

# CONGRESSIONAL AND MEDIA ADVOCACY GUIDE

Immigrant Legal Resource Center

## Table of Contents

Immigration Advocacy: Ten Steps to Success-----	1
How a Bill Becomes a Law-----	3
Meeting with Legislators-----	4
Congressional Visit Report Form-----	8
Model Letter to Request a Meeting with a Member of Congress-----	9
Talking Points:	
What Are They? How Do You Use Them? -----	10
Just, Effective, and Smart Immigration Reform: Talking Points-----	11
Working Together With Other Groups-----	13
Legislation Introduced in the 109 <sup>th</sup> Congress	
Summaries of H.R. 4437, S. 2611 and the Pence-Hutchison Plan----	15
“Poison Pills:” We Need Just, Effective, and Smart Immigration Reform--	17

# **IMMIGRATION ADVOCACY: TEN STEPS TO SUCCESS**

What is advocacy? Advocacy is working in support of something (an idea or an issue, for example) that you believe in. Smart advocacy involves working in the community, with elected officials, and with the media and is based on the following “ten steps to success:”

**1. Set expectations accurately and strategically:** It is important to stay attuned to the environment, be flexible, and recognize the importance of short, medium, and long term strategies and tactics that reflect these strategies. It also is important that you don't set your expectations too high or low: If you set them too high, it will be harder to motivate yourselves and your colleagues because you will always be disappointed; If you set them too low you will not be fulfilling your potential. Setting your expectations just right – because you accurately gauge the political environment, your targeted audiences, and your strengths and weaknesses, is essential to keeping yourselves motivated, involved, and successful.

**2. Support the need for advocacy in the short and long terms, and at the local, state and national levels:** Pro-immigration advocates need to expend resources and energy to protect and expand our pro-immigration agenda in the short and long terms because immigration is and will be a top issue on the public agenda. Our opposition knows this. They also understand the importance of focusing their efforts at the local as well as national levels. We need to do the same, working with elected officials, the media, and old and new allies.

**3. Be prepared to respond both proactively and reactively:** While it is important to never let a negative story go unanswered, it also is crucial that you initiate positive contacts with your elected officials and the media. In that way, you will set the stage on your own terms consistent with your own longer-term strategy.

**4. Take back our language and know how to talk about our issues:** Our opponents use harsh rhetoric to scare people and generate fear. They equate immigrants with terrorists and talk about “cities being flooded,” immigrants displacing Americans at work, ethnic tensions increased, and staggering costs faced especially by state and local governments.. We need to emphasize that immigrants are not terrorists, are central to our economy, and reflect the best of America's heritage and tradition. We need to talk about immigration in terms of family, opportunity, investment, and community and emphasize that immigration has made this country the best and brightest.

**5. Recognize the importance of training:** Central to advancing pro-immigration and immigrant agendas is mastering new skills that are not difficult to learn and can be helpful in other areas. Such skills involve effectively using new technologies, effectively, knowing how to talk about your issues (that is, “messaging” your issues) with different audiences, understanding the political process, and keeping up to date on what is going on in areas that impact your issues.

**6. Develop long-term relationships with elected officials and the media:** Developing these on-going relationships is vital. Frequently contact your elected officials, educate them about immigration, inform them of the local impact of specific legislation, and invite them to address a community meeting, put them on your mailing list, and keep them informed about issues of concern to you and your community. And don't forget to thank them when they do a good job. A higher media profile will require pushing positive immigration-related stories and sympathetic cases, going on local radio shows and writing op-eds and articles for local newspapers. Local TV networks welcome visual stories. Develop a relationship with your local newspaper and radio reporters. Pay attention to the newspapers, and find out who covers immigration issues. Invite them to an event, and make yourself available for interviews.

**7. Work in coalition with partners on specific issues:** Work in coalition at the local level on specific issues. Understand that other organizations may not share your entire agenda, and in fact may work to oppose you on some important issues, but can be powerful allies on other issues. . We need to work

together with groups with whom we long have been allies as well as with others who offer new opportunities and alliances, such as local businesses, education groups, chambers of commerce, etc.

**8. Take advantage of new technology:** Technology offers immigration advocates many opportunities, including the ability to communicate more easily and cheaply, work together more efficiently and reach interested people, elected officials, and the general public more broadly. Our opponents use technology to organize in the present and anticipate the future. We need to do the same, and more.

