

Senate Legislative Process Must Maintain Spirit of Compromise

The Process Must Adhere to Certain Principles to Ensure A Workable System

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Washington D.C. - Today, the Senate Judiciary Committee begins “mark-up” of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act. In an unprecedented move by Senate Judiciary Committee Chairman Patrick Leahy and Ranking Member Charles Grassley, all amendments have been made publicly available in order to make the process more transparent and inclusive. Although nearly 300 amendments have been filed, the Committee will only take up a limited number over the course of the mark-up. It’s important that the amendments considered are those that really seek to improve and perfect the bill, rather than attempt to undermine it.

The point of a committee mark-up process is to expose a bill to careful scrutiny and debate. It is not the place for political grandstanding. Now more than ever, the Senate Judiciary Committee must use its authority to ensure that the immigration bill is workable, fair, and practical.

The United States needs a workable, efficient, and flexible immigration system that responds to the rapidly changing demands of a 21st century economy, technologies, and migration patterns. People live and work and create in ways that are different than they were twenty years ago, and yet our immigration system continues to operate on a series of static quotas and rigid requirements that ignore advances in every sector of our economy and the way we live today.

Additionally, we cannot wall ourselves away from the world. Many of the amendments that will be offered today will deal with border security and revisit the oft-repeated attempts to build a wall around this country—either through border fencing or by adding layers of national security screenings. We need to do what is smart, secure, and effective for immigration policy, but we should not revert back to the period of fear and suspicion that dominated immigration reform in the last decade. To be clear:

Triggers must be reasonable, not designed to derail legalization. Provisions of the bill should not be held hostage to border triggers that set unrealistic goals or impose overly burdensome procedures. Such triggers unnecessarily hold up the important process of bringing millions of undocumented individuals out of the shadows. Border security and legalization go hand in hand. We should not delay identifying and documenting those who are residing in our country.

DHS should have discretion to use its resources wisely. The Department of Homeland Security (DHS) must be given the discretion to deploy resources and implement border security policies that are based on sound, effective law-enforcement strategies and not political theater. In order to achieve maximum effectiveness, DHS must have discretion to develop strategies that are tailored to the current border challenges and employ cutting-edge technology.

Fences and more agents are not the solution. We need smart security measures that actually work, not high-priced fences that don’t. Given that apprehensions are down, there is no justification for drastically increasing the number of Border Patrol agents. In fact, the number of agents on the border has increased steadily for the past several years, nearly doubling between 2006 and 2011.

Oversight mechanisms are essential. Any legislation must ensure that our border-enforcement policies comply with basic civil and human rights, and respect the dignity of those who live at the border. Border deaths and civil rights violations at the border have increased in the last decade and

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steps must be taken to reverse this trend. It is essential that the bill maintain provisions that help ensure the integrity of our border-enforcement system, such as expanded training for border security and immigration officers, policies on the use of force, and other oversight mechanisms, including a border oversight task force and an ombudsman.

For many years we have said that we must fix our immigration system. Today begins a real test of our collective ability to create an immigration system that can change and grow with the needs of our nation. Today, we have the chance to do better.

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