorney General and Defense Secretary must establish a pilot program for up to two years which would designate certain military bases that have been closed by base closure laws, to detain illegal aliens that are inadmissible to the U.S. or are scheduled to be deported for other reasons.

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The Attorney General must submit a progress report to Congress on the feasibility of this pilot program within 30 months of enactment. This provision is designed to solve the current problem of a dear of detention space to hold aliens while INS completes deportation proceedings.

Collection of Alien Departure Records. The bill requires the Attorney General to establish a program within six months of enactment to require the INS to create departure files for every alien leaving the U. S. and match them with records of their entry-whether legal or illegal. Instances must also be included in INS records in which legal aliens have remained in the country longer than they were permitted. The program must be set up in at least three of the five airports in the U. S. with the highest amount of international air traffic, which could include, but is not limited to, Los Angeles, CA (LAX), New York, NY (JFK), Dallas/Ft. Worth, TX (DFW), Marni, FL, and Houston, TX (LKH). The INS commissioner must report the number of files created and other related statistics within two years of the program's implementation. This provision intends to establish a system to verify that tourists, students, and other non immigrants leave the country when their visas expire.

Interior Enforcement

Increase in Interior Enforcement Personnel. The bill authorizes \$ 150 million for the Attorney General to increase the number of INS investigators and other enforcement personnel to enforce immigration laws in the interior of the U. S., including airport inspectors and detention and deportation officers.

Title II - Enhanced Enforcement and Penalties Against Alien Smuggling and Document Fraud

Enhanced Enforcement and Penalties Against Alien Smuggling

Wiretap Authority for Alien Smuggling Investigations. The bill grants authority to the INS to investigate several crimes which may be used to covertly bring illegal aliens into the U. S., including (1) producing false identification documents, (2) issuing unauthorized passports, (3) giving false statements when applying for a passport, and (4) misusing or committing fraud with visas, permits, and other identification documents. The wiretap authority is subject to the same court order requirements as those which currently apply to other federal uses of wiretap technology.

Racketeering Offenses Relating to Alien Smuggling. The bill amends current law to make certain alien smuggling crimes punishable under the Racketeering and Corrupt Organizations Act (RICO). These crimes include (1) Committing fraud or related activity in connection with personal identification documents, (2) giving false statements when applying for or using passports, or (3) committing forgery, false use, or misuse of a passport, visa, work permit, and other documents.

Increased Criminal Penalties for Alien Smuggling. The bill makes several changes to current law prohibiting bringing foreign persons into the U.S. Specifically, the bill provides for (1) a prison sentence of up to 10 years for individuals who violate current law prohibiting smuggling aliens into the U. S. illegally in order to employ them commercially or derive any other financial benefit from their presence; (2) a civil fine and up to 10 years imprisonment for conspiring to commit, or aiding and abetting, alien smuggling; (3) up to five years in prison for transporting, harboring, or inducing aliens to enter the U. S.; and (4) a fine and imprisonment for three to 10 years for bringing an illegal alien into the country with the knowledge, or reason to believe, that the alien will commit a crime while present in the U. S. Finally, punishment shall be applied under this provision according to the number of aliens involved, changing current law which provides punishment for each instance of alien smuggling.

Increasing the Number of U.S. Attorneys. The bill requires the U.S. Attorney General to hire 25 new attorneys in FY 1996 and assign them specifically to prosecuting persons involved in harboring or smuggling aliens, or other crimes involving illegal aliens.

Expanding Undercover Investigation Authority. The bill grants permission to the INS to use appropriated funds to establish and operate undercover businesses as a means of investigating alien smuggling activity.

Deterrence of Document Fraud

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Fraudulent Use of Government-Issued Documents. The bill increases maximum prison sentences for the fraudulent use of government-issued identification documents. Specifically, the bill provides (1) a 15-year maximum sentence for fraud and misuse of government documents, (2) a 20-year maximum sentence if any document misuse relates to a drug trafficking crime, and (3) a 25-year maximum sentence if the documents were used to commit an international terrorist act.

Civil and Criminal Penalties for Document Fraud. The bill makes it a federal crime to prepare, file, or assist another person in preparing or filing, documents intended to satisfy a requirement of the INA if a person knows or recklessly disregards the fact that an applicant is providing false information. This provision is applicable to any documents submitted immediately upon or after enactment of the bill.

Failure to Present Documents and Preparing Documents Without Authorization. The bill prohibits a person from entering the U.S. who refuses or otherwise does not present documentation to show he has permission to enter the country after arriving in the country via a common carrier. For example, aliens coming to the U.S. must present proper documentation upon boarding an airline. Once they arrive, they must present the same paperwork in order to enter the country. If the alien does not present his documentation to the authorities, he will be fined unless he is granted asylum by the Attorney General. Additionally, the bill provides that persons who prepare or assist in preparing various documents including (1) immigration forms, (2) petitions, and (3) applications, but are not authorized by the U.S. government to do so, may be fined by the Attorney General.

Failure to Disclose Role in Preparing False Paperwork. The bill provides a two-to five-year prison sentence for persons who fail to disclose their role in preparing or assisting with falsified asylum paperwork for a fee or compensation. Persons convicted under this provision are prohibited from preparing asylum documents for five to 15 years after their prison sentence ends. If a person, once convicted and released, repeats a violation of this provision-whether he receives compensation or not-the bill requires that he receive a five to 15 year prison sentence and be prohibited from participating in asylum paperwork preparation at any time in the future.

Criminal Penalties for False Claims to Citizenship. The bill adds a new criminal penalty against anyone who falsely claims to be a U.S. citizen or otherwise be entitled to receive any federal benefit, service, employment, or assert their right to vote.

Asset Forfeiture for Passport and Visa Offenses

Criminal Forfeiture for Passport and Visa-Related Offenses. The bill provides that persons who are convicted of illegally using a passport or visa must forfeit any real or personal property which was used, associated with, or gained from their crime.

Subpoenas for Bank Records. The bill permits the Attorney General to issue subpoenas for bank records of persons who commit crimes of alien smuggling or document fraud.

Title III - Reforming Procedures for Removing Illegal Aliens

Revision of Procedures for Removal of Aliens

Persons Present in the U.S. Without Authorization. The bill changes references in INA from "entry" to "admission or admitted." The intent of this change is to correct its practical effect, which has been to make it more difficult to remove or deport illegal aliens. Under current law, any alien who comes into the territory of the U.S. (but not an alien at a port of entry, including an airport, who is awaiting inspection) is considered to have made an "entry" into the U.S. Thus, a legal immigrant or non immigrant who has obtained a visa and been cleared for admission is deemed to have "entered" the U. S.- but so is an alien who has come across the border illegally, or was a stowaway on a ship, and has eluded immigration enforcement at the border. Both categories-the legal and the illegal entrant-have made an "entry" and are entitled to the same equities and privileges in immigration proceedings. Under the bill, only aliens who have been lawfully inspected and allowed to enter the U.S. will be considered to be "admitted."

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The bill also codifies, with a modification, the doctrine in *Rosenberg v. Fleuti* that a returning lawful permanent resident is not considered to be seeking "admissions" unless the alien has relinquished lawful permanent resident status (i.e., by remaining too long outside the U.S.) or has committed criminal activities. The modification to the *Fleuti* doctrine is that a returning lawful permanent resident, to gain benefit of the doctrine, must present himself for lawful inspection and admission.

Circumstances for Barring Aliens From Readmission. Current law provides (1) a one-year prohibition against reentry if an arriving alien is ordered excluded and deported prior to having entered the U.S.; (2) a five-year prohibition if the alien, after having entered the U.S., is deported; (3) a 20-year ban if the alien is deported from the U.S. after being convicted of an aggravated felony while in the U.S.

H.R. 2202 amends these provisions to allow a five-year prohibition for excluded aliens; (2) a 10-year bar for deported aliens, and (3) a lifetime prohibition against an alien convict returning to the U. S. In both current law and this provision, the Attorney General has the right to waive any bar to readmission if he has given prior consent to the alien's return to the U. S.