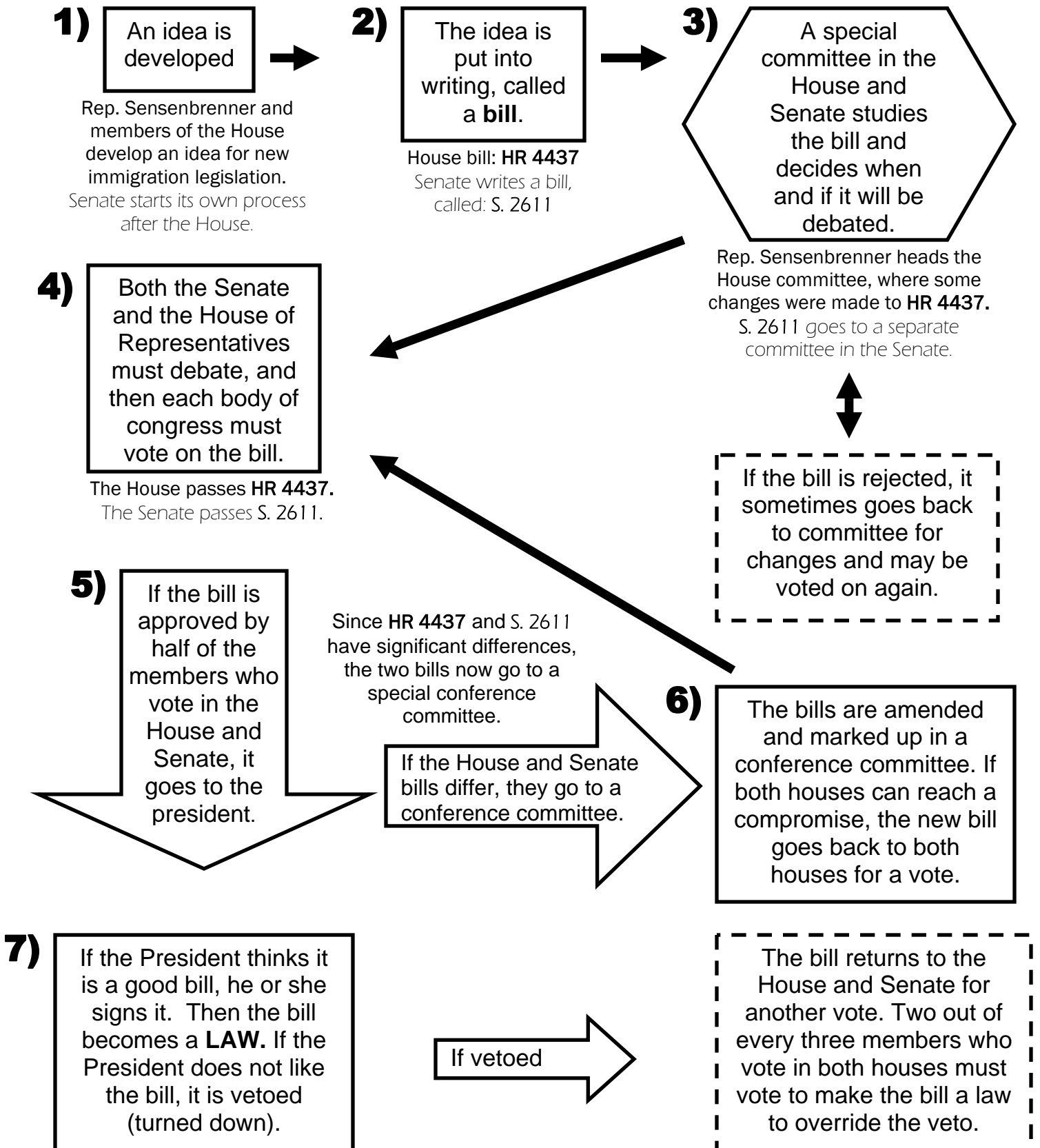
**9. Encourage people to naturalize and register to vote:** It is vital that people naturalize, register to vote and vote on Election Day. Encourage your friends, family members and neighbors to participate by registering to vote and then showing up on Election Day.

10. **Feel empowered because you are!**

Immigrant Legal Resource Center  
1663 Mission Street, Suite 602  
San Francisco, California 94103  
415-255-9499  
[www.ilrc.org](http://www.ilrc.org)

# HOW A BILL BECOMES A LAW

With the House (HR 4437)  
and Senate (S. 2611) immigration reform bills



# **IMMIGRANT LEGAL RESOURCE CENTER**

## **MEETING WITH LEGISLATORS**

Face-to-face meetings with legislators in their district or Washington, D.C. offices are the most effective way to influence them. There are many reasons for you to seek such meetings including: educating them on the issues, asking them to become a spokesperson for your point-of-view, asking them to cosponsor and/or support legislation; asking them to oppose legislation; and urging them to moderate their opposition to a bill you support. Central to these activities is the primary goal of your seeking these meetings: to develop a relationship with your elected official.

If you are unable to meet in person with them, meet with their staff. They work on legislation, regulatory issues, and policy every day and greatly influence their bosses' positions and votes.

Senators and Representatives' state/district offices often are housed in federal office buildings for which you need a valid U.S. ID to enter. You do not need identification to enter the House and Senate offices in Washington, D.C.

### **ARRANGING THE APPOINTMENT**

- Call your legislator's Washington office. (The general Congressional Switchboard number is 202-224-3121. Dial that number and ask the operator to connect you to your Senator or Representative's office.) After you are connected to that office, ask to speak to the scheduler. Once connected to the scheduler, request an appointment with the Senator or Representative you are calling. (Generally, Members of Congress are in Washington Tuesday–Thursday and are frequently in their districts/states Friday–Monday and when Congress is not in session.) You usually should call their Washington, D.C. office even if you seek a meeting over recess in their district office because the person in charge of their schedules usually is based in D.C. In some cases, the D.C. scheduler will ask you to call the state/district office to make the appointment.
- When you speak to the scheduler to request a meeting, note who you are and represent, the purpose of the meeting, when you would want the meeting (be flexible), who will be attending. If you are speaking to the scheduler, and not the staffer who covers immigration, ask for the name and contact information of the immigration staffer.
- Some offices may ask you to send your request for a meeting in writing. If that is the case, get the name of the person who requested that you send the letter, send the letter promptly and follow-up with a phone call. (See attached sample letter.)
- What happens if the scheduler tells you that the Member of Congress's schedule is full or cannot meet with you for some reason? If that is the response, reiterate your request to meet with a representative from that office, someone who has knowledge of the issue for which you are calling. The scheduler might then suggest you talk with the staffer who covers immigration. Ask to be connected with that person. It also is important to develop

a relationship with the staffer who covers immigration. You may end up meeting with this staffer instead of the Member of Congress. Such a meeting is also important to have because staffers often influence a Member of Congress' positions on issues.

