

2007

## Comprehensive Immigration Reform Proposed for 2007

Heather Chelberg

Follow this and additional works at: <http://lawcommons.luc.edu/pilr>



Part of the [Immigration Law Commons](#)

---

### Recommended Citation

Heather Chelberg, *Comprehensive Immigration Reform Proposed for 2007*, 12 Pub. Interest L. Rptr. 145 (2007).  
Available at: <http://lawcommons.luc.edu/pilr/vol12/iss2/10>

This News is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Public Interest Law Reporter by an authorized administrator of LAW eCommons. For more information, please contact [law-library@luc.edu](mailto:law-library@luc.edu).

# COMPREHENSIVE IMMIGRATION REFORM PROPOSED FOR 2007

*By:* HEATHER CHELBERG

Democratic and Republican lawmakers on both sides of the immigration debate are proposing comprehensive immigration reform legislation.<sup>1</sup> On March 22, 2007, Luis Gutierrez (D-IL) and Jeff Flake (R-AZ) introduced a bipartisan immigration reform measure called Security Through Regularized Immigration and a Vibrant Economy (STRIVE).<sup>2</sup> The bill would create a guest worker program, tighten border security, and make undocumented immigrants who entered the U.S. prior to June 1, 2006 eligible for legal status.<sup>3</sup>

In announcing the bill, Rep. Gutierrez said it “will allow us to better protect our borders and reform an immigration system that is hampering businesses, hurting families and harming communities.”<sup>4</sup>

The immigration debate has changed from general disagreements over piecemeal reform to a recognition that comprehensive immigration reform is needed. Tara Tidwell Cullen, of the Heartland Alliance’s National Immigrant Justice Center in Chicago, stated that her group hopes that Congress “will pass a fair and comprehensive bill that will protect the human rights of immigrants, including their right to due process, and will allow those who are already contributing to our communities in the United States to continue to do so.”<sup>5</sup>

On the other hand, the Federation for American Immigration Reform (FAIR) opposes any legislation that would result in the legalization of undocumented immigrants, but supports stronger border enforcement measures.<sup>6</sup>

The Heartland Alliance and FAIR represent just two of many groups seeking comprehensive reform. Adding to the strong likelihood for change this year is that both the White House and Congress are anxious to pass reform measures.<sup>7</sup> Immigration reform is “one of a very short list of items on which the White House and the new Democrat-controlled Congress see a basis for working together.”<sup>8</sup>

#### UNDOCUMENTED WORKERS AND “EARNED” CITIZENSHIP

Whether or not undocumented immigrants should be able to earn citizenship is one of the most volatile issues in the debate.<sup>9</sup>

Sen. Ted Kennedy (D-MA) supports a policy in which citizenship would come with conditions such as paying fines, back taxes, and English language requirements.<sup>10</sup>

“Those who have lived here, who have basically played by the rules, worked hard. . .they, I believe, ought to be able to adjust their status,” Kennedy said.<sup>11</sup>

The Gutierrez-Flake bill would allow undocumented immigrants to gain legal status, upon meeting a number of conditions. For those immigrants who arrived prior to June 1, 2006, the requirements would include payment of two fines totaling \$2,000, the ability to speak English, and a crime-free record.

They also would have to wait at least six years before becoming eligible to be a U.S. citizen.<sup>12</sup>

Some advocates for undocumented immigrants find requirements such as fines, too harsh.<sup>13</sup> Yet those who oppose earned citizenship believe that any legislation allowing undocumented immigrants to gain citizenship equates to granting amnesty.<sup>14</sup>

“My view – which I think reflects a majority of our conference – is that you can’t have a bill that creates a path to citizenship for people who came to the country illegally,” said Missouri Representative Roy Blunt (R-MO).<sup>15</sup>

Senator Mel Martinez (R-FL), chairman of the Republican National Committee, recognizes that many in his party oppose a path to earned citizenship, but hopes a compromise can be reached on the issue.<sup>16</sup> “I don’t support deporting [illegal immigrants] because I don’t believe that’s a realistic approach,” said Sen. Martinez.<sup>17</sup>

#### PREVIOUS ATTEMPTS AT REFORM FAILED

In 2006, a bill proposing a path to legal status for many of the estimated 12 million undocumented immigrants in the United States died in the House after gaining Senate approval.<sup>18</sup> Sponsored by Senators Kennedy and John McCain (R-AZ), last year’s bill would have provided legal status to many undocumented immigrants who agreed to pay back taxes and fines, maintain employment and learn English.<sup>19</sup> It also would have divided undocumented immigrants into three tiers, based on the number of years of residence in the United States.<sup>20</sup> Only those individuals with five or more years of residence would have the opportunity to gain citizenship status without leaving the United States.<sup>21</sup> Those with fewer than five years of residence would have to leave the United States before attempting to apply for potential citizenship.<sup>22</sup>

