

AILA HOT BILLS

109th CONGRESS

Below is a list of featured immigration-related bills introduced in the 109th Congress. (The list is organized by topic, with Senate bills listed first.) To view a complete listing of immigration-related legislation introduced in the 109th Congress, follow the “Contact Congress” link on the main InfoNet page, click on the “Issues and Legislation” tab, and click on “Current Legislation.” All bills not signed into law during the 108th Congress died automatically at the end of that Congress and must be reintroduced in the 109th Congress.

If you are unable to link from this document to the respective bill text and bill summary, information on the legislation listed below may be found at: <http://thomas.loc.gov/>. Simply insert the bill number in the search box and click on the “SEARCH” tab.

Adjustment of Status/Family Unification

<p><u>S. 1278</u> Support</p>	<p><u>The Uniting American Families Act or the Permanent Partners Immigration Act:</u> Introduced on June 21 by Senator Patrick Leahy (D-VT), S. 1278 would provide a mechanism for U.S. citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States. S. 1278 defines the term “permanent partner” to mean an individual 18 years of age or older who: (a) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment; (b) is financially interdependent with that other individual; (c) is not married to or in a permanent partnership with anyone other than that other individual; (d) is unable to contract with that other individual a marriage cognizable under the INA; and (e) is not a first, second, or third degree blood relation of that other individual. The bill is companion legislation to H.R. 3006 below.</p>
<p><u>H.R. 3006</u> Support</p>	<p><u>The Uniting American Families Act or the Permanent Partners Immigration Act:</u> Introduced on June 21 by Representative Jerrold Nadler (D-NY) and 57 cosponsors, H.R. 3006 would provide a mechanism for U.S. citizens and lawful permanent residents to sponsor their permanent partners for residence in the U.S. The bill defines the term “permanent partner” to mean an individual 18 years of age or older who: (a) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment; (b) is financially interdependent with that other individual; (c) is not married to or in a permanent partnership with anyone other than that other individual; (d) is unable to contract with that other individual a marriage cognizable under the INA; and (e) is not a first, second, or third degree blood relation of that other individual. The bill is companion legislation to S. 1278 above.</p>

Asylum/Special Immigrants

<p><u>S.119</u> Support</p>	<p><u>The Unaccompanied Alien Child Protection Act of 2005</u>: Introduced on January 24, 2005, by Senator Dianne Feinstein (D-CA), S. 119 would build upon the Homeland Security Act, which transferred the care and custody of unaccompanied alien children from the former INS to the Department of Health and Human Services' Office of Refugee Resettlement (ORR). Among other things, the bill would: ensure that unaccompanied alien children have access to counsel; give ORR the authority to provide guardians ad litem to such children; establish minimum standards for the care and custody of unaccompanied alien minors; and strengthen policies for permanent protection of unaccompanied alien children. The bill is similar to legislation that Senator Feinstein introduced in the 108th Congress. A House companion bill was introduced on March 8 (H.R. 1172).</p>
<p><u>H.R. 1172</u> Support</p>	<p><u>The Unaccompanied Alien Child Protection Act of 2005</u>: Introduced on March 8 by Representative Zoe Lofgren (D-CA), H.R. 1172 would build upon § 462 of the Homeland Security Act, which transferred the care, custody and placement of unaccompanied alien children from the Department of Justice to the Department of Health and Human Service's Office of Refugee Resettlement (ORR). H.R. 1172 would ensure that the transfer of responsibilities from the DHS to the ORR occurs in an orderly manner, that the children have access to counsel during immigration proceedings, and would provide the ORR with the authority to appoint guardians ad litem where appropriate. The legislation would also establish minimum standards for the care and custody of unaccompanied alien children and reform procedures for abused, abandoned, or neglected children to access permanent protection when such protection is warranted. Senator Dianne Feinstein introduced companion legislation in the Senate on January 24 (S. 119).</p>

Driver's Licenses/ID Documents

<p><u>H.R. 815</u> Oppose</p>	<p><u>The Financial Customer Identification Verification Improvement Act</u>: Introduced on February 15, 2005, by Representative Scott Garrett (R-NJ), H.R. 815 would prohibit financial institutions from accepting any form of identification that was issued by a foreign government, other than a passport, for use in verifying the identity of a person in connection with the opening of an account at the financial institution, including a <i>matricula consular</i> issued in the United States by a consular officer of the Government of Mexico. The bill is similar to legislation that Representative Garrett introduced in the 108th Congress.</p>
<p><u>H.R. 368</u> Oppose</p>	<p><u>The Driver's License Security and Modernization Act</u>: Introduced on January 26, 2005, by Representative Tom Davis (R-VA), H.R. 368 would establish and implement regulations for State driver's license and identification document security standards.</p>