## **PREPARING FOR THE MEETING**

- *Do your homework!* Know exactly what you want to say and carefully review your message. Research the elected officials with whom you are meeting so you know their positions on relevant issues.
- If you want other advocates to attend this meeting with you, select colleagues – if possible – who contribute to the meeting because, for example, of who they are or know or because they have expertise in a relevant area. For example, a priest from the community, a local immigrant business leader, or an immigrant student would add an important voice to your meeting.
- Prepare a packet of materials to give to your elected official that supports your position. These materials could include background information, fact sheets, and/or newspaper clippings and should be no more than 10 pages. Attach your card or contact information to the packet.

If possible, compile information about the impact of specific immigration issues on the legislator's district or state. Do not compile a long list of statistics that your elected officials will not remember. Instead, prepare a few dramatic numbers or anecdotes to illustrate your points. Collect recent local news articles that illustrate the issue. Like most people, legislators are more likely to remember examples conveyed in human and personal terms.

- To encourage legislators to support a specific immigration issue, present materials that clearly articulate your position, using specific case examples when possible.
- Know the counter-arguments and the weaknesses in your position and be ready to respectfully respond to any questions or disagreements.
- Make sure everyone in your group is prepared. Brief everyone attending the meeting and make sure they have any written materials (biographical profile of legislators and their views, etc.) to review well ahead of time.
- Be organized. Determine before the meeting each participant's role, who will discuss what, and in what order participants will speak.
- If you are part of a larger group or coalition, meet ahead of time. Everyone must agree BEFORE the meeting on your group's central message and your request of the legislator. Resolve any differences BEFORE the meeting.

## **MAKING THE PRESENTATION**

- Be on time!

- Begin by introducing yourselves and explain to the legislator/staffer why you asked for the meeting. Confirm how long the meeting will be and adjust your presentation if you find out that you will have more or less time than you were told originally. (Schedules often change, and a 45 minute meeting could become a 20 minute meeting.)
- Present your concerns simply and directly. Get to your “bottom line” immediately. Be brief, direct, courteous, and positive. When presenting each issue, do not assume that your legislator has any prior knowledge of the subject. Presentation of each topic roughly should follow this outline and should be informed by the messages you already have developed:

BACKGROUND: Explain the issue in the simplest possible terms.

IMPACT: Explain how the issue directly affects your community or the group you represent. If possible, include someone in your delegation who is directly affected by the issue.

RECOMMENDATION: Indicate what you would like your legislator to do. If relevant, discuss important immigration legislation or issues currently before Congress and how you hope he or she will vote. If you want your elected officials to support a specific issue, explain how your community has been impacted, and the consequences in concrete terms if, for example, Congress does not pass comprehensive immigration reform. Finally, ask your legislator to support legislation that would authorize the reform you support.

IMPORTANT POINT: Remember NOT to do all of the talking. It is equally, if not more important, to know your elected officials’ position as it is for them to know yours. If you do all of the talking it will be difficult for you to know where they stand. Besides, the easiest meeting for an elected official is one in which you do all of the talking. So, make sure you give your legislators the opportunity to ask questions or state their opinions. Ask them questions. Often, they appreciate the opportunity to be heard.

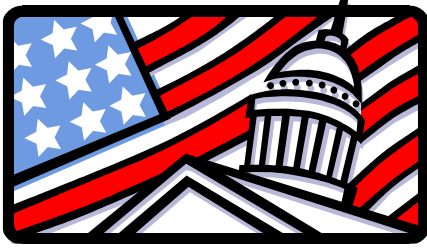
- Do not argue with your legislator or staff members. Politely answer questions and concerns, but if you disagree, make your point and move on. Remember, you are meeting with the elected official or staff person to develop a relationship and inform him/her about your positions on issues. Do NOT disagree or debate among yourselves in front of your elected official – save that for after the meeting
- If you do not know the answer to a question, say so, and promise to get back with the answer. Be sure to follow up with your answer as quickly as possible after the meeting.
- Don’t use jargon. Remember that your legislator deals with dozens, if not hundreds, of issues each week, each with its own “language.”
- Thank your legislators if they have been supportive. They get thanked far less often than they get criticized. They will appreciate your recognition.
- Be sure to ask for your legislator’s support. If your legislator already is very supportive, ask him or her to cosponsor the relevant bill and/or take a leadership role in moving the bill through the process, getting additional cosponsors, or other ways.

## **FOLLOWING UP AFTER THE MEETING**

- Send a note thanking the Member or staff person for meeting with you. Briefly summarize the main points of the meeting.
- Remember to follow up with responses to any questions the Member or staff person asked but you could not answer at the time or materials they requested.
- Do not think of the meeting as an isolated event. Although you may not have a face-to-face meeting again for some time, invite your elected officials to speak at an event or meeting. Think of other ways to maintain the relationship you have initiated.
- Report back. (See attached report-back form.) These reports are invaluable in developing legislative strategies and tracking Members' positions on issues important to the pro-immigration community.

Immigrant Legal Resource Center  
1663 Mission Street, Suite 602  
San Francisco, California 94103  
415-255-9499  
[www.ilrc.org](http://www.ilrc.org)

# VISIT REPORT FORM



Your name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

1) Whom did you visit? Include the names of the staff who also attended.

2) Who was in attendance from your organization? List all people from your group.

3) What issues were discussed? List the issues and main points or topics covered.

4) What feedback or responses did you get? Describe any reactions or comments you received.

Additional comments:

Please fax back to...

