



**Talking Points**  
**Border and Immigration Enforcement Act (H.R. 4437)**  
**“Sensenbrenner Bill”**

**This bill is an attack, not an answer. This is not an antiterrorism bill, not a border security bill, not an enforcement bill, and not an immigration reform bill.** This bill fails to address many of the most important elements of immigration reform, including backlogs in family visas, regulation of the future flow of migrants, and the presence of a sizeable undocumented community in the United States. Worse, this bill’s approach presents a grave threat to deeply-held American values, including due process of law, family unity, and the safety and security of all Americans. It targets all immigrants for punishment and does not contribute to our security or to immigration reform.

**The bill contains too many harmful provisions to list.** Democrats on the House Judiciary Committee recognized that the bill was “unfixable” and did not even attempt to make it better. This is an extremely far-reaching piece of legislation that goes beyond border security and enforcement of current laws. While far from a complete list, the following provides a sample of the provisions of H.R. 4437:

- Criminalizes millions of immigrants. Anyone in the U.S. illegally would be subject not only to deportation but imprisonment as well.
- Greatly expands the definition of smuggling in a way that could severely penalize innocent acts of kindness and daily, casual contacts that many Americans have with undocumented immigrants. U.S. citizens married to undocumented immigrants could be convicted of aiding aliens. Persons driving their nannies to an appointment could be convicted of transporting aliens.
- Greatly expands mandatory detention and expedited removal, potentially imprisoning millions of persons and generating huge costs to the taxpayer while accomplishing little in the way of deterring migration.
- Expands the definition of “aggravated felony,” rendering legal immigrants convicted of minor offenses in the past ineligible for immigration benefits including naturalization. Those negatively affected by this will inevitably be American families, who could face separation as a result.
- Deputizes local law enforcement officials to enforce federal immigration laws over the objections of many such officials, who believe that this authority undercuts their ability to protect the public safety.
- Mandates a broad-reaching employment verification system that requires employers to retroactively verify the employment status of employees who have been employed for years. It also mandates that churches, NGOs, and others

involved in workforce development prescreen potential job applicants before referring them to jobs, a procedure that is likely to result in employment delays and possibly discrimination.

- Severely reduces due process rights for legal immigrants in a way that dramatically undercuts basic principles of American justice.

**Extensive changes to our immigration system deserve far more analysis and discussion.** House Judiciary Committee members and advocates received the 170-page bill less than two days before they voted on it. All House members are expected to vote on it a week later, leaving no time for serious analysis and debate. Our nation's immigration laws are far too important to be changed so radically and so quickly.

**The bill will harm immigrants, American families, businesses, and communities.** If passed, this bill would drive immigrants further underground, leaving entire communities less safe. Extreme provisions in the law go beyond targeting undocumented immigrants and go after legal immigrants, taking away their basic right to their day in court and making it more difficult for them to become citizens. It proposes a dramatic expansion of employer verification, which will expose all U.S. workers to possible employment disruptions, and does not create any legal channels for needed workers, thereby disrupting the economy. With its excessive deportation provisions, the legislation would separate millions of U.S families.

**We need a solution, not a headline.** Hispanic Americans, like all Americans, want effective reforms of the nation's immigration laws, not shortsighted measures that appear tough on immigration but do not resolve the underlying problems. Only a comprehensive approach that provides a path to citizenship for current undocumented immigrants, creates new legal channels for future flows of needed immigrants, reduces family immigration backlogs, and protects worker rights will reduce undocumented immigration and bring order to our immigration system. We strongly believe that smart, effective, and realistic enforcement of a well-functioning immigration system is possible. H.R. 4437 does not take us down the path of real immigration reform. This bill is a slap in the face to leaders of both parties who are working to bring about meaningful, comprehensive immigration reform.