The Attorney General may admit an alien who would otherwise be inadmissible due to fraud or misrepresentation of its application provided (1) the alien is the spouse, son, or daughter of a U.S. citizen or permanent resident, and (2) an extreme hardship would result if the alien were to be denied admission. The bill amends current law to deny admission to a former U.S. citizen who had previously renounced his citizenship in order to evade federal taxes. Finally, the bill grants authority to deny admission to any aliens who cannot present evidence that they have been vaccinated against several communicable diseases including mumps, measles, rubella, polio, tetanus, diphtheria, pertussis, influenza type B, and hepatitis B, as well as other viruses recommended by the Advisory Committee for Immunization Practices. Immunizations may be waived upon consultation with a medical professional who advises that they are not medically advisable, or if the alien receives the required vaccinations once in the U.S.

Inspection of Aliens. The bill provides that aliens who are picked up in international waters by U. S. government personnel and brought to the U. S. are deemed to be seeking admission as an alien. Such aliens may also withdraw their immigration application and voluntarily leave the U.S. before being fully reviewed by an immigration officer. Otherwise, they will be considered for admission and interviewed by an immigration officer. Stowaways are not eligible for admission unless they can demonstrate a credible fear of persecution were they to be returned to their home country.

Expedited Removal of Arriving Aliens. H.R. 2202 allows immigrations officers to remove aliens if they appear in the U.S. (1) with fraudulent documents or paperwork that misrepresent their identity or alien status, or (2) without valid immigration documents. An alien may not be removed if he desires to apply for asylum or claims to have a credible fear of persecution in his home country, in which case he must be referred to an interview officer. If the alien demonstrates a credible fear of persecution, he must be held over for further review and consideration for asylum; if not, he must be removed from the U.S. without further review.

Inspection of Other Arriving Aliens. The bill provides that aliens who arrive in the U.S. and are not (1) fleeing persecution, (2) fraudulently attempting entry, or (3) stowaways or crew members of a traveling vessel, be detained and given a hearing before an immigration officer to determine whether they are eligible for admission into the U.S.

Apprehension and Detention of Aliens not Lawfully in the U.S. The bill authorizes the INS to increase to 9,000 the number of beds in the U.S. to detain aliens awaiting deportation or further admission review by FY 1997. In addition, the bill preserves the Attorney General's authority to arrest, detain, and release on bond any alien who is not lawfully present in the U. S. the Attorney General may further revoke a bond issued on an alien at any time without cause. The bill does change current law, however, to disallow aliens a right to a habeas corpus review of their detention or release on the ground that the INS is not acting promptly to deport the alien. Aliens may also be detained if convicted of an aggravated felony; the alien's identification information must be passed on to the State Department by the Attorney General in order to centralize information for possible future use if the alien appears in the U. S. again. The Attorney General, however, has the authority to release the alien on the grounds of protecting the alien, a family member, potential witness, or other person cooperating with an ongoing investigation.

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Removal Proceedings. The bill changes current procedures for alien removal by consolidating removal and exclusion hearings into a single proceeding. Notices given to aliens regarding their hearings are no longer required to be printed in both Spanish and English, and may be issued 10 days prior to the hearing date to the last known address of the alien. Removal proceedings must be conducted by an immigration law judge, and may take place in person, through a video conference including all parties, or via a telephone conference between the alien, his counsel, the government, and the judge. Aliens who fail to appear may be removed from the country without further right store view provided that (1) the evidence clearly, convincingly, and unequivocally shows that the alien was given adequate notice required by law; and (2) the alien is otherwise deportable or inadmissible.

During the hearing, aliens are given the burden to show that (1) they have applied and are eligible for admission, or (2) they are lawfully present in the U. S. (if they are not applying for immigrant admission to the U. S.) and should be granted permanent residence status. The INS has the burden to prove that an alien already admitted to the U. S. is deportable for some cause. If the judge rules against the alien, the alien has two options to have his circumstances reviewed: (1) an appeal of the immigration judge's ruling, which must be filed within 30 days of the decision; or (2) a request to reopen the case in light of new facts, which must be filed within 90 days of the decision. The alien may agree to be deported from the U. S., in which case the Attorney General may provide a statement to the presiding immigration judge to expedite the alien's removal. Removal from the U.S. may be postponed or blocked under certain conditions, including (1) a pending asylum application, (2) serious illness of the alien, or (3) serious illness or death of an alien's spouse, parent, or child.

Cancellation of Removal. The bill provides that removal orders for an alien may be canceled by the Attorney General under certain conditions, including if the alien already has legally resided in the U. S. for at least seven continuous years, and has been grant permanent residence status for at least five of those years; and has not been convicted of an aggravated felony or felonies during his presence in the U. S. for which the sentence was five years or more. An alien may also have his removal orders canceled if he has been of good moral character during his presence in the U.S., and shows that his removal would present a burden to the alien's spouse, parent, or child who is a citizen or permanent resident of the U. S. A "continuous presence" in the U. S. may be broken if the alien leaves the country for a total of more than six months' time during his first seven years, except in family emergencies or if his return is prevented by conditions beyond his control.

The Attorney General may cancel the alien's removal under provisions of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). Specifically, the 1994 law provides for a cancellation of removal proceedings if the alien (1) can support a claim of extreme cruelty while in the U.S. at the hands of a spouse, parent, or other U. S. citizen or permanent resident; (2) has been present in the U. S. for at least three years; (3) has been of good moral character during that period; (4) is not otherwise deportable or inadmissible as a U. S. citizen or permanent resident based on criminal activity, national security, or marriage fraud; and (5) demonstrates a severe hardship that would result from his removal. In such cases, the Attorney General may also adjust the alien's residence status to provide a longer-term arrangement.

Finally, the bill prohibits cancellation of a judge's removal order for aliens who (1) entered the U. S. as a crewman of a commercial sea vessel after June, 1964, (2) were admitted under a non immigrant exchange program and have overstayed their two-year limitation or have not received a waiver for the limitation, (3) are inadmissible due to history of criminal activity, or (4) excludable for national security reasons.

Voluntary Departure. The bill authorizes the Attorney General to allow an alien to voluntarily leave the U. S. at his own expense in lieu of removal proceedings. In order to be granted this form of relief, the alien must (1) not be deportable because of a felony conviction or national security concerns; (2) have at least a five- year history showing that he was a person of good moral character; (3) have lived in the U. S. for at least one year prior to departure; and (4) substantiate that he has the means and intent to leave without imposing expense on the U.S. government. The departure must occur within 120 days of receiving permission. To provide an additional incentive to ensure the alien's departure, the Attorney General may require the alien to post a bond which would be refundable upon proof that the alien actually if the country. Failure to depart in the time allotted will result in a fine of \$ 1,000-5,000 and a revocation of the right to leave voluntarily in the future. An alien who elects to contest

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deportation and is ordered removed also may request voluntary departure, but under more stringent conditions, including a requirement that the alien post a bond.

Detention and Removal of Aliens. The bill requires the Attorney General to perform the ordered removal of an illegal alien within 90 days of the judge's order. Aliens must be returned to their country of origin, or other specific location ordered by the Attorney General, by the common carrier that brought them to the U.S. (either plane or sea vessel) unless it is impractical to do so, or if the alien was as to away. Stow aways, upon discovery in an aircraft to water vessel, may be granted pension to land temporarily in the U.S. for limited reasons, including (1) to receive emergency medical treatment, (2) to make arrangements for their removal to their country of origin, or (3) to be detained by the Attorney General while awaiting removal from the country. Stowaways must be removed and their expenses paid for by the owner of the vessel which brought them to the U.S. If a stowaway's removal must be delayed because of a logistical difficulty, the vessel which brought him must pay the Attorney General for all expenses incurred while detaining the alien and awaiting a suitable means of removal. Removal may be delayed if the alien takes advantage of any available procedures to appeal the removal orders, including an application for asylum. In such cases, detention costs must be paid to the INS by the carrier vessel (for stowaway aliens) for up to 15 business days, excluding holidays. Under no circumstances will the carrier be liable for costs beyond 15 days, nor will carriers be held responsible for costs related to legal fees, translators, or other administrative costs incurred preparing the alien for removal.

