



May 25, 2006

United States Senate
Washington, DC 20510

Dear Senator,

On behalf of the more than 900,000 members and supporters of People For the American Way, we write to express strong support for the principles underlying the Comprehensive Immigration Reform Act of 2006, S. 2611. S. 2611 recognizes the economic and social contributions that hard-working immigrants have made to our country, and offers a solution to fix our broken immigration system that reflects and respects these contributions. The key components to any effective, realistic, long-lasting immigration reform bill must include a path to earned legalization, a temporary worker program, and a family reunification program. While some of the language has been weakened during the amendment process, S. 2611 still contains all three of these indispensable provisions in some form. Consequently, we urge you to support these principles and vote for final passage of S. 2611.

However, there are serious flaws with this compromise bill that must be addressed before enactment. We believe the 3 tiered earned legalization program creates unnecessary, onerous, and wasteful burdens for immigrants and our immigration system. This program also leaves an estimated two million undocumented immigrants without any avenue for legal relief. Without an avenue to earn legal status, these immigrants will recess further into the shadows of our society. This does not serve our national interest, nor does it serve the interest of fairness. We can do better before enactment of this bill.

We also continue to have serious concerns about Title II provisions that would undermine meaningful due process protections for deserving immigrants. Though not an exhaustive list, some of the problem areas that remain include:

- **S. 2611 provides for the indefinite detention of immigrants.** This bill would give the Department of Homeland Security the power to detain immigrants for years, even indefinitely, without any meaningful determination that they pose a danger to the community or are flight risks. This would undermine due process and seek to effectively overturn the critically important Supreme Court case of *Zadvydas v. Davis*, which stands for the principle that under current federal law, people in this country may not be detained indefinitely at the discretion of the executive branch.
- **S. 2611 encourages state and local law enforcement of Federal civil immigration laws:** Under a construct where state and local law enforcement personnel are forced to respond to immigration violations, members of ethnic and minority communities will inevitably be subject to heightened scrutiny. Such heightened scrutiny – in an area of the law that is highly complex and where law enforcement personnel are both inadequately trained and stretched by lack of resources and competing priorities – is extremely likely to lead to violations of individuals' civil rights and civil liberties. This enforcement policy would also greatly undermine public safety. Turning local police into immigration agents would discourage immigrants from seeking out local law enforcement personnel for assistance. Driving such a wedge between immigrant communities and local police threatens to put entire communities at risk.
- **S. 2611 expands the types of offenses which can be classified as an aggravated felony.** Aggravated felony convictions bring severe penalties, which include mandatory detention,

permanent banishment, denial of judicial review, and ineligibility for any type of immigration relief. "Aggravated felony" is a term of art in immigration law that increasingly lacks any connection to the common understanding of that phrase. To qualify as an "aggravated felony" in the immigration laws the crime need not truly be either "aggravated" or a "felony". It includes minor state misdemeanors such as shoplifting that often don't involve a single day of jail time. Under the bill's expanded definition of an aggravated felony. This situation would become even worse. For example, under the bill an individual who omits information on his/her immigration applications or uses false passports to flee persecution could now be treated as an aggravated felon.

Crafting comprehensive reform legislation that recognizes immigrants' contributions to America, and providing the full panoply of critical due process and judicial review protections to those same immigrants, are not mutually exclusive propositions. In fact, they are inextricably intertwined. We can do better before enactment of this bill.

With that said, S. 2611 is a good-faith attempt to fix our chaotic immigration system, in stark contrast to the punitive, unbalanced, and unrealistic approach the House took with H.R. 4437. We believe the Senate's well-intentioned legislation moves our country closer to achieving real, comprehensive reform that everyone in America expects and demands: reform that will make us safer, smarter, and stronger as a nation.

We urge you to support the principles underlying S. 2611 and vote for its final passage on the floor. We look forward to working with the Congress to address our concerns prior to passage of a conference report on the bill.

Sincerely,



Ralph G. Neas
President



Tanya Clay
Director, Public Policy