## MODEL LETTER TO REQUEST A MEETING WITH A MEMBER OF CONGRESS

The Honorable **[Insert name of Senator or Representative ]**  
**[office number and building information]**  
Washington, D.C. 20515

**[date]**

Dear **[Senator/Representative...]**,

As **[identifier, ex: resident of district, citizen residing the district, member of community group, parent of child, etc.]**, I am writing to request a meeting with you and your policy aides to discuss just and effective immigration reform in **[congressional office city location]** during **[preferred meeting time period]**. **[Summarize your involvement in comprehensive immigration reform, then ask for congressperson's help.]**

Changes in immigration law have the potential to greatly affect our friends, families, neighbors and citizen allies. In my community **[insert relevant personal example to capture the reader's attention.]**

During our meeting, I will be joined by **[individual name]**, **[individual name...]**. In the coming week, I will follow up with your scheduler to secure a time for our meeting, but in the meantime, if you need to contact me, you can do so at **[phone number and email address.]**

I greatly appreciate your time and consideration, and look forward to meeting with you.

Sincerely,

**[name]**  
**[mailing address and contact information]**

## **IMMIGRANT LEGAL RESOURCE CENTER**

### **TALKING POINTS: What Are they? How Do You Use Them?**

We live in a complicated world and daily face complicated issues. How can you best talk about an issue that conveys what you want to say in a strong, clear and convincing way? Talking points help you to do just that: they frame an issue in the simplest and strongest way and help you effectively make your point.

The Importance of Talking Points: Develop and use talking points when you discuss important issues. Talking points are an important tool to help you speak effectively at community meetings, meet with your local school boards and local, state and federal elected officials, discuss issues with a reporter, send letters or articles to the newspaper, and in other situations. You will be better prepared if you have thought through what you want to say and how you want to say it and don't repeat yourself.

Thinking Ahead: As an advocate working in support of your communities, you understand that many issues are both important and complicated, that people can hold views that differ from your own and that many are distracted by the demands of daily life. Given these and other factors, your challenge then becomes how you most effectively and succinctly express your view. It is important to think about how you want to talk about an issue before bringing it up with others. The answers to the following questions will help you to determine how best to talk about an issue.

- What is your goal?
- Who are your key audience/audiences? (such as local community members, Members of Congress, or a reporter)
- Does your audience already have an opinion or perspective? If so, what is it?

Developing your Message: After answering the questions above, it is important to think through what you want to say and how you want to say it. To do that, first determine what is your major theme and then the three to five main points that express this theme. The next step is to think about the sub-points that help you make your points in different ways so you are not repeating yourself. For instance, the attached model talking points are about immigration reform. The main theme is that we need "just, effective, and smart immigration reform." The major points we want to raise to support such reform are:

- Our current immigration laws are broken and need to be fixed;
- "Enforcement-only" or "enforcement-first" measures just repeat past mistakes and are prescriptions for failure. They don't get it right;
- We need to get it right. Getting it wrong will harm our nation, economy, and families, and serve as a poor model for other nations in their dealings with Americans abroad;
- Just, effective and smart reform would get it right.

Under each of these four points are bulleted sub-points that help you talk about the points without repeating yourself.

Talking Points Can Change: Please remember that you may need to change your talking points or the order in which you use them because things and/or your audience change. So be prepared to customize your talking points to meet these changed circumstances. The important point is that you keep thinking strategically and plan out what you want to say by using the methodology of talking points.

## **JUST, EFFECTIVE, AND SMART IMMIGRATION REFORM: TALKING POINTS**

The U.S. immigration system is broken and must be fixed. We need a smart, effective, and just system that not only reflects our history as a nation of immigrants and the positive contributions that immigrants make, but also enhances our security and our nation's economic well-being.

### **Our current immigration laws are broken and need to be fixed.**

- Everyone agrees that current laws don't work. They keep families separated, make it difficult for US employers to get the workers they need, and endanger our security.
- However, instead of reforming our laws, some just want to do more of the same. Doing more of the same only leads to more dysfunction.
- Undocumented people are a symptom of the problem, not the problem. The problem is an immigration system that does not reflect our country's needs.
- Our current system does not make sense and breeds disrespect for the law. In fact, the current system is the best one imaginable for drug smugglers and many others who mean us harm
- Our government needs to do its job of going after people who mean to do us harm. We should target terrorists, not janitors; smugglers not gardeners; traffickers, not health care workers, nannies, or others who mean no harm and are essential to our economy.

### **“Enforcement-only” or “enforcement first” measures just repeat past mistakes and are prescriptions for failure. They don't get it right.**

- U.S. border enforcement policies have failed to secure our borders. Why do more of the same?
- The American public understands that we will not, cannot, and should not, deport 11 million people.
- Current policies have fueled the development of a criminal infrastructure that undermines our security. These policies have increased the profitability and lead to greater sophistication of the people-smuggling business and networks.
- An “enforcement-only” approach will lead to more dysfunction, not more enforcement, because it would only do more of the same thing we do now.
- An “enforcement-first” approach, one that would mandate securing our borders before implementing immigration reform, would fail because reforming our laws is essential for effective enforcement and security.
- Both “enforcement-first” and “enforcement-only” approaches cannot take the place of smart, effective, and just reform.
- Some of the current proposals include provisions that are depicted as enforcement measures but instead violate due process and civil liberties protections. Don't be fooled.