Due Process and Civil Liberties

<p><u>H.R. 1502</u> Support</p>	<p><u>The Civil Liberties Restoration Act</u>: Introduced on April 6 by Representative Howard Berman (D-CA), H.R. 1502 seeks to roll back some of the most egregious post-9/11 policies and strike an appropriate balance between security needs and liberty interests. Among other things, H.R. 1502 would secure due process protections and</p>
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	civil liberties for non-citizens in the U.S., enhance the effectiveness of our nation’s enforcement activities, restore the confidence of immigrant communities in the fairness of our government, and facilitate our efforts at promoting human rights and democracy around the world.
<u>H.R. 100</u> Oppose	<p><u>The Citizens and Legal Immigration Act:</u> Introduced on January 4, 2005, by Representative David Dreier (R-CA), H.R. 100 would:</p> <ul style="list-style-type: none"> • Eliminate all statutory habeas review of removal orders in the federal district courts and funnel all habeas claims directly to the circuit courts of appeal. In and of itself this provision is unobjectionable—it would merely streamline the review process. That said, however, circuit courts in the 9th and 2nd circuits are already drowning from immigration appeals (a result of Attorney General Ashcroft’s Board of Immigration Appeals streamlining measures) and therefore would likely oppose this measure. • Attempt to set in statute the constitutional floor for habeas review at “pure questions of law and constitutional claims.” Enactment of this provision would create a huge amount of litigation (which this bill is purportedly designed to decrease) over the meaning of the phrase “pure questions of law.” • Transfer all habeas cases pending in the district courts to the courts of appeals. The problem with this provision is that many people who currently are precluded from filing petitions for review directly in courts of appeals and who plan to file habeas petitions might be precluded from any relief because of the 30-day filing deadlines in the circuit courts.

Immigration Reform

<u>S. 1438</u> Oppose	<p><u>The Comprehensive Enforcement and Immigration Reform Act of 2005 (CEIRA):</u> Introduced on July 20 by Senators John Cornyn (R-TX) and Jon Kyl (R-AZ), S. 1438 would take an enforcement-only approach to comprehensive immigration reform, creating an unworkable “Deferred Mandatory Departure” program for certain undocumented immigrants present in the U.S., and a temporary worker program that would provide no path to permanent status. Many of the bill’s enforcement provisions are excessive and counter-productive and would merely repackage failed measures from the past while massively increasing current enforcement initiatives that also have failed.</p>
<u>S. 1033</u> Support	<p><u>The Secure America and Orderly Immigration Act:</u> Introduced on May 12 by Senators John McCain (R-AZ), Edward Kennedy (D-MA) and others, S. 1033 would comprehensively reform our immigration laws so that they enhance our national security and address the concerns of American businesses and families. Among other things, the bill would: establish a break-the-mold new essential worker visa program (the H-5A visa) while also providing a mechanism by which eligible undocumented immigrants present in the U.S. on the date of the bill’s introduction could adjust to temporary nonimmigrant (H-5B) status; promote family unity and reduce backlogs; call for the creation and implementation of a national strategy for border security and enhanced border intelligence; create new enforcement regimes; and promote circular migration patterns. House companion legislation (H.R. 2330) was introduced on May 12 by Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL).</p>
<u>S. 359</u> Support	<p><u>The Agricultural Job Opportunities, Benefits, and Security (AgJobs) Act of 2005:</u> Introduced on February 10, 2005 by Senators Larry Craig (R-ID) and Edward</p>

	<p>Kennedy (D-MA), S. 359 would create an earned adjustment program for undocumented farm workers who would be eligible to apply for temporary immigration status based on their past work experience, and could become permanent residents upon satisfying prospective work requirements. The legislation would also streamline the existing H-2A foreign agricultural worker program while preserving and enhancing key labor protections. Representatives Chris Cannon (R-UT) and Howard Berman (D-CA) introduced a companion measure in the House (H.R. 884). The bill is similar to legislation that the two Senators introduced in the 108th Congress.</p>
<p><u>H.R. 2330</u> Support</p>	<p><u>The Secure America and Orderly Immigration Act:</u> Introduced on May 12 by Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL), H.R. 2330 would comprehensively reform our immigration laws so that they enhance our national security and address the concerns of American businesses and families. Among other things, the bill would: establish a break-the-mold new essential worker visa program (the H-5A visa) while also providing a mechanism by which eligible undocumented immigrants present in the U.S. on the date of the bill’s introduction could adjust to temporary nonimmigrant (H-5B) status; promote family unity and reduce backlogs; call for the creation and implementation of a national strategy for border security and enhanced border intelligence; create new enforcement regimes; and promote circular migration patterns. A Senate companion bill (S. 1033) was introduced on May 12 by Senators John McCain (R-AZ), Edward Kennedy (D-MA) and others.</p>
<p><u>H.R. 2092</u> Support</p>	<p><u>The Save America Comprehensive Immigration Act of 2005:</u> Introduced on May 4 by Representative Sheila Jackson Lee (D-TX), H.R. 2092 would, among many other things, increase the allocation of family-based immigrant visas; provide age-out protection for children; provide earned access to legalization; provide adjustment of status for certain children; update the registry provisions; and enhance border security.</p>
<p><u>H.R. 884</u> Support</p>	<p><u>The Agricultural Job Opportunities, Benefits, and Security (AgJobs) Act of 2005:</u> Introduced on February 17, 2005 by Representatives Chris Cannon (R-UT) and Howard Berman (D-CA), H.R. 884 would create an earned adjustment program for undocumented farm workers who would be eligible to apply for temporary immigration status based on their past work experience, and could become permanent residents upon satisfying prospective work requirements. The legislation would also streamline the existing H-2A foreign agricultural worker program while preserving and enhancing key labor protections. Senators Larry Craig (R-ID) and Edward Kennedy (D-MA) introduced a companion measure in the Senate (S. 359). The bill is similar to legislation that the two Representatives introduced in the 108th Congress.</p>