During the time between a final order for removal and the alien's actual departure, the alien must be detained by the Attorney General in a federal or otherwise approved facility, including one at the state or local level. If space is not available for this purpose, or if the alien is not removed with in the original 90 day period, the Attorney General must find a place in which the alien may be adequately supervised, which is required by current law. Removal must otherwise be delayed if the alien is convicted of a crime and sentenced to prison; however, parole, supervised release (such as a halfway house), or the possibility of arrest are not grounds to delay removal.

Persons removed from the U.S. who attempt to reenter illegally may be removed by the Attorney General without review based on procedures followed in the first removal. Finally, the bill directs the INS Commissioner to purchase or lease additional space before making plans for any new construction of detainment facilities.

Appeals From Order of Removal. The bill provides that removal orders may be appealed. A review request must be filed within 30 days of the original decision to the federal appeals circuit in which the presiding immigration judge sits. The bill otherwise precludes other courts, except for the U.S. Supreme Court, from granting broad injunctive relief against the removal provision in this bill. A lower court may, however, grant relief including an injunction to suspend removal of an individual alien.

Penalties Relating to Removal. The bill outlines specific penalties that would be applicable to the alien for failing to leave the country if offered a voluntary opportunity to do so, as well as penalties against vessels that bring stowaways to the U.S. Additionally, it preserves current law provisions regarding sanctions against a country refusing to accept a native of that country. In such cases, the Secretary of State must suspend all visas issued to that country until it accepts the alien being removed from the U.S.

Removal Procedures for Alien Terrorists

The bill amends the INA by adding a new title, which outlines special procedures to remove alien terrorists from the U.S.

H.R. 2202 heightens U. S. efforts to control domestic terrorism by limiting the ingress of alien persons who might be associated with a group that is recognized by the Attorney General as a known or suspected terrorist group. In the event an alien terrorist is caught, the bill outlines methods and procedures by which he is to be deported. Specifically, aliens who are not legally in the U. S. are given a chance to defend themselves against this charge. If they do not, they face deportation to a country of their choosing. If they do not choose a country, or no country will readily accept them, they must remain in the custody of the Attorney General until a special removal hearing can be conducted. U.S. in custody, the alien is not eligible for asylum, any change in their deportation status, voluntary departure from the U.S., or registration as a legal alien in the U.S. Special proceedings must be open to the public.

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Special deportation hearings may be used only in cases where a specially-appointed federal judge finds probable cause to believe that the use of normal removal procedures before an immigration judge would pose a risk to national security. An alien has the right to hire and be represented by counsel, or have one appointed for him if he cannot afford one. The Attorney General must produce evidence that the alien is a terrorist or has engaged in terrorist activity as defined by the bill. Evidence may be gathered using electronic surveillance and other permissible methods under the 1978 Foreign Intelligence Surveillance Act. If evidence against the alien defendant is classified—that is, it would be considered sensitive for national security or personal safety reasons—the information must remain classified and can only be considered by the presiding judge outside of the formal hearing. Based on evidence gathered, the presiding judge must decide whether the alien should be permitted to remain in the U. S.

Special deportation hearing decisions may be appealed to the U.S. Court of Appeals for the D.C. Circuit, then to the Supreme Court. The alien must be detained once a removal order is issued (or affirmed at the appellate level) until a country can be found that will accept him. If a country cannot be found within the first six months following a removal order decision, the Attorney General may release the alien, and must report to his attorney every six months to update the progress of finding a country that will accept him.

Finally, the bill authorizes \$ 5 million for alien detention and deportation efforts, in addition to appropriations already made available to the Department of justice and other federal law enforcement agencies for this purpose.

Exclusion and Denial of Asylum for Alien Terrorists

Membership in a Terrorist Organization as Grounds for Exclusion. H.R. 2202 bars aliens who represents to rare members of a terrorist organization from entering the U.S. A person may be exempted from this provision if he can show that this is not a member or representative of a terrorist organization, or that an organization to which he belongs is not terrorist in nature. Only the alien, foreign organization, or its agent will have standing in court to challenge a "terrorist" designation. "Terrorist organization" is defined as a foreign organization designated as such in the Federal Register by the Secretary of State, based on a finding that the organization engages in, or has engaged in, terrorist activity that threatens national security. Once determined, the terrorist designation remains applicable for two years, and is renewable upon review by the secretary.

Denial of Asylum and Other Relief. The bill provides that aliens who are excludable or deportable under provisions of the bill may be denied asylum by the U.S. government. Additionally, aliens may be denied (1) a with holding or suspension of a deportation order, (2) the option of voluntary departure, (3) an adjustment in their status as aliens, or (4) the option to register as a legal alien in the U. S. Alien terrorists who enter the U.S. without permission from the Attorney General after removal must be fined and imprisoned for at least 10 years.

Deterring Transportation of Unlawful Aliens to the U.S.

Definition of a Stowaway. The bill defines a "stowaway" as any alien who obtains transportation without consent including through concealment. A passenger who boards a common carrier with a valid ticket cannot be considered a stowaway for purposes of this legislation. The intent of this provision is to codify what immigration officials currently practice when dealing with aliens who arrive on common carriers without permission and seek admission into the U.S.

Providing a List of Passengers to the U.S. The bill requires common carriers to provide the U.S. with a full is to fits passenger sentering the country upon arrival. Information for each passenger must include a name, date of birth, gender, citizenship, and travel document number (applicable for non-U.S. citizens.)

Additional Provisions

The bill outlines several additional provisions to this title, including:

* Civil Penalties for Failure to Depart. The bill provides a \$ 500 per day penalty for each day an alien who is scheduled for an ordered removal fails to comply with the orders or fails to take steps in preparation for removal.

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* District Court Jurisdiction Clarification. The bill clarifies that any jurisdiction given to district courts to consider immigration-related action is strictly to enable the federal government to enforce immigration laws and removals as needed, and not to allow private persons to sue the federal government under provisions in this bill.

* Enhanced Penalties for Failing to Depart, Illegal Entry, and Passport/Visa Fraud. The bill directs the U.S. Sentencing Commission to issue more stringent guidelines pertaining to punishment for the above-listed crimes. The guidelines should reflect changes in criminal statutes made by the 1994 Violent Crime Control and Law Enforcement Act (P.L. 103-322).

* Funding for Alien Removal. The bill authorizes \$ 150 million in FY 1996 to remove inadmissible or deportable aliens, and pay for any detention costs. The funding must be used to hire an additional 475 detention and deportation officers, 475 investigators, and support personnel for each group.

* Application of Additional Civil Penalties. The bill establishes an "Immigration Enforcement Account" to be used for immigration enforcement purposes. Funds will be collected from civil penalties imposed under provisions of this bill.

* Prisoner Transfer Treaties. The bill calls for the president to negotiate transfer treaties to expedite alien transfers between the U.S. and foreign countries for aliens unlawfully present in the U. S. The president must report annually to Congress on the effectiveness of treaty arrangements with other countries.

* Criminal Identification System. The bill amends the 1994 crime bill to require a criminal alien identification system be established to assist federal, state, and local law enforcement agencies in accurately tracking criminal aliens while present in the U. S. The system must facilitate fingerprint recordings for any aliens who have been arrested and removed to another country.

* Waiver of Exclusion/Deportation. H.R. 2202 provides that aliens who are legal permanent residents, or are awaiting approval of a family or employment-sponsored admission as an alien, may have their exclusion or deportation orders-based on fraudulent documentation-waived by the Attorney General. Specifically, if the alien can show that the violation was committed solely to aid the alien's spouse, parents, or child, the Attorney General may waive the right to initiate procedures to remove the alien from the country via exclusion or deportation.