**We need to get it right. Getting it wrong will harm our nation, economy, and families, and serve as a poor model for other nations in their dealings with Americans abroad.**

- What is at stake is our security, our economy, our history as a nation of immigrants, and our identity as a country that respects due process and the rule of law.
- The Border Patrol needs to be able to focus on the smugglers and terrorists, not on people who enter the U.S. to work or to reunite with their families.
- US employers need workers to meet our labor market needs and respond to worker shortages that currently exist and will increase in the future. If we get it wrong, many sectors of our economy and individuals will suffer. For example, the chain of production and distribution will be disrupted and people will not receive needed services, including adequate health care.
- A program that forces people to leave the U.S. would discourage participation, hurt our economy, and is an untested idea -- yet another example of a measure whose consequences have been insufficiently considered.
- Alleged enforcement provisions that diminish due process and civil liberty protections of noncitizens would expose millions of legal immigrants to charges with no redemption and waste government resources. These measures also would undermine legalization proposals and other needed reforms, and serve as a dangerous model for other countries that might treat Americans abroad as we would treat noncitizens here.
- We should not do anything unless and until we get it right. Otherwise, we risk harming our economy and security, keeping families separated, and wasting billions of dollars.

**Just, effective and smart reform would get it right.**

- Such reform would match willing workers with willing employers. New jobs would first be offered to citizens and legal residents before they are offered to other immigrant workers.
- Such reform would offer people already here the opportunity to earn their way to legal status by working, paying taxes, and being committed to learn English and to be part of the U.S.
- Such reform would create a future legal way for people to enter this country to work and be reunited with their families.
- Such reform would reunite close family members, some of whom have been separated for twenty years.
- Such reform would facilitate the cross-border flow of people and goods that are essential to our economy. A vibrant economy, in turn, would fund our security needs.
- Such reform would facilitate cooperation with our neighbors, including Mexico, and develop economic opportunities there.
- Such reform would enhance our security and enforcement efforts by helping us know who is here and keep out those who mean to do us harm.

Immigrant Legal Resource Center  
1663 Mission Street, Suite 602  
San Francisco, California 94103  
415-255-9499  
[www.ilrc.org](http://www.ilrc.org)

# WORKING TOGETHER WITH OTHER GROUPS

Expand your organization's influence!

## WHY should you work with other groups?

Working with other organizations will expand your group's power and influence. Building a **coalition** (a group of groups) in your community is one of the most effective ways to advocate in support of an issue. Oftentimes, the more diverse the membership of your coalition, the more powerful your group will be. For example, a coalition made up of community, union, and business groups has the potential to achieve more than a group working on its own.

## HOW do you start a coalition?

- **Create a coalition by identifying one specific issue on which you will focus.** Different groups often can agree to work together on a single issue (such as opposing cuts to legal immigration) even if they do not agree on other issues. Thus, it is important to start a coalition by first selecting the issue around which you want groups to organize.
- **Start small.** Set up a meeting with a few leaders from other organizations to see if they share your concern about this issue and the proposed solution. If people don't agree, work together to develop a shared position on which all can agree. If it is impossible to find this shared position, either see what other issues you can work together on and/or seek out other people.
- **Have one-to-one conversations.** Set up individual meetings with possible new partners. Invite them to have coffee or a small snack with you. Each person should share something about themselves, with the intention to build a new relationship and learn about the concerns of another. At the end of the conversation, you might invite the person to your organization's meeting.
- **Identify possible coalition partners.** Think about what other groups you can partner with. Be as broad as possible and look both within and outside of your community. For example, proposed immigration law changes would impact other immigrants, unions, employers, church parishes, human rights groups, women's groups, etc.
- **Network with other organizations.** Contact other organizations in the community to expand your group's reach. Attend a meeting of a group you are interested in, explain your common interest, and suggest an activity that you can do together. Don't be discouraged if one group doesn't show interest. Building relationships takes time. Keep emphasizing working together.
- **Hold an organizing meeting.** Invite as many potential coalition members as possible. Before the meeting, be sure to: 1) develop an agenda beforehand; and 2) clarify your goals. During the meeting: 1) agree on the coalition's goals and strategies; 2) identify coalition leaders; 3) identify the goals of the coalition, 4) collect names and contact information, 5) begin to strategize, and 6) develop a plan.
- **Stay on track.** Every meeting should have an agenda set by the group leaders and should be organized around how to reach your goals.

## SUGGESTIONS for strengthening and maintaining coalitions

- **Meet regularly.** Rather than waiting for an issue to develop on its own, meet regularly, perhaps once or twice a month, with your coalition partners to share information and strategies.
- **Coordinate.** Elected officials need to hear from many groups repeatedly. For example, divide up responsibilities rather than having everybody contact both Senators and all area Representatives, especially if time is limited.

- **Share resources.** Make sure that you are receiving the flyers, newsletters and other materials that your coalition partners are distributing. Consider coalition partners as part of your team. Communicate regularly by phone or email and invite coalition partners to your meetings.
- **Work together.** While you may not know anyone with connections to your elected officials, one of your coalition partners might. Visit legislators as a coalition to demonstrate a “united front.” When appropriate, you may also want to write a coalition letter that each organization signs.
- **Sponsor public events.** Press conferences shortly before an important vote or event help get the coalition’s message across and demonstrate the breadth of support you have. But think beyond press conferences. Other outreach ideas include: writing a letter or column for your local paper, going on the radio to express your point of view, making a presentation at your local Chamber of Commerce event; and asking to address your local PTA when they next meet.
- **Expand.** Continually seek out other groups who share the coalition’s concerns and positions. In order to recruit new partners, sometimes you will have to explain how your issue affects them. Encourage them to join your coalition.

## **WORKING WITHIN YOUR COMMUNITY**

- **Hold a neighborhood meeting.** Neighborhood meetings are great opportunities to tell people about your organization or an important issue. Invite friends, family members, coworkers, and members of community groups and anybody else who might be interested. If possible, serve snacks and refreshments, or make it a potluck.

Show a video, read a short article, or invite a guest speaker, and then have a discussion afterwards. Include a direct action for attendees to take after the meeting, like writing letters to elected officials or committing to bringing a friend to the next meeting. Don’t forget to pass around a sign-up sheet so that interested people can provide their name and contact information if they want more information.