Nonimmigrants

<p><u>S. 455</u> Support</p>	<p><u>The American Competitiveness through International Openness Now (ACTION) Act of 2005:</u> Introduced on February 17 by Senator Norm Coleman (R-OR), S. 455 would amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors. Among other things, the bill requires the President, in consultation with institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, to develop a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to the United States for study and exchange activities. The legislation also calls for improvements in visa processing, including allowing U.S. embassies more</p>
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	discretion in waiving visa interviews, amending a 50-year old provision which requires consular officers to presume prospective foreign students are intending immigrants, reducing SEVIS fees for short-term visitors, and providing latitude to consular officers to issue visitor rather than student visas to some short-term English language students. The bill also sets standards for timeliness in security reviews of pending applications.
<u>S. 352</u> Support	<u>The Save Our Small and Seasonal Business Act of 2005</u> : Introduced on February 14, 2005 by Senator Barbara Mikulski (D-MD), S. 352 would revise certain requirements for H-2B employers and require submission of information regarding H-2B nonimmigrants. Representative Wayne Gilchrest (R-MD) introduced companion legislation in the House (H.R. 793). Note that the provisions of this legislation were signed into law as part of Public Law No. 109-13 (H.R. 1268) on May 11, 2005.
<u>H.R. 3381</u> Oppose	<u>The L-1 Nonimmigrant Reform Act</u> : Introduced on July 21 by Representative Rosa DeLauro (D-CT), H.R. 3381 would amend the INA by placing restrictive limits on the L-1 visa, including a 35,000 per year visa cap, DOL attestation requirements and an abolishment of blanket Ls.
<u>H.R. 3322</u> Oppose	<u>The USA Jobs Protection Act of 2005</u> : Introduced on July 18 by Representative Nancy Johnson (D-CT), H.R. 3322 would amend the H-1B and L-1 visa programs to increase the monitoring and enforcement authority of the Secretary of Labor over such programs. Among other things, the bill would require L-1 employers to file an attestation with the Department of Labor, and would make the INA's "H-1B-dependent" provisions applicable to all H-1B employers.
<u>H.R. 793</u> Support	<u>The Save Our Small and Seasonal Business Act of 2005</u> : Introduced on February 14, 2005 by Representative Wayne Gilchrest (R-MD), H.R. 793 would revise certain requirements for H-2B employers and require submission of information regarding H-2B nonimmigrants. Senator Barbara Mikulski (D-MD) introduced companion legislation in the Senate (S. 352). Note that the provisions of this legislation were signed into law as part of Public Law No. 109-13 (H.R. 1268) on May 11, 2005.

Restrictionist Bills

<u>S. 1362</u> Oppose	<u>The Homeland Security Enhancement Act of 2005</u> : Introduced on June 30 by Senator Jeff Sessions (R-AL), S. 1362 would provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws. The measure is related to H.R. 3137 below.
<u>H.R. 3333</u> Oppose	<u>The Rewarding Employers that Abide by the Law and Guaranteeing Uniform Enforcement to Stop Terrorism (REAL GUEST) Act of 2005</u> : Introduced on July 19 by Representative Tom Tancredo (R-CO), H.R. 3333 would overhaul the immigration system and enact a number of restrictive measures under the guise of enhancing border enforcement and improving homeland security. Among other things, the bill would: make unlawful presence a felony; impose severe restrictions on use of the H nonimmigrant visa; suspend the Visa Waiver Program; authorize the use of military troops at the border; encourage state and local enforcement of immigration law; and increase employer sanctions.
<u>H.R. 3150</u> Oppose	<u>The Criminal Alien Accountability Act</u> : Introduced on June 30 by Representative Darrell Issa (R-CA), H.R. 3150 would amend INA § 276 to impose mandatory