Reform in 2006, however, did not occur. House Republicans blocked passage of the Kennedy-McCain bill because they felt it amounted to amnesty to those who had broken the law.<sup>23</sup> Democrats disagreed, and pointed to both the fines provision and the years of waiting required as a part of gaining legalized status.<sup>24</sup>

## FLAKE-GUTIERREZ A REASONABLE COMPROMISE?

An important part of the STRIVE legislation is a guest worker program that would allow up to 400,000 undocumented workers to work in the United States temporarily and legally.<sup>25</sup> President Bush supports such a program.<sup>26</sup>

“It seems to make sense to me that if you’ve got people coming in here to do jobs that Americans aren’t doing, we need to figure out a way that they can do so on a legal basis for a temporary period of time,” Bush said.<sup>27</sup>

Many Democrats, however, believe that undocumented workers should be allowed to stay and eventually gain citizenship, not be limited to temporary status.<sup>28</sup> Labor unions worry that a guest worker program would drive down the wages of American workers.<sup>29</sup> And some business groups worry that forcing workers to go home would disrupt employers and could create an underclass of people without loyalty to the United States.<sup>30</sup>

The Flake-Gutierrez Bill also strengthens border security, as it would increase the size of the Border Patrol and propose stricter criminal penalties for evading border inspection.<sup>31</sup> Like the Kennedy-McCain bill, the Flake-Gutierrez bill contains a provision requiring increased border enforcement measures, such as surveillance technology and infrastructure improvements, to be underway prior to programs addressing the legalization of undocumented workers or the implementation of a guest worker program.<sup>32</sup>

Unlike the Kennedy-McCain bill, the Flake-Gutierrez bill does not divide undocumented immigrants into groups, based on years of residence in the United States.<sup>33</sup> This change may be a response to U.S. security officials concern that such a system would lead to an increase in fraudulent documents, as many undocumented immigrants could have difficulty proving how long they’ve actually lived in the United States.<sup>34</sup>

However, the Flake-Gutierrez bill would require all undocumented immigrants to leave the country, and then reenter, as part of gaining legal status.<sup>35</sup> Last year’s Kennedy-McCain bill would have exempted those who had already resided in the United States for a certain number of years from this “touchback” requirement.<sup>36</sup>

A touchback requirement concerns pro-immigrant groups, due to the financial burden that leaving and reentering the United States could impose on undocumented immigrants.<sup>37</sup> Sylvia Martinez, co-chair of Latinos Unidos of Northern Colorado, stated that it could take years for immigrants to acquire the paperwork to leave their home countries again once they have returned.<sup>38</sup>

FAIR, on the other hand, sees the touchback provision as “an attempt to disguise the fact that [the] plan grants amnesty to tens of millions illegal aliens” with a “pointless roundtrip to the nearest border.”<sup>39</sup>

For comprehensive immigration reform to become law in 2007, all sides will likely need to compromise. Many believe that immigration reform will happen in 2007, in part due to Democratic control of Congress and support from the White House.<sup>40</sup>

Fundamentals for change have never been better, according to Frank Sharry, executive director of the National Immigration Forum, who said he is both “optimistic and confident that this is the year we’re going to make history.”<sup>41</sup>

---

## NOTES

1 Rachel L. Swarns, *Bipartisan Effort to Draft Immigration Bill*, THE N.Y. TIMES, Dec. 26, 2006, available at <http://www.nytimes.com/2006/12/26/washington/26immig.html?ei=5090&en=7694e146b520381f&ex=1324789200>

2 Security Through Regularized Immigration and a Vibrant Economy Act, H.R. 1645, 110th Cong. (2007), available at <http://thomas.loc.gov/cgi-bin/query/D?c110:1:./temp/-c110hM8kbE>

3 Karoun Demirjian, *Gutierrez Pushes Immigration Bill*, CHI. TRIB., March 23, 2007, available at <http://www.chicagotribune.com/news/nationworld/chi0703230190mar23,1,4411552.story?coll=chi-newsnationworld-hed>

4 *STRIVE Act Introduced in House*. 84 NO. 13 INTERPRETER RELEASES 725, (ThomsonWest, March 26, 2007).

5 Telephone Interview with Tara Tidwell Cullen, Communications Coordinator, National Immigration Justice Center, A Partner of Heartland Alliance (March 1, 2007).

6 Barbara Ferry, *Illegal Immigration: Citizenship Measure Revived*, THE NEW MEXICAN, March 11, 2007, available at [www.freewmexican.com/story\\_print.php?storyid=58416](http://www.freewmexican.com/story_print.php?storyid=58416); *Democrats Indicate that They are Ready to Backtrack on Border Fence, Warns FAIR*, FEDERATION FOR AMERICAN IMMIGRATION REFORM, Jan. 17, 2007, available at [http://www.fairus.org/site/PageServer?pagename=media\\_release1172007](http://www.fairus.org/site/PageServer?pagename=media_release1172007)

7 Gail Russell Chaddock, *Capitol Hill Closes in on Immigration Reform*, THE CHRISTIAN SCIENCE MONITOR, March 13, 2007, available at <http://www.csmonitor.com/2007/0313/p01s01-uspo.html?s=t5>

8 *Id.*

9 Rick Klein, *Kennedy, McCain Try Again on Immigration, Bill Would Keep Fence, but Ease Way to Citizenship*, THE BOSTON GLOBE, Feb. 28, 2007, available at [http://www.boston.com/news/nation/articles/2007/02/28/kennedy\\_mccain\\_try\\_again\\_on\\_immigration/](http://www.boston.com/news/nation/articles/2007/02/28/kennedy_mccain_try_again_on_immigration/); Karoun Demerjian, *supra* note 2.

