

## Sensenbrenner-King Bill at a Glance

A massive immigration bill from House Judiciary Chairman James Sensenbrenner (R-WI) and Homeland Security Chairman Peter King (R-NY) is scheduled for floor action this Thursday, December 15<sup>th</sup>. It would dramatically affect the lives of legal immigrants, citizens and citizens-in-waiting, and business owners. The bill is a complete failure for what it contains as well as what it does not contain: **a realistic way of addressing the 11 million undocumented immigrants in the country.** The Sensenbrenner-King “solution” to our nation’s broken immigration system is:

**Make any relative, employer, coworker, co-congregant, or friend of an undocumented immigrant into an “alien smuggler” and a criminal.** The legislation has a far reaching “smuggling” provisions that go way beyond any common sense definition of a “smuggler” and include average Americans going about their business. For example, the:

- Soccer mom who drives her neighbor to the grocery store, or has a live-in nanny
- Counselors who assist victims of domestic violence and their children
- Landscaper who drives his workers to jobs
- Church group that provides shelter or assistance to community members
- It applies regardless of whether they knew the person was undocumented or not

**Make 11 million undocumented immigrants—and legal immigrants who have temporary status problems—into criminals that local police can arrest.** Currently, immigrants in the U.S. illegally are in violation of immigration law and subject to deportation. This bill would make unlawful status not only an immigration violation, but a crime, and the immigrant subject to arrest by state and local police. This means:

- Police would be free to question, demand “papers,” and detain people who couldn’t prove that they have legal status in the U.S. This would reach U.S. citizens and legal residents who don’t always have proof of citizenship in their back pockets
- Eager police and ambitious prosecutors could make “examples” out of some immigrants, terrifying communities and driving people further underground. All you need is one person to be arrested, and word will spread that it’s no longer safe to contact law enforcement
- The scope of this is staggering: It would also make criminals out of the legal permanent resident who fails to file a change of address form with DHS 10 days after moving, student visa holder who drops a class but is trying to pick up another one, or high tech worker who loses her job and takes too long to find a new employer sponsor
- This would impact 3 million U.S. citizen children, as well as hundreds of thousands of legal resident and U.S. citizen adults living in families where one or more members are here illegally
- Any future efforts, like the President’s immigration plan, to bring these people out of the shadows so they can be registered and put on a path to legal status would fail, as people learn they are now considered criminals and are afraid to report themselves

**Make it harder for legal permanent residents to become citizens.** Legal immigrants who dream of becoming American citizens and have waited patiently for that chance may have their dreams dashed by this bill. It would:

- Allow government bureaucrats to deny citizenship to any legal permanent resident they choose, based on subjective information or secret evidence
- Keep secret from legal immigrants why the bureaucrat denied their applications, and deny a chance for a judge to review the decisions for mistakes and abuse of discretion
- Change the rules of the game so that long-time legal permanent residents can be barred from citizenship and deported, even if they have never been convicted of a crime or it was a minor offense committed decades ago

**Require employers to verify workers' legal status, without providing access to legal workers through immigration reform.**

- The bill proposes rapid-fire expansion of an employment authorization verification system, from 5,000 to 7 million employers within 2 years, and demanding employers also use it retroactively
- It builds off of an existing flawed database, lacking important privacy protections. The effect of the bill is essentially: shoot first, and aim later

**Deny admission to nationals of certain countries.** In certain cases, countries like Cuba, China, and Vietnam refuse to accept their nationals who are in the U.S. when we seek to deport them. Rather than work that out through diplomatic channels, this bill would allow DHS to deny admission to anyone from that country who seeks to come to the U.S. for business, pleasure, or to otherwise make a valuable contribution. This means that:

- Foreign researchers and doctors seeking to work with U.S. scientists could not be allowed to enter because their government won't accept the return of someone from their home country
- It fails to recognize that everyday citizens are not responsible for the actions of their former governments, and may in fact be fleeing tyrannical regimes. Cuba is a prime example

**Have state and local police enforce federal immigration laws.**

- By making all immigrants with status violations into criminals, the bill attempts to send state and local police after them
- It also includes new funding programs as incentives for state and local law enforcement—instead of properly funding the federal government to do its job
- The only effect of this will be reduced public safety, as immigrants will fear that contact with state or local officers—even to report crimes or information—could lead to their deportation

These provisions are just some of the more outrageous in what is basically a 171-page Christmas list for immigration restrictionists. It is also likely to get worse, as amendments are offered and considered on the House floor.

Instead of pushing immigrants further underground and putting the squeeze on well-intentioned employers and family members, Congress should enact comprehensive immigration reform. A model for how to do this is the bipartisan Secure America Act (H.R. 2330/ S. 1033), a bill sponsored by Representatives Kolbe (R-AZ), Flake (R-AZ), and Gutiérrez (D-IL) and Senators McCain (R-AZ) and Kennedy (D-MA), among others. Without legal channels for future workers and family members, any immigration “enforcement” or restriction legislation is doomed to meet the same fate as previous bills: it simply won't fix the problem.

For more on the real reform legislation, visit:

<http://www.immigrationforum.org/DesktopDefault.aspx?tabid=732>.

For resources on the Sensenbrenner-King bill, including analysis of how Congress has ratcheted up immigration enforcement over the last twenty years but failed to fix the system, visit:

<http://www.immigrationforum.org/DesktopDefault.aspx?tabid=777>