* Registration of Aliens on Probation or Parole. The bill requires the Attorney General to permanently register aliens who are or have been on criminal probation or parole within the U.S. at anytime.

* Battered Persons Confidentiality Provision. The bill permits the Attorney General to discount information furnished by persons in the U.S. who have been abusive toward an alien or his child when considering whether to deport the alien from or admit the alien into the U.S. except when the alien has been involved in criminal activity. Additionally, the Attorney General may not release information regarding an alien's status or pending admission, court- ordered relief, or other similar information to persons other than the Department of Justice or other federal officials as necessary.

Title IV - Preventing Employment of Illegal Aliens

Employer Sanctions, Wage and Hour Law Enforcement. The bill increases the number of full time INS investigators by 500 in FY 1997 and assigns the new agents to examine employer violations of employer sanctions provisions of the INA.

Changes in Employer Sanctions Program. The bill makes changes to the documents that can be used by an alien to verify employment and identity. Currently, employees can submit one or more of 29 different documents to verify their eligibility. The bill reduces this to six. Specifically, the bill excludes (1) certificates of citizenship, (2) certificates of naturalization, (3) birth certificates, and (4) unexpired foreign passports stamped by the Attorney General with an employment authorization. The bill only allows employees to present documents such as U.S. passports, alien registration cards, or social security cards used in combination with a driver's license or state ID card to prove their identity and right to work in the U. S.

Employment Eligibility Confirmation Pilot Program

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The Process. The bill directs the Attorney General to develop and implement a voluntary pilot program for employers in five of the seven states with the highest populations of illegal aliens, including California, New York, Texas, Florida, Illinois, New Jersey, and Arizona, to verify the employment eligibility of the aliens they hire. Federal government offices in those states, however, must participate in the pilot program. Under this pilot program, employers may call a toll-free number administered by the Attorney General (or Attorney General's designee or contracted entity) and linked to the Social Security Administration and INS databases with in three days of hiring a job applicant. All persons who work in the U.S. are issued social security numbers (SSNs), additionally alien workers are issued a number by the INS. Job applicants are required to complete INS paperwork to indicate whether they are a citizen or not; if a person indicates he is a citizen, then the employer, upon calling the Attorney General's toll-free verification number, will be checking the applicant's name and SSN against database information. Aliens will have their name, SSN, and INS-issued number checked against database information during the employer's call. The identification system must then confirm or tentatively leave unconfirmed the applicant's eligibility to work in the U.S. within three days, if the applicant wishes to challenge an unconfirmed verification, he must contact the Social Security Administration and/or INS and attempt to rectify any confusion. Applicants who pursue this option may not lose their job on the basis of the tentative non-confirmation. The program provides that the discrepancy be rectified within 10 days and a second verification notice must be sent to the employer. If the situation is not cleared in this time, an employer may (1) dismiss the employee as ineligible to work in the U. S., or (2) retain the employee. However, the employer retains the burden to prove that the applicant was eligible to work in the U. S. if prosecuted by the federal government. Failure by an employer to substantiate was defense will result in civil penalties for knowingly hiring an illegal alien.

Affirmative Defense Against Prosecution. Employers who hire an alien based on a confirmation received through this process will benefit from a rebuttable presumption that they did not knowingly hire an illegal alien.

INS Notice of Intent to Search. The INS must provide at least three days notice before inspecting employment records or search the premises of a volunteer company unless it has a judge's order to inspect records, in which case no notice is required.

Applicant/Employee Protections. Applicants who were dismissed solely because of an error in the verification system are entitled to pursue a claim in court under the Federal Tort Claims Act. No employer will be civilly or criminally liable under any law for action taken in good faith reliance on information provided through the pilot program.

Employment Under Collective Bargaining Agreement. The bill further provides that persons hired under collective bargaining agreements must undergo employment verification as well; however, the bill allows their first employer to conduct the verification, and-if confirmed-allowing subsequent employers to rely on the original confirmation so long as they are employers participating in the same bargaining agreement. An example of an industry which could rely on this procedure is the movie industry. When certain foreign specialists are recruited to work on several movie projects, they are usually shared among several studios who enter into a collective bargaining agreement. Therefore, the first studio to utilize the employee must complete the actual verification process; subsequent studios may rely on the information received by the first studio which verifies that the worker is law fully present in the U.S. and can be employed. However, the secondary studios will incur liability for knowingly firing an ineligible alien if he is discovered to be unauthorized to work in the U.S., while the first studio will have an affirmative defense by completing the verification process.

Effective Dates. The pilot program must be established and working within one year of enactment, and must terminate after three years of operation. Collective bargaining provisions are effective no later than 60 days after enactment. In the interim, the Attorney General must report annually to Congress. The reports may include (1) any job-loss claims due to inaccurate information; (2) the reliability and ease of the system; (3) any burdens placed on employers to use the system, such as costs or other administrative requirements; (4) increases or decreases in incidents of discrimination; and (5) the effective protection of individual privacy rights. In addition, the bill further directs the Attorney General to publish regulations regarding electronic storage of certain employment information, including 1-9 forms which all job applicants must complete as affidavits of their right to work in the U.S., not later than six months after enactment.

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Reports on Earnings of **Aliens** Not Authorized to Work. The bill requires the Social Security Administration to report to the Attorney General the names and addresses of individuals and employers who report earnings under social security numbers that have been issued to persons not authorized to work in the U.S. as of January 1, 1996.

Maintenance of Certain **Alien** Information. The bill authorizes the Attorney General to require any **alien** to provide his or her social security number for any paperwork an **alien** present in the U.S. may complete. The S SN may be used for tax, employment, referencing criminal records, or any other purpose that the Attorney General deems necessary. This provision amends current law authority which only allows SSNs to be used for federal income tax purposes.

Limited Liability for Technical Violations. The bill exempts employers from liability for fines or other penalties under the bill for failing to meet verification requirements based on a technical or procedural failure to comply, such as failure to date the form. However, if such a failure has already been brought to the employer's attention by the INS with instructions to correct the noncompliance, the employer is obligated to do so within 10 days of notification-failure to do so will be considered as a failure to comply.

Unfair Immigration-Related Employment Practices. The bill requires that persons who commit unfair immigrant employment practices of any kind be fined \$ 250-\$ 2000 for each immigrant individual involved in the offense, and be required to maintain employment records on each person they hire whether immigrant or citizen-for three years.

Time-Limited Work Documents. The bill authorizes employers to ask **alien** employees who are authorized to work in the U. S. for a limited time to provide additional documentation to prove that their employment time has been extended by the Attorney General or other authority. If the employer has further doubts about the validity of any paper-work presented by the **alien**, he may attempt to verify the **alien**'s work renewal through the appropriate government sources. Upon finding that the **alien** is indeed not authorized to work in the U.S., the **alien** may be dismissed from employment, and will not be eligible for **benefits** or rights to legal action based on his period of employment.

Title V - Reform of Legal Immigration System

Worldwide Numerical Limits

The bill classifies legal immigrants into one offer categories: family-sponsored, employment based, humanitarian, and diversity immigrants. General descriptions and requirements of each immigrant category are discussed below:

Family-Sponsored Immigrants. The bill limits to 330,000 the maximum number of family sponsored immigrants admissible in to the U.S. This limit includes numbers for the spouse sand minor children of U.S. citizens; however, the limit does not restrict admission of the children and spouses of U.S. citizens. Rather these individuals are not numerically limited during any fiscal year. Excess admissions over 330,000 are offset by up to 5,000 by reducing the number of investor visas. Any additional excesses must be reduced from the total annual family allotment for subsequent fiscal years. However, this number must not fall below 110,000 in any year (85,000 for spouses and children of permanent residents, and 25,000 for parents of citizens), regardless of any excesses from previous years.

