

Update on CIR: Cornyn Amendment Defeated!

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The Senate's proposed comprehensive immigration reform (CIR) bill survived one more test yesterday. By a vote of 51 to 46, senators rejected the Cornyn Amendment which would have made many undocumented immigrants ineligible for the proposal's legalization program.

The Cornyn amendment was defeated yesterday, and with it Senator John Cornyn's (R-TX) attempt to bar legal status for foreign nationals who disobey deportation orders or who engage in identity fraud. While this was only one of several amendments that was rejected yesterday by a Senate vote, it was considered especially important because many if not most of the estimated 12 million undocumented immigrants now present in the United States have committed some kind of identity fraud in order to enter and/or to obtain jobs here. The most "popular" immigration fraud committed by undocumented immigrants trying to get jobs in the U.S. is the use of fraudulent or rented Social Security cards and driver licenses. As a result, the Cornyn amendment would have prevented most of the undocumented workers currently in the U.S. from participating in the bill's legalization program — the "Z" visa.

Instead, an amendment offered by Senator Edward Kennedy (D-Mass) was passed by a vote of 66 to 32, to deny legal resident status to gang members, sex offenders and people who are guilty of domestic violence. This amendment makes an exemption for those who engage in document fraud, thereby offering a political solution to senators who support the overall CIR bill but who do not want to appear to be rewarding those foreign workers who break U.S. laws.

An amendment which was defeated and which is worth mentioning is one that would have removed the requirement that guest workers