10 *Comprehensive Immigration Reform*, Senator Edward M. Kennedy's web site, [http://kenedy.senate.gov/issues\\_and\\_agenda/issue.cfm?id=df725284-80e8-4f31-91c5-ed8f37047c2](http://kenedy.senate.gov/issues_and_agenda/issue.cfm?id=df725284-80e8-4f31-91c5-ed8f37047c2) (last visited April 16, 2007).

11 Rick Klein, *supra* note 9.

12 Karoun Demerjian, *supra* note 3.

13 Charles Hurt, *Congress Open to Passing Bill on Immigration*, THE WASH. TIMES, Dec. 4, 2006, available at <http://www.washingtontimes.com/national/20061204-122448-1240r.htm>

14 Stephen Dinan, *Bush 'Optimistic' on Immigration Reform*, THE WASH. TIMES, March 15, 2007, available at <http://www.washingtontimes.com/national/20070315-121050-6743r.htm>

15 Rick Klein, *supra* note 9.

16 Donald Lambro, *New RNC Chief Backs Bill with Guest-worker Plan*, THE WASH. TIMES, Feb. 2, 2007, available at <http://www.washingtontimes.com/national/20070202-124747-8013r.htm>

17 *Id.*

18 Rick Klein, *Bush Seeks Unity on Immigration, Reaches out to Democrats to Craft New Bill*, THE BOSTON GLOBE, Nov. 27, 2006, available at [http://www.boston.com/news/nation/washington/articles/2006/11/27/bush\\_seeks\\_unity\\_on\\_immigration/](http://www.boston.com/news/nation/washington/articles/2006/11/27/bush_seeks_unity_on_immigration/)

19 *Id.*

20 Rachel L. Swarns, *supra* note 1.

21 *Id.*

22 *Id.*

23 *Id.*

24 Charles Hurt, *supra* note 13; Rick Klein, *supra* note 18.

25 Karoun Demirjian, *supra* note 3.

26 Rick Klein, *supra* note 18.

27 George W. Bush, *President Bush Discusses Comprehensive Immigration Reform in Yuma, Arizona*, Address at the U.S. Border Patrol – Yuma Station Headquarters, Yuma, Arizona (April 9, 2007), THE WHITE HOUSE, OFFICE OF THE PRESS SECRETARY, April 9, 2007, available at <http://www.whitehouse.gov/news/releases/2007/04/print/20070409-12.html>

28 Charles Hurt, *supra* note 13.

29 Kronholz, Judith and Sarah Lueck, *Immigration Proposals Reverse Party Loyalties*, THE WALL STREET J., Jan. 24, 2007, at A2. available at [http://online.wsj.com/public/article/SB116960348030685779-ifervGvuBmFwwSa1PcXr\\_rIcIWI\\_20080124.html?mod=tff\\_main\\_tff\\_top](http://online.wsj.com/public/article/SB116960348030685779-ifervGvuBmFwwSa1PcXr_rIcIWI_20080124.html?mod=tff_main_tff_top)

30 *Id.*

31 Karoun Demirjian, *supra* note 3.

32 Security Through Regularized Immigration and a Vibrant Economy Act, *supra* note 2.

33 *Id.*

34 Rachel L. Swarns, *supra* note 1.

35 Michael Welles Shapiro, *Congress Promotes Immigration Reform*, MEDILL NEWS SERVICE, March 29, 2007, available at <http://www.greeleytrib.com/apps/pbcs.dll/article?AID=/20070329/NEWS/103290118&template=printart; Security Through Regularized Immigration and a Vibrant Economy Act, supra note 2.>

36 Rachel L. Swarns, *supra* note 1.

37 Rick Klein, *supra* note 9.

38 Michael Welles Shapiro, *supra* note 35.

39 *Flake-Gutierrez Immigration Bill Amounts to a Distinction without a Difference, Contend the Federation for American Immigration Reform*, PRNEWSWIRE-USNEWSWIRE, March 21, 2007, available at [http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=ind\\_focus.story&STORY=/www/story/03-21-2007/0004551000&EDATE=WED+Mar+21+2007,+06:39+PM](http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=ind_focus.story&STORY=/www/story/03-21-2007/0004551000&EDATE=WED+Mar+21+2007,+06:39+PM)

40 Gail Russell Chaddock, *supra* note 6.

41 *Id.*