Typically, members of a citizen's or lawful permanent resident's "nuclear family" are eligible to immigrate through a family sponsorship. These persons include (1) spouses, unmarried children under 21 years old, and dependent adult sons and daughters under 26 years old who have never married and are childless, of U. S. citizens and permanent residents; (2) parents of U. S. citizens; and (3) disabled adult sons and daughters of U.S. citizens and permanent residents. General requirements of family sponsors include (1) ensuring that parents of citizens will have health insurance to avoid increased immigrant use of public health resources and government aid such as S SI and Medicaid, and (2) guaranteeing an ability to financially support their relatives while in the U. S. The bill requires sponsors to demonstrate that they can support themselves, any U. S. family members for which they are already responsible, in addition to any immigrating nuclear family members.

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Employment-Based Immigrants. The bill restricts to 135,000 per fiscal year the number of immigrants which may be granted employment-based entry visas. This category may be reduced to make up for excess family admissions (not to exceed 10,000 visas used from immigrant investor visas antirecession/daughter visas). These immigrants consist of persons recruited from foreign countries because they possess certain skills or expertise of job positions in the U.S. for which an earth of qualified citizens exist. Specifically, immigrants in this category include: (1) aliens with extraordinary ability, for which the bill allows 15,000 admissions per year; (2) outstanding professors, researchers, or multinational managers and executives, for which the bill allows 30,000 admissions annually; (3) professionals with advanced degrees or of exceptional ability, for which the bill allows 30,000 visas per year; (4) skilled workers and professionals with baccalaureate degrees, for which the bill allows 45,000 visas per year; (5) immigrant investors, for which the bill permits 10,000 annual admissions, provided that they have already invested at least \$ 1 million and will employ at least 10 U.S. citizens or permanent residents full-time in American business. All visa categories may use excess visas available from other categories. Additionally, a pilot program must be established in FY 1997 and 1998 to permit 2,000 investor visas to go to immigrants willing to invest \$ 500,000'n businesses that will employ at least five U.S. citizen or permanent resident full-time employees.

The Attorney General is directed to report to Congress in 1998 on the progress of the program. Skilled immigrants must possess at least four years of work experience in their field when they apply to come to the U. S., while baccalaureate-professionals must have two years of experience. They may obtain this experience working in the U.S. during a period of non immigrant employment (such as being an H-1B). Work experience obtained while an immigrant was illegally in the U.S. cannot be counted toward the requirements of this provision. Professionals with advanced degrees may be admitted without going through the labor certification process if they receive a "national interest waiver." This waiver is provided for persons whose skills in specific areas show that they will substantially benefit the national interest, in areas such as national security, national defense, health care, or new technology development.

Humanitarian Immigrants. The bill allows 70,000 humanitarian visas to be granted for each fiscal year except FY 1997, for which it permits 95,000 visas; of these, 50,000 are available for refugees, to be admitted under the INA, and 10,000 are available for the adjustment to lawful permanent resident status of aliens granted asylum. The remaining visas-up to 10,000-are discretionary humanitarian visas to be issued to aliens who are selected for such status by the Attorney General. The Attorney General may issue these visas solely at his discretion. The bill's refugee provisions are designed to (1) ensure a minimum number of visas are available in the event an emergency occurs to which the U.S. must respond by "rescuing" groups of people from another country; (2) more directly involve Congress in the policy-making process for refugee admissions into the U.S., which includes mandating that legislation be used to increase annual refugee limits except in emergency situations; and (3) maintain the president's current law flexibility to admit refugee groups in emergency situations.

Diversity Grants.

The bill allows for 27,000 visas to be granted on the basis of diversity to immigrants from countries with records of low admissions to the U. S. in prior years. This would include most African nations, many European nations, as well as certain Asian countries other than the Philippines, Vietnam, China, and India. Diversity visas were established in the Immigration Act of 1990 to allow the Attorney General to identify a total of 60 countries (10 countries from each of six global regions) with the lowest number of diversity immigrants entering the U.S. between October, 1994 and September, 1996, and to encourage citizens of those countries to immigrate to the U.S. Under this provision, aliens must have a legitimate job offer extended to them before they reach the U.S. - their claim of having such an offer must be verified by government authorities before they will be allowed to enter the country. Furthermore, diversity immigrants must possess a high school education or its equivalent, and have at least two years of specific training in their field. Aliens who have been illegally present in the U.S. at any time within five years of their application date will not be admitted under this provision.

Changes in Special Immigrant Status. The bill provides special immigrant status for NATO civilian employees and parents of special immigrant children. It also extends the sunset date for special immigrant religious workers to FY 2005.

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Removal of Conditional Status of Entrepreneurs. The bill allows the Attorney General to revoke conditional permanent resident status for entrepreneurs. In the case of foreign business persons who are required, but fail, to invest a certain amount of capital and hire a minimum number of workers for their businesses during their two-year stay, the Attorney General may revoke their immigrant status, which would then qualify them for deportation. **Aliens** may argue for a good faith exception if they have attempted to meet the capital investment and employment requirements but were unable to do so due to circumstances beyond their control. In this case, the Attorney General may not move to revoke an **alien**'s status for up to (1) three years to enable him to meet the capital requirements of his original agreement, and (2) two years to enable him to meet employment requirements.

Definition of 'Child'. The bill amends the definition of a child to include any adult child, regardless of age, of citizens or lawful permanent residents, who is severely mentally or physically handicapped, and whose condition is likely to continue indefinitely even with treatment. Such children must not have ever married or had children, nor be able to earn a fully- or partially-independent living on their own.

Refugees, Parole, and Humanitarian Admissions

Refugee Annual Admissions. The bill amends current law to establish a maximum limit of 75,000 refugees for admission in FY 1997, while 50,000 maybe admitted in any other fiscal year over the next five years. Admissions may exceed these limits in non-emergency situations only through legislation enacted by Congress. The bill maintains the president's discretion during "unforeseen" emergencies to admit refugees notwithstanding annual limits or prior congressional approval. The president must report to Congress every June 1 the foreseeable number of refugees that will require resettlement in the U. S. for the following fiscal year.

Coercive Population Control Resistance. The bill includes persons fleeing persecution for resisting coercive population control measures from the government of their country as admissible political refugees under this title. Upon arrival in the U.S., those who claim to have resisted population control measures, including involuntary sterilization or abortion, are deemed to have suffered political persecution and qualify for admission into the U.S .

Humanitarian or Public **Benefit** Parole. The bill authorizes the Attorney General to parole (admit for a temporary period) foreign persons into the U.S. for several reasons, including (1) medical emergencies for which they must receive treatment in the U.S., (2) the imminent death of a family member already in the U.S., (3) if the **alien**'s life is endangered after helping the U.S. government during a criminal investigation of someone else who resides in his native country, or (4) if the **alien** is to be prosecuted in the U.S. for a crime. The Attorney General must report to Congress within 90 days after the end of each fiscal year on how many paroles were admitted into the U.S.

Admission of Humanitarian Immigrants. The bill allows the Attorney General to review cases of humanitarian immigration and admit them into the U.S. as legal **aliens**. Refugees are not eligible to be made legal **aliens** under this provision without having compelling reasons in the public interest, as determined by the Attorney General.

Asylum Reform

The bill provides that any **alien**, our spouse or child of an **alien**, whom as reached the U.S. border is eligible to apply for asylum, unless it is determined that the **alien** can be sent to another country without his welfare being jeopardized based on account of race, religion, nationality, membership in a particular group, or political opinion. However, **aliens** who have not applied for asylum within 180 days of their arrival or have been denied asylum in the past are not eligible to receive asylum status from the Attorney General; moreover, this decision by the Attorney General is not subject to judicial review.