- **Set up a table.** Watch out for concerts, festivals, rallies, picnics, fairs and other events in your community and set up a table to display your organization’s work. Staff your table with friendly representatives and bright and clear signs. Provide a sign-up sheet, informational flyers, handouts, petitions to sign and postcards to send to legislators so that each passerby can get involved. Also distribute information where people gather, such as parks and laundromats.
- **Use libraries and community facilities.** Public spaces are used by many people, and some include display cases available to local organizations. While you may be unable to promote a specific piece of legislation, create an interesting informational display to educate people about an issue. Set it up for a holiday, special event, or for no special reason at all, but be sure to always include the name of your group or coalition and contact information so that people can obtain more information and become involved.
- **Reach out to high school students.** Reach out to youth and youth organizations to get them involved. For example, a youth group that volunteers at a local soup kitchen may agree to write letters to legislators in support of just immigration reform. In addition, some issues fit nicely with a school’s desire for their students to become actively involved in community projects, including pro-immigrant activities. Reach out to your local school or PTA to see how they can be involved in your work.

## **WORKING BEYOND YOUR COMMUNITY**

- **Work with the media.** Call into radio stations that your community listens to in order to get the word out about your organization, coalition or specific issue. Find out what newspaper reporters cover the issue relevant to your group, and contact them.

## Legislation Introduced in the 109<sup>th</sup> Congress

### IMMIGRANT LEGAL RESOURCE CENTER

#### Summaries of Major Immigration Reform Legislation

##### H.R. 4437, S. 2611 and the Pence-Hutchison Plan

H.R. 4437 -- The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, was introduced in the House by Representative James Sensenbrenner from Wisconsin and approved on December 16, 2005. **H.R. 4437:**

- Criminalizes undocumented immigration status by creating a new federal crime of “unlawful” presence and defining immigration violations so broadly as to effectively define even minor, technical and unintentional violations as federal crimes.
- Criminalizes organizations and individuals assisting undocumented immigrants by greatly expanding the definition of “alien smuggling” to include assisting a person to remain or attempt to remain in the U.S. when the “offender” knows the person is in the US unlawfully, thereby treating social service organizations., churches, and others the same as smuggling organizations.
- Furthers the erosion of due process, guts the federal court’s authority to review certain immigration matters, and expands the costly detention of immigrants.
- Deports *suspected* gang members who have not committed or been convicted of any crimes.
- Blocks the paths to citizenship for many immigrants, including some legal permanent residents.
- Is an “enforcement-only” bill that does not include any legalization, family backlog, or guest worker programs.

**S. 2611** -- **Comprehensive Immigration Reform Act**, introduced in the Senate five months after H.R. 4437 by Senators Specter of Pennsylvania, Kennedy of Massachusetts and others, and approved by the Senate on May 25, 2006. **S. 2611:**

- Includes border security and interior enforcement measures that dilute due process protections and are similar to many of the measures in H.R. 4437, including:
  - Making many ineligible to legalize because they worked and also make some who are ineligible for legalization unable to ever immigrate in the future.
  - Criminalizing people for helping immigrant friends and family members.
  - Blocking the path to citizenship for many immigrants.
  - Deporting people for minor crimes and misdemeanors.
  - Encouraging police to become immigration agents.
  - Allowing for faster deportation of people and closing the court house doors by prohibiting people from ever seeing a judge, even if they have lived here for years.

- Detaining people, including those with green cards, without bond for failing to file a change of address card.
- Includes a three tier legalization program, relief for agricultural workers, family backlog reduction, and the DREAM Act.

**Pence-Hutchison Plan** -- Proposed by Senator Hutchinson from Texas and Representative Pence from Indiana, the **Pence-Hutchison Plan** has yet to be introduced as a bill. If enacted into law, the **Pence-Hutchison Plan**:

- Includes similar border and interior enforcement measures as are in H.R. 4437 and S. 2611. These provisions focus on “securing the border” (with expanded fences, more border agents, vehicles, weapons, checkpoints and detention facilities) and limiting the due process and civil liberty protections of noncitizens.
- Includes a guest worker program which people participate in for 12 years. After that time, these guest workers apply for an X-Change Visa. After 5 years as an X-change Visa holder and a total of 17 years in the U.S., the visas holder has the option to apply for permanent residency. Undocumented immigrants currently in the US are eligible to participate, but they must return to their home countries and apply from there at centers run by private corporations.
  - The guest worker program does not begin until after the President certifies (no earlier than 2 years after the bill is enacted) that the border has been secured.
  - Only people from Canada, Mexico, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic are eligible to participate.
- This bill includes NO legalization component.

All of these measures are fatally flawed and merit your opposition. See “Poison Pills” for more details.

# **IMMIGRANT LEGAL RESOURCE CENTER**

## **We Need Just, Effective and Smart Immigration Reform, Not Poison Pills that Dilute Noncitizens' Due Process and Civil Liberty Protections in the Guise of Enforcing our Laws and Enhancing Our Security**

### **OVERVIEW**

The U.S. immigration system is broken and should be fixed. We need a just, effective and smart system that not only reflects our history as a nation of immigrants and the positive contributions immigrants make, but also enhances our security and our nation's economic well-being. Such reform would match willing workers with willing employers; offer people already here the opportunity to earn their way to legal status by working, paying taxes, and being committed to learning English and be part of the U.S.; create a future legal way for people to enter this country to work; reunite close family members, some of whom have been separated for twenty years; facilitate the cross-border flow of people and goods that are essential to our economy; facilitate cooperation with our neighbors and develop economic opportunities there; and enhance our security and enforcement efforts by helping us know who is here and keep out those who mean to do us harm.