	sentencing ranges with respect to aliens who reenter the United States after having been removed. In addition, the bill would amend INA § 277 to impose mandatory sentencing ranges for persons aiding or assisting certain reentering aliens.
<u>H.R. 3137</u> Oppose	<u>The Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act of 2005:</u> Introduced on June 30 by Representative Charles Norwood (R-GA), H.R. 3137 would provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws and would amend the INA to authorize appropriations to carry out the State Criminal Alien Assistance Program.
<u>H.R. 3095</u> Oppose	<u>New Illegal Deduction Elimination Act (New IDEA):</u> Introduced on June 28 by Representative Steve King (R-IA), H.R. 3095 would amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income.
<u>H.R. 1986</u> Oppose	Introduced on April 28 by Representative Virgil Goode (R-VA), <u>H.R. 1986</u> would amend title 10 of the United States Code, to authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions.
<u>H.R. 1912</u> Oppose	<u>The Emergency Immigration Workload Reduction and Homeland Security Enhancement Act of 2005:</u> Introduced on April 27 by Representative Sam Graves (R-MO), H.R. 1912 would basically shut down this country’s immigration program by “temporarily suspending” both the immigrant and nonimmigrant visa programs, adjustment of status, the visa waiver program, and temporary protected status renewals, among other things.
<u>H.R. 1587</u> Oppose	Introduced on April 13 by Representative Tom Tancredo (R-CO), <u>H.R. 1587</u> would increase the H-2B cap in exchange for imposing severe restrictions upon the program. The increase would be offset by the elimination of two immigrant visa categories, the 10,000 unskilled worker visas, and the 55,000 “Diversity Lottery” visas.
<u>H.R. 1438</u> Oppose	<u>The No Social Security for Illegal Immigrants Act of 2005:</u> Introduced on March 17 by Representative Dana Rohrabacher (R-CA), H.R. 1438 would amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services performed by aliens without employment authorization and self-employment income derived from a trade or business conducted by an alien not authorized to perform such function or service in the United States.
<u>H.R. 1325</u> Oppose	Introduced on March 15 by Representative Tom Tancredo (R-CO), <u>H.R. 1325</u> would amend the INA to repeal the H-1B program.
<u>H.R. 1219</u> Oppose	<u>The Security and Fairness Enhancement (SAFE) for America Act:</u> Introduced on March 9 by Representative Bob Goodlatte (R-VA), H.R. 1219 would amend the Immigration and Nationality Act to eliminate the diversity immigrant program, effective October 1, 2005.
<u>H.R. 997</u> Oppose	<u>The English Language Unity Act of 2005:</u> Introduced on March 1, 2005 by Representative Steve King (R-IA), H.R. 997 would: declare English the official language of the U.S.; establish a uniform English language rule for naturalization; and require the official functions of government to be conducted in English. The bill is similar to legislation that Representative King introduced in the 108 th Congress under

	the same bill number.
<u>H.R. 925</u> Oppose	<u>The Identification Integrity Act of 2005:</u> Introduced on February 17 by Representative Elton Gallegly (R-CA), H.R. 925 would prohibit a Federal agency from accepting a form of individual identification issued by a foreign government, except a passport that is accepted on the date of enactment.
<u>H.R. 858</u> Oppose	<u>The Social Security for Americans Only Act of 2005:</u> Introduced on February 16 by Representative Ron Paul (R-TX), H.R. 858 would amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively that wages earned, and self-employment income derived, by individuals who are not citizens or nationals of the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title, and to provide the President with authority to enter into agreements with other nations taking into account such limitation on crediting of wages and self-employment income.
<u>H.R. 815</u>	<u>The Financial Customer Identification Verification Improvement Act:</u> Introduced on February 15 by Representative Scott Garrett (R-NJ), H.R. 815 would prohibit financial institutions from accepting any form of identification that was issued by a foreign government, other than a passport, for use in verifying the identity of a person in connection with the opening of an account at the financial institution, including a <i>matricula consular</i> issued in the United States by a consular officer of the Government of Mexico.
<u>H.R. 698</u> Oppose	<u>The Citizenship Reform Act of 2005:</u> Introduced on February 9 by Representative Nathan Deal (R-GA), H.R. 698 would attempt, via an amendment to the INA, to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens. The bill is similar to legislation that Representative Deal introduced in the 108 th Congress.
<u>H.R. 98</u> Oppose	<u>The Illegal Immigration Enforcement and Social Security Protection Act of 2005:</u> Introduced on January 4, 2005 by Representative David Dreier (R-CA), H.R. 98 would, among other provisions, enforce restrictions on employment in the U.S. of unauthorized aliens through the use of biometrically enhanced Social Security cards and an Employment Eligibility Database. The bill is similar to legislation that Representative Dreier introduced in the 108 th Congress.