Asylum may be granted to an **alien** who qualifies as a political refugee, unless the person (1) is discovered to have a prior history of persecuting other persons, (2) has been convicted of a felony or other serious crime prior to if is arrival, (3) is regarded as a danger to national security, or (4) is inadmissible on terrorist grounds. **Aliens** are free to travel internationally from the U. S. with prior consent of the Attorney General, and must not be forcibly removed to another country without cause.

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Asylum protection for an alien may be terminated if the person (1) is no longer a refugee, (2) is found to be ineligible for asylum, (3) can be moved to another country where he will be granted asylum or other temporary protection, (4) voluntarily returns to his native country with the intent to stay, or (5) has changed his nationality to a country which has granted or will grant him a protective status.

Numerical Adjustment for Asylees. The bill limits the number of asylees who can adjust or change their status to permanent residence to 10,000 per year.

Certain Backlogged Spouses and Children of Lawful Permanent Resident Aliens. The bill provides that additional visas be made available to allow certain nuclear family members to be admitted into the U. S. who have been wait-listed at the beginning of each fiscal year. Specifically, from 19972001 at least 50,000 visas (and more subject to a annual a set forth in the bill) must be available to aliens in this category, and must be made available first to spouses and children of legal permanent aliens. Per-country visa limitations do not apply. The Attorney General must report to Congress by April, 2001, on how much this program may have reduced the current backlog.

Title P7 - Restrictions Benefits for Illegal Aliens

Public Benefits

Public Assistance, Contracts, and Licenses. The bill prohibits illegal aliens from receiving federal or state- related benefits, including (1) grants, (2) contract or loan agreements, (3) commercial or professional licenses, and (4) means-tested public assistance. Applicants for these and other federal services must present sufficient proof of identity in the form of a U.S. passport, resident alien card, or state driver's license or identification card (if presented with a social security card) in order to receive any federal benefit such as those listed above, in addition to (1) Supplemental Security Income (S SI), (2) Aid to Families with Dependent Children (AFDC), (3) social services block grants, (4) Medicaid, (5) stamps, or (6) housing assistance. State agencies are also authorized to request proof of eligibility from alien applicants to receive state services should they desire to do so.

Exceptions to Certain Proof Requirements. The bill exempts aliens from having to provide proof of eligibility to receive government benefits who have, themselves or their children, been battered or subject to extreme cruelty. The intent of this exception is to provide for the immediate welfare of persons present in the U.S. who require emergency care or assistance in certain exigent circumstances, while not providing extended access to public benefits at taxpayer expense. Aliens who take advantage of this exception must have applied, or apply within 45 days of using public benefits, to be sponsored by a family member who is a U.S. citizen for permanent alien status, or the alien must already be family sponsored. If a review by the INS finds that no such application has been made in a timely manner, the alien's access to public benefits will be terminated regardless of any circumstances surrounding their need for assistance. Further, the bill tightly restricts access to the following forms of medical treatment for which all aliens will be eligible:

* Treatment of Communicable Diseases. This provision allows medical doctors and hospitals to treat illegal aliens when, within the scope of their professional judgment, it is medically necessary to prevent a further spread of disease to others. Such decisions to treat aliens will be considered made in "good faith" and may continue on a short term basis until the alien is well enough to be deported;

* Emergency Medical Services under Medicaid. The bill also allows aliens to receive medical treatment in an emergency room, critical care unit, or intensive care unit that would be reimbursed with Medicaid benefits so long as the treatment received is of an emergency nature. The bill specifically excludes parental care and mental health treatment to patients who do not endanger themselves or others without treatment, and who have not been judged as incompetent to care for themselves by a court of law; and

* Exceptions to Prohibition on Illegal Aliens' Receiving Public Benefits. The bill allows aliens, regardless of their immigration status, to continue to receive benefits under the following programs; (1) emergency medical services under Medicaid; (2) immunizations, testing, and treatment for communicable diseases- (3) short-term, non cash emergency relief, (4) benefits under the National School Lunch Act; benefits under the Child Nutrition Act of 1966;

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(6) programs specifically designee to assist victims of domestic or child abuse; and (7) benefits under the Head Start Act.

Expenses to Hospitals for Medical Services. The bill provides, subject to advance appropriations, reimbursement from the federal government for medical services rendered to illegal aliens for any amount which remains due after the hospital has received reimbursements from all other possible sources after (1) the INS confirms the alien's status as illegal, and (2) it is determined that the hospital cannot recover payment from the alien, his family, or another person. This provision is retroactive to services provided on or after October 1, 1995.

Other Provisions

Report on Disqualification of Illegal Aliens from Housing Assistance Programs. The bill requires the Secretary of Housing and Urban Development to file a report within 90 days of enactment explaining the secretary's enforcement efforts in accordance with the Housing and Community Development Act of 1980, which prohibits illegal aliens from consideration for public resident accommodations.

Student Eligibility of Post secondary Federal Student Financial Assistance. The bin requires resident aliens who attend post secondary institutions to verify their citizenship or Native American status, or that they are legally permitted to permanently reside in the U. S. Once this status is verified by the Secretary of education, they may be eligible to receive federal funding for student financial aid.

Public Assistance Benefits. The bill directs federal government agencies to make public assistance payments available only to the individual who is eligible to receive them, and not to a designee or other named person.

Effective Dates. The bill requires the Attorney General to issue regulations governing provisions in this title within 60 days of enactment, except for provisions regarding unemployment benefits, public assistance, contracts, loans, grants, and licenses, which the Attorney General must enforce between 30-60 days after the regulations are first issued.

Earned Income Tax Credit (Error). The bill prohibits those individuals from taking advantage of EITC who do not have a social security number to use as a tax identification number on their federal income tax return. This provision is targeted at persons who earn income in the U. S. subject to federal taxation (such as investment income), but are not citizens and do not reside in the U. S.; these individuals would not be issued SSNs for any purpose, therefore, the EITC remains available only for U.S. citizens and permanent residents.

Attribution of Income and Affidavits of Support

The bill stipulates that aliens must qualify to participate in means-tested programs. The income and resources must include the income and resources of the alien's sponsor.

Other Provisions

Grounds for Inadmissibility. The bill bars aliens from being admitted into the U.S. who cannot demonstrate their age, health, family status, education, skills, and a family-sponsor support affidavit, to show that they are unlikely to become a public charge- dependent on government assistance services at taxpayer expense. Offers from an alien's family member do not count as valid unless the relative is the alien's family-sponsor and has filed an affidavit pledging to support the alien upon arrival.

Grounds for Deportability. The bill provides, in addition to the above provision, that an alien can be deported if he receives public assistance services for one year within seven years of his admission to the U. S., if his financial status is brought on by circumstances that existed prior to his arrival in the U.S. Aliens who are admitted into the country as refugees or asylees may be exempted from this provision by the Attorney General. A public charge is defined as someone who receives (1) Supplemental Security Income (SSI), (2) AFDC, (3) Medicaid, (4) food stamps, (5) state general assistance, or(6)certain federal housing assistance for an aggregate period of 12monthsduringaseven year period following that person's admission into the country. Emergency medical services, public health immunizations, short-term emergency relief, testing and treatment for communicable

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diseases, benefits under the Child Nutrition Act, School Lunch Act, and Head Start Act, programs designed to assist victims of domestic or child abuse, higher education grants and loans, and means- tested elementary and secondary education benefits, are not included in this definition. Battered or abused aliens and their children who can substantiate a need to receive public assistance services may receive benefits for up to 48 months in their first seven years in the U.S. without risking deportation.

Title VII - Facilitation of Legal Entry

Land Border Inspectors. The bill requires the Attorney General to hire more full-time land border inspectors to increase efforts to deter individuals crossing land borders into the U. S., especially during peak crossing hours which tend to be during the night. The bill also requires that the Attorney General give priority to areas with the highest activity levels.

Pre inspection at Foreign Airports. The bill calls for the establishment of preinspection stations at foreign airports. The stations will be established at airports to enhance the ability to track illegal aliens entering the U. S. through commercial airlines. The bill provides for five stations to be set up within two years of enactment, and the remainder to be established within four years of enactment.

