

## Senate Backs Fence, Guest-Worker Curbs

Immigration Bill Gaining Conservative Support  
WASHINGTON POST  
MAY 18, 2006

The Senate voted yesterday to build 370 miles of triple-layered fencing along the U.S.-Mexico border and to block access to a new guest-worker program by lawbreaking illegal immigrants, even those guilty of misdemeanors or ignoring a deportation order.

On a 83 to 16 vote, the Senate backed an amendment by Sen. Jeff Sessions (R-Ala.) to fortify 70 miles of existing fences near San Diego and parts of Arizona and to build 300 miles of additional fencing through the Arizona desert. The amendment would also order the immediate construction of 500 miles of vehicle barriers along frontier lands identified as prime entry points for smugglers and illegal immigrants.

Senators approved another provision, 50 to 48, declaring that illegal immigrants seeking a guest-worker permit could not petition for legalization on their own, and instead must be sponsored by an employer.

The votes on the fence and the guest-worker restrictions gave new momentum to the Senate bill among conservatives, but they may further strain a coalition of immigrant rights and civil rights groups that have given Democrats political cover to back the Senate measure. Until yesterday, a broad bipartisan group of senators had beaten back conservative amendments, fearing they would upset the delicate coalition. Yesterday's votes showed how fluid the immigration issue has become.

"There is concern. People are worried about things," said Sen. Mel Martinez (R-Fla.), who helped cobble together the bipartisan coalition behind the Senate bill. "But overall, things are holding together."

The Senate-approved fence is half the length of the barrier approved in December by the House. Senate Republicans said their amendment merely codifies what Homeland Security Secretary Michael Chertoff had told them the administration plans to build anyway.

But President Bush had frowned upon a border barrier in March, telling CNN en Español, "It's impractical to fence off the border." And some Democratic leaders voiced strong concern.

"What we have here has become a symbol for the right wing in American politics, a fence between America and Mexico," said Sen. Richard J. Durbin (D-Ill.). But Sessions called it a "reasonable proposal" that "sends a signal that open-border days are over."

"Good fences make good neighbors," Sessions said. "Fences don't make bad neighbors."

By 66 to 33, the Senate blocked an effort to strip out the path to legalization for undocumented workers. But conservatives began chipping away at the pool of undocumented workers who would gain access to that path. Early in the day, the Senate unanimously accepted a provision by Sens. Jon Kyl (R-Ariz.) and John Cornyn (R-Tex.) that would disqualify illegal immigrants guilty of a felony or three misdemeanors from obtaining a work permit.

Immigrant rights groups had expressed deep concern about the Kyl-Cornyn amendment, particularly one provision that would deny green cards to illegal immigrants who had ignored a court-issued deportation order. But the amendment was softened by allowing the secretary of homeland security to waive the disqualification if applicants can show they never received notice of a deportation hearing, if "exceptional circumstances" prevented a court appearance or if deportation would cause "extreme hardship" to the immigrants' legal family members.

The final vote of the night struck out an illegal immigrant's ability to self-petition for legalization. Sens. John McCain (R-Ariz.) and Edward M. Kennedy (D-Mass.) had included that right so that unscrupulous employers would not control access to the legalization process. But Cornyn and his allies contended that the right amounted to a loophole for illegal immigrants without economic prospects.

The day's events helped soften opposition among conservatives, who have resolutely opposed any border security bill that includes provisions to grant illegal immigrants new avenues to lawful employment and U.S. citizenship. Still facing opposition among House Republicans, Bush dispatched Deputy Chief of Staff Karl Rove to Capitol Hill for a lobbying foray.

But it was the Senate action that seemed to have an impact.

"For the first time since the Senate began debating immigration reform legislation, there is now a bill that deserves support and has a chance of gaining passage," said Colin Hanna, president of the conservative border security group WeNeedAFence.com.

But yesterday's action amplified the grumbling of interest groups including political asylum advocates, gay rights organizations and the American Civil Liberties Union, all of which believe aspects of the bill forsake their causes.

Eleanor Acer, director of the asylum program at Human Rights First, said provisions designed to expedite the removal of illegal immigrants would hit political asylum seekers hard. Refugees fleeing political persecution could find themselves deported back to their home countries while their cases are pending before a federal judge, who would no longer have the power to stay a removal order.

The Center for Human Rights and Constitutional Law in Los Angeles has released a compendium of criticisms: A provision that blocks legalization for future undocumented workers using false names and security cards would keep millions of future immigrants in the shadows; the three-tiered treatment of undocumented workers would rip families apart by offering legalization to long-term immigrants while sending recent arrivals home; and the judicial-review provisions would block access to the court system while permitting the indefinite detention of some immigrants.

The gay rights group Human Rights Campaign said the bill "fails to address the second-class nature of same-sex relationships," while the ACLU has come out strongly against an employment verification system that would require all Americans -- native-born and immigrant -- to submit their names to two huge federal databases to verify their legal status before taking any new job.

"It's amazing that the provision of the bill that will touch every single American and will have more impact on their lives than anything else has received no attention," said Timothy D. Sparapani, the ACLU's legislative counsel.

Senate Democrats acknowledged the grumbling, but they said that, for now, they are willing to accept a lot of provisions they do not like, as long as they get the one measure they must have: a chance at citizenship for an estimated 12 million illegal immigrants.

"I'm not willing to prejudge the final product because of some provisions I don't like," said Sen. Robert Menendez (D-N.J.). "At the end of the day, the question will be 'Will there be a pathway to earned citizenship?' "