Both the House and Senate passed reform proposals (H.R. 4437 and S. 2611) don't get it right. The House-passed bill, championed by Representative Sensenbrenner, is an enforcement-only measure that will lead to more dysfunction, not more enforcement, and would negatively impact millions of people be they legally here or not. The Senate-passed bill, while including some positive provisions, has been fatally compromised by the negative measures included there, many of which resemble the harmful provisions in the House-passed bill. These harmful measures have been described as dealing with enforcement and/or security issues. However, nothing could be further from the truth. They violate due process and civil liberty protections and endanger this nation's identity as a country that respects the rule of law.

People need to know about these negative provisions so that they can organize to defeat them wherever they appear. They certainly do not "solve" problems in our immigration system, but instead will hurt immigrants by taking away due process rights, sabotage earned legalization, and take away important rights of the "other 12 million" -- the 12 million legal permanent residents who reside in the U.S. -- by making it easier to deport them and harder for many to become citizens. They also would turn police into immigration agents, increase deportation and detention, and allow thousands of people to be deported without ever seeing a judge.

Neither the House nor the Senate provides the real reform that we need and merit your opposition. Other measures already proposed or to be proposed in the future that include the troubling measures detailed here, also merit your opposition. Why? Because they would:

- Make many people *ineligible* for the “legalization” programs simply *because* these people are working and also make people who are ineligible for legalization unable to ever immigrate in the future.
- Criminalize people simply for helping immigrant family members, friends, or students – and increase prison sentences and the property that can be forfeited.
- Deport people, including juveniles, who are merely *suspected* of being gang members, but who have not committed or been convicted of any crime. Like other measures in both bills, this provision continues the current push to eliminate the opportunity for people to have their day in court.
- Result in jailing immigrants (including children and people seeking asylum) for entering the country illegally.
- Result in people being deported for minor crimes and misdemeanors.
- Encourage police to become immigration agents.
- Allow for faster deportation of people and close court doors by prohibiting people from ever seeing a judge, even if they have lived here for years.
- Detain people, including persons with green cards, without bond for *failing to file a change of address card*.

## THE POISON PILLS

Details about Some of the Most Troubling Provisions that Merit Opposition  
Wherever They Appear

**H.R. 4437 and S. 2611 would make many people *ineligible* for the “legalization” programs *because they work*. Others will be unable to ever immigrate in the future.**

**Example:** Esteban used his brother-in-law’s social security card so that he could work for the last five years. He hopes he will be eligible to legalize under a new law. However, under H.R. 4437 his past use of a false social security number would bar him. Even under S. 2611, if Esteban has to change jobs and use his false social security number after the date the government starts accepting legalization applications and before the government grants him work authorization, he would be barred from the program with *no* possible waiver or pardon.

**Example:** Julia, the wife of a disabled U.S. citizen, needs a job to help support her family, and uses her sister’s social security number to get a job. If she later applies to get a green card through her husband she would be barred, just because she had previously used a false social security number. (And she is ineligible for the legalization program in the Senate “compromise” bill because she has resided in the U.S. for less than two years.)

Both H.R. 4437 and S. 2611 would prevent people from getting a green card or any other lawful status if they *admit using false information, such as a fake social security number to get a job or use false passports or make a mistake in their passports*. Millions of undocumented people need to use borrowed or invented social security numbers because they have no documents. H.R. 4437 would make anyone who ever used a false social security number at any time in their life ineligible for earned legalization – thus destroying the whole program by making millions of workers ineligible. It would also bar those ineligible for legalization from ever obtaining lawful immigration status in the future.

S. 2611 would punish people who use false social security numbers to get jobs after the date the government starts accepting applications – but this too could keep millions of people out of earned legalization. It will take many months and even years from the day they take applications until person is issued employment authorization and granted lawful status. Workers who have to change jobs after the applications are accepted and before the new law is implemented cannot wait for months or even years without working. S. 2611 also would severely affect people who in the future may be able to immigrate through a U.S. citizen family member. Because they will have to continue working with false social security numbers, they would be absolutely prevented from obtaining a green card – with no possible forgiveness.

**Both bills would criminalize people simply for helping immigrant family members or friends or students – and they increase prison sentences and the property that can be forfeited.**

**Example:** Pablo, a green card holder, has his undocumented wife, son, parent or other family member living in his house or riding with him in his car. The immigration authorities can deport Pablo for this. Pablo could be charged as an alien smuggler and given a 5-year prison term.

**Example:** Jose, the supervisor at a construction company, has a green card. He drives his crew, some of whom are undocumented, to their jobs. If the government finds that he was “reckless” about finding out their immigration status, he could be convicted of a federal offense with a potential 20-year sentence – and then face mandatory deportation as an aggravated felon, and his family members and coworkers who are U.S. citizens would not be allowed to speak on his behalf. Once deported, he will never be able to return to the U.S.

**Example:** Joseph, a guidance counselor at an urban high school, encourages the valedictorian of his high school, an undocumented immigrant, to attend college in the United States. Joseph can be prosecuted as a criminal under the proposed alien harboring provisions and given up to a five-year prison term.

Under both bills, more violations would be defined as “criminal” conduct, making even longtime green card holders in the U.S. vulnerable to deportation. Although there is a limited exception for those humanitarian groups (included only in S. 2611) that provide the undocumented with food or medical care, many ordinary people could still face harsh criminal penalties and deportation for helping friends, neighbors or employees. Even if you are a U.S. citizen, you could be convicted for housing your undocumented family members or friends or helping your undocumented students.