Airline Personnel Training to Detect Fraudulent Documents. The bill authorizes such sums as necessary from the Immigration User Fee Account, to be used by commercial airlines to train their personnel to detect fraudulent identification documents which may be used by traveling immigrants. The Attorney General must issue regulations relating to training, funding, and detection implementation within 90 days of enactment. Airlines that do not comply with these regulations regarding document identification and training may be subject to having international passengers refused entry at U.S. airports.

Title VIII -Miscellaneous Provisions

Amendments to the Immigration and Nationality Act (INA)

Non immigrant Status for Spouses and Children of Armed Services Members. The bill amends current law to provide that spouses and children of aliens serving on active duty in the armed services members while stationed in the U.S. must be considered nonimmigrants. Currently these persons may be considered immigrants for the purposes of determining admission into the U.S. and any rights to federal benefits.

Visa Processing Procedures. The bill clarifies existing language in the INA to give the Secretary of State the authority to decide what procedures to undertake when reviewing visa applications and where such reviews will occur. Additionally, aliens who overstay the terms of their original visa must apply for a renewal with a consulate office in their native country prior to the visa expiration date, or they will not be allowed to remain in the U.S.

Authority to Waive Notice of Visa Denial. The bill permits the Secretary of State to withhold an explanation for the denial of an alien's visa if it has been rejected based on criminal activity or national security and (suspected or proven) terrorist activity. This provision changes current law, which requires the secretary to notify an alien upon rejection of the specific reason for denial.

Canadian Landed Immigrants. The bill allows the Attorney General to waive a requirement for persons who reside in a contiguous foreign country to show paperwork when they cross a land border into the U.S. if they have received permanent residence status. The intent of this provision is to facilitate easier border crossings for these aliens who have reason to frequently cross into the U. S. for business or other reasons.

Changes Relating to H-IB Immigrants. The bill makes several changes regarding foreign skilled workers who work for U.S. employers on H-IB temporary visas. Concerns over employment practices that result in domestic workers being displaced by foreign labor have prompted several changes to laws and regulations governing businesses that use immigrant labor. These businesses are categorized as alien- dependent (H-IB) or non-alien-dependent (non-H-IB) businesses. H-IB employees are workers who possess specialized skills in certain areas (professors, scientists, engineers) who are recruited to work in the U. S. They are issued temporary work visas, good for up to

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six years; up to 65,000 visas per year may be issued by the Attorney General. An H-1B, or alien dependent, employer is defined as an employer whose work force is at least 15 percent composed of H-1B workers (20 percent for small businesses with less than 150 employees).

Primarily, the bill requires all employers to refrain from involuntarily removing an American employee in order to replace him with an H-1B employee, unless the American worker is being removed for cause (terminated), poor performance, or is retiring. The bill also provides a measure of regulatory relief to non H-1B dependent employers, exempting them from certain Department of Labor regulations.

Under current law, employers must guarantee that they will provide equitable compensation to their alien workers, ensuring that they receive wages and benefits similar to that of their domestic counterparts. An employer must pay H-1B workers the higher of the prevailing wage or actual wage the employer pays similar U.S. citizen employees.

The bill increases penalties for fraud, misrepresentation, or other violations on the part of the employer, including fines of up to \$ 5,000 per violation, and the possibility that the employer will be permanently barred from employing H-1B workers.

Alien Adjustment Status Limitation. The bill requires aliens who request that their alien status be changed to permanent residency or other long-term stay in the U.S., to pay a \$ 2,500 application fee to the Secretary of State. The review process will include an investigation into the alien's background and activities in his home country, as well as during his time in the U. S., before an adjustment will be granted.

Limited Access to Certain INS Files. The bill provides the Attorney General with access to certain information in an alien's residency application after receiving prior approval from a federal judge. Generally, information provided by an alien's application for residency is not available to non-INS offices for law enforcement activities or other purposes. However, the bill makes an exception in cases where it is necessary to find an alien who (1) is believed to be dead or severely incapacitated, (2) is suspected of criminal activity or being investigated for criminal involvement which may have occurred after the application date, or (3) poses an immediate risk to life or national security.

Change of Non immigrant Application. The bill allows a person whose residency status has changed since entering the U.S. to petition the Secretary of State for a visa (short-or long-term) while remaining in the U.S., instead of having to return to his home country and apply to re-enter the U.S.

Other Provisions

Commission Report on Birth Certificate Fraud. The bill requires the Commission on Immigration Reform, established in the Immigration Act of 1990, to study and report to Congress on recommended methods to curb the fraudulent use of birth certificates to obtain documents which are necessary to gain employment in the U. S. The bill directs the commission to propose national standards for issuing birth certificates and restricting access to these documents to select persons. The commission's report is due by January 1, 1997.

Uniform Vital Statistics. The bill directs the Secretary of Health and Human Services (HHS) to establish a pilot program to coordinate vital identification statistics (births and deaths) through a database accessible to three of the five states with the largest illegal alien populations. This provision is designed to limit the fraudulent use of birth certificates. The program must be established within two years of enactment; the secretary must report to Congress on the program's progress no later than six months after the program is established and must include recommendations for instituting the program nationwide.

State and Local Government Agency Information Sharing with the INS. The bill directs state and local governments to cooperate with the INS and grant it access to statistical information regarding the immigration status of an alien while in the U. S. Information made available to the INS may include the location and activities of an alien while present in a given state.

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Criminal Alien Reimbursement Costs. The bill authorizes funding from the Immigration Control and Reform Act of 1986 (P.L. 99-603) to be used to reimburse state and local law enforcement entities for apprehension and retention of criminal illegal aliens.

Female Genital Mutilation. The bill requires the INS and Secretary of State to ensure that aliens entering the U. S. from countries that practice or endorse female genital mutilation, such as involuntary sterilization or abortion, be informed of potential legal consequences for engaging in, or subjecting a child to, genital mutilation.

Portugal Visa Waiver Pilot Program. The bill designates Portugal as a country eligible for visa waivers effective in FY 1996-98.

Cost/Committee Action:

CBO estimates that enactment of H.R. 2202 will result in discretionary outlays of \$ 532 million in FY 1997, \$ 637 million in FY 1998, \$ 940 million in FY 1999, \$ 994 million in FY 2000, \$ 956 million in FY 2001, and \$ 976 million in FY 2002. In addition, enactment will result in savings from mandatory spending of \$ 230 million in FY 1997, \$ 428 million in FY 1998, \$ 684 million in FY 1999, \$ 1 billion in FY 2000, \$ 1.4 billion in FY 200 1, and \$ 2. 1 billion in FY 2002. The bill affects direct spending, so pay-as-you-go procedures apply.

The Judiciary Committee ordered the bill reported, by a vote of 23-10 on October 24, 1995. In addition, the Agriculture Committee ordered the bill reported on March 5, 1996, by a vote of 28-11, and the Government Reform & Oversight Committee ordered it reported by voice vote on March 7, 1996.

Arguments For and Against the Bill:

Arguments For the Bill

America can no longer afford to wait before enacting real immigration reform. The current system is broken: it is soft on illegal immigration and tough on legal immigrant families. It fails to effectively deter illegal entry into the U.S. and makes it difficult to remove illegal aliens who are apprehended within our borders. It admits too many unskilled workers at a time when Americans at the lowest end of the economic ladder are seeing their wages and working conditions decline. Precisely because America is a nation of immigrants, we have a vested interest in reforming the immigration system so that it works for American taxpayers, workers, and families-many of whom are immigrants themselves.

The bill attacks illegal immigration through a four-pronged strategy: (1) enhanced border enforcement; (2) new, tough penalties and enforcement tools against alien smuggling, document fraud, and other immigration crimes, many of which are carried out by organized criminal syndicates; (3) complete reform of the INA's provisions on identification, apprehension, and removal of illegal aliens; and (4) testing new programs to ensure that aliens not authorized to work in the U. S. do not take the jobs that belong to American workers. The first three of these reforms are self-explanatory and sensibly do not generate controversy. The fourth is equally important, however, because the primary magnet for illegal immigration is jobs. In addition, illegal aliens are able to work in this country and take jobs from Americans because they have access to millions of cheap counterfeit documents. H.R. 2202 would combat this fake paper traffic by allowing volunteer employers to check the identities and work authorizations of new employees against Social Security Administration and INS records. Based on successful INS and Social Security Administration pilot projects, this "quick check" verification system will deal a serious blow to illegal immigration.

This bill also makes needed reform to the legal immigration system. Currently, that system admits 82 percent of immigrants without regard to their level of education or skill. There is even a category for "unskilled workers" of which there is no current shortage in the U. S. H.R. 2202 will raise the percentage of immigrants admitted on the basis of education and skill. Perhaps more importantly, it will re-prioritize the fully-based legal immigration system to give first preference to the nuclear family: husband and wives, parents and their minor children. Due to excess demand on the current system and resulting backlogs, some family members of legal permanent residents can expect to wait up to 10 years to be legally reunited with their families. In the meantime, we continue admitting adult

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brothers and sisters, who also have their own families. This drives the phenomenon of "chain migration," which if left unchecked, will continue to place unprecedented demand on our immigration system. Already, there are backlogs in excess of 2.5 million in these "extended family" categories.

The effort to remove the legal immigration reforms from H.R. 2202 denies the link between the problems in legal immigration and the growth in illegal immigration. For example, up to half of the individuals "waiting in line" for the backlogged legal immigration visas are actually present in the U.S. illegally. If we do not state clear priorities in our legal immigration system, we will lose control of that system-an unacceptable option for a sovereign nation.

In the final analysis, America's generosity toward immigrants must and will continue. But Congress has every right to set priorities and to do what is best for its families, its workers, and its taxpayers. We cannot afford a broken immigration system. Congress must act now to put the national interest first.

Arguments Against the Bill

For those who would choose to reject the reality of America's history and deny immigrants the right to pursue "life, liberty, and happiness" rights as promised in the U.S. Constitution, current efforts to accomplish immigration reform represent another example of over-zealous policy making at its worst.

To date, most Americans agree that illegal immigration continues to escalate and cause a problem for the rest of America. However, it is unconscionable to include as pariahs legal immigrants, many of whom travel to America to contribute to, and assimilate into, our society by becoming taxpayers and model citizens. To be sure, ours is not a country which should dole out resources to the world with reckless abandon. But it is hardly fair to punish the legal immigrant worker, foreign exchange student, or Nobel laureate who comes to this country in search of freedom.

Further, in an era where many, including the president of the U. S., agree that "government is too big and does too much too poorly," lawmakers have crafted a bill that would institute a "voluntary" program of employment verification on businessmen and women in states with the highest illegal immigrant populations. This system of employment verification is based on a model of a California program involving over 200 businesses who employ illegal aliens in their work. "less no program is perfect, the ultimate margin of error for the California pilot program was so egregious that, when extrapolated to the national level suggested in this bill, will result in several hundred thousand employees erroneously losing out on job opportunities because of a glitch in the verification system. Even the proposed system administrators-the Social Security Administration and INS-argue that the databases necessary to run this project would be problematic and costly, ultimately may not work, and are not worth the trouble. This does not seem like the sort of idea that would benefit domestic business, and it should not be a part of this legislation.

At the end of the day we fear for the immigrants whose applications have been suspended in limbo for years on waiting lists. By passing this legislation, a particular class of immigrant-the foreign parents of U.S. citizens-will be effectively barred from ever entering the U.S. and being close to their children, who could provide vital care for them in their twilight years. Because of provisions in this legislation that require family sponsors to make 200 percent of the poverty level salary of their sponsored immigrants, and to provide adequate health coverage and long-term health insurance for their elderly, nonresident parents, most working class residents and citizens will have to continue to travel to their native countries in order to care for their close relatives.

These and other unfair provisions in H.R. 2202 make this bill a bad idea, wholly incongruent with the enlightened ideas on which our country is based.

Interest Group Positions:

Groups Supporting H.R. 2202

Alliance of California Taxpayers and Involved Voters; California Coalition for Immigration Reform; Hispanic Business Round table; Information Technology Association of America; National Association of manufacturers;

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National Federation of Independent Business; National Review- United States Business and Industrial Council; United We Stand America- Veterans of Foreign Wars.

Groups Opposing H.R. 2202

ABD Communication; Americans for Tax Reform; Angry Taxpayer Action Committee; Association of Concerned Taxpayers; CATO Institute; Citizens for a Sound Economy; Empower America; Frontiers of Freedom; Minnesota Family Alliance; Small Business Survival Committee; Tax Accountability 96' Taxpayers United of America; Taxpayers United of Illinois; U.S. Pan Asian American Chamber of Commerce.

Other Information: "Abolish the INS: How Federal Bureaucracy Dooms Immigration Fighting Foreign Center for Equal Opportunity policy Brief, February, 1996- "Business Lobbie 1995, pp. Worker Curbs," Holly Idelson, Congressional Quarterly Weekly Report, November 25, 3600-1; "Clinton Says 'Me Too' as GOP Blasts Immigration," Susan Crabtree, Insight on the News, Vol. 12, No. 11, March 18, 1996, pp. 11-12- "House Judiciary Approves Sweeping Restrictions," Holly Idelson, Congressional Quarterly Weekly Report, October 28, 1995, pp. 3305-8- "House Panel Bill Cracks Down on Legal and Illegal Entry," Holly Idelson, Congressional Quarterly Weekly Report, July 15, 1995, pp. 2073-5; "House Panel Opens Debate on Major Restrictions," Holly Idelson, Congressional Quarterly Weekly Report, September 23, 1995, pp. 2912-4- "Immigration Fundamentals," Joyce Vialet, CRS Report 95-56 EPW, July 18, 1995 - "Immigration's Contribution to the Size of the U. S. Population," Ruth Ellen Wasem, CRS Report 94-116 EPW, February 17, 1994; "Panel Focuses on Benefits, Temporary Workers," Holly Idelson, Congressional Quarterly Weekly Report, October 21, 1995, pp. 3211-2- "Phone Check on New I-9s Prompts Heated Debate," Holly Idelson, Congressional Quarterly Weekly Report, February 3, 1996, pp. 301-3; "Smith Keeps Overhaul on Track Through Complex Markup," Holly Idelson, Congressional Quarterly Weekly Report, October 14, 1995, p. 3147- "Will New Immigration Barriers Hurt America's Economy," Daryl R. Buffenstein and Alan Simpson, Insight on the News, Vol. 12, No. 7. February 19, 1996, pp. 20-3.

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Classification

Language: ENGLISH

Subject: IMMIGRATION (89%); ILLEGAL IMMIGRANTS (89%); MEDICARE (89%); MEDICAID (89%); PASSPORTS & VISAS (78%); IMMIGRATION REGULATION & POLICY (78%); MINORITY GROUPS (78%); IMMIGRATION LAW (78%); REFUGEES (78%); FOREIGN LABOR (78%); AGENCY RULEMAKING (78%); POLITICAL ASYLUM (78%); EMPLOYMENT SEARCH (74%); RECRUITMENT & HIRING (74%); TERRITORIAL & NATIONAL BORDERS (73%); TEMPORARY EMPLOYMENT (69%); ADMINISTRATIVE & CLERICAL WORKERS (69%); LAW ENFORCEMENT (68%); ATTORNEYS GENERAL (68%); BORDER CONTROL (63%); WELFARE BENEFITS (60%)

Company: JUDICIARY COMMITTEE (64%)

Organization: JUDICIARY COMMITTEE (64%)

Industry: MEDICARE (89%); MEDICAID (89%)

Geographic: UNITED STATES (94%)

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Load-Date: March 23, 1996

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