### **Both bills would deport people who are merely suspected of being gang members who have not committed or been convicted of any crime.**

**Example:** Saul lives in a neighborhood where members of a street-gang also live. He works with some of them to arrange a memorial service for his neighbor’s son, who was a gang member. Although he has never joined a gang or committed any crime, Saul can be deported for his association with gang members.

Under S. 2611, an immigrant who never committed any crime whatsoever can be deported and denied immigration benefits if the Attorney General merely asserts that he has a “reason to believe” that the person is or was either a “member of” a gang, or participated in “activities” that promote a gang. In addition, there is no challenge allowed to the Attorney General’s finding. H.R. 4437 goes even further by allowing the Attorney General to use a secret process that provides no notice or opportunity to be heard to the alleged street gang members to designate any formal or informal group of three or more persons who have committed two or more enumerated gang crimes a “criminal street gang.” Thus, many immigrants and even immigrant youth who never committed or supported a single criminal act may be punished severely for exercising their right to association, and could be deported to a country where they face interrogation, torture, detention and even death. This provision would also make criminal gangs more powerful, providing them with a powerful tool to coerce new members to join their ranks and lessen the likelihood that law enforcement would be able to obtain intelligence on gang activities.

Like other measures in both bills, this provision continues the current push to eliminate the opportunity for people to have their day in court.

### **Both bills would result in jailing immigrants for entering the country illegally.**

**Example:** Noel is caught entering the U.S. illegally. Under HR 4437 and S. 2611, the government can put him into jail for six months. If he is caught returning unlawfully a second time, Noel can be sent to jail for two years.

Both bills would jail immigrants merely for entering the U.S. illegally – six months for the first offense, and two years for a second offense.

### **Both bills would deport persons for minor crimes.**

**Example:** Juan has had a green card for over 20 years and all of his family is in the U.S. He has three DUI convictions. He can show now that he has taken care of his drinking problem through counseling and is completely rehabilitated. Under S. 2611, the government would deport Juan without a right to a legal defense and without having to consider any of his rehabilitation or his family ties.

Both bills would deport people, including legal residents for minor crimes, notwithstanding any rehabilitation or compelling individual circumstances, by expanding the definition of “aggravated felony” to include additional minor offenses such as helping an undocumented family member or friend pay rent, document-related offenses such as omitting information on an application, and minor accessory roles in the crimes of others. (“Aggravated felony” is a term used only in the immigration context that includes misdemeanors and non-violent offenses for which people would not have served even one day in jail. The consequences for being deemed an aggravated felon are extremely severe: mandatory detention and deportation and disqualification from all immigration relief, except in some circumstances covered under the Convention Against Torture.) Similarly, if the government “has reason to believe” a young person is, has been a gang member or has ever been a gang member he/she will be deported even if he/she has a green card and has never committed a crime. Even participating in activities (like parties or neighborhood get-togethers) would make you deportable and inadmissible to the U.S. and ineligible for, for example, TPS (Temporary Protected Status.)

Like other measures in both bills, this provision would eliminate the opportunity for people to have their day in court, a hallmark of our democracy.

### **Both bills would encourage police to become immigration agents.**

**Example:** Your state police sign a contract with the DHS to enforce immigration laws. This destroys hard-earned trust built up over the years between the police and immigrant community. Maria fears contacting the police and cooperating as a witness to a crime because she no longer trusts the local police. This makes it harder for the police to make the entire community safer

Both bills confuse immigrants with criminals. They promote contracts between the Department of Homeland Security (DHS) and local police in every state so that local police would enforce immigration laws. They also allow immigration information to be entered into NCIC, the federal criminal database. Turning state and local police into immigration agents would be a public safety disaster. Immigrants would be afraid to turn to social service agencies, local police and even emergency services. Local cops could arrest people based on immigration information from a database they do not understand and that is very well known for errors.

### **Both bills would allow for faster deportation of people without ever seeing a judge, even if they have lived here for years.**

**Example:** Jaime has lived in San Diego for more than a year but does not have proof that he has been here that long because he works for cash and lives with others who pay the landlord. The immigration authorities arrest Juan and deport him without a hearing

because he was caught within 100 miles of the border and doesn't have proof that he has been here for more than 14 days.

Both bills create many new ways for people to be deported WITHOUT a hearing, not only for those who are caught at the border, but also those in the interior. One provision would put into law the current practice of deporting people without a hearing who cannot prove that they have been here for more than 14 days and have been caught within 100 miles of the border.

**The Senate bill (S. 2611) would detain people, including persons with green cards, without bond for *failing to file a change of address card*.**

**Example:** Maria is undocumented, living here with her husband and U.S. citizen children. She, like most undocumented persons, never filed a "change of address" card. Carlos has had a green card for 25 years. He moves twice without filing a "change of address." The government can detain and deport both of them and not permit them to be released on bond.

The Senate bill strengthens a misguided law that makes a green-card holder and any other immigrant deportable for failing to file a "change of address card" within ten days of moving, and increases the penalties: any person who enters without papers and fails to file the card or those legally present who fail to file the card twice, will be detained and "considered a flight risk" – meaning, they could not be released on bond!

*The ILRC is a national resource center that provides trainings, materials and advocacy to advance immigrant rights. As a legal services organization, we train lawyers and paralegals on ever-changing and complex immigration law. We develop leadership by encouraging immigrants to play leading roles in confronting and reshaping the laws and policies that perpetuate racial, economic and social injustice. And we educate and empower those in the immigrant community so that they may organize and advocate for the rights and privileges that best define our democratic traditions.*

Immigrant Legal Resource Center  
1663 Mission Street, Suite 602  
San Francisco, California 94103  
415-255-9499  
[www.ilrc.org](http://www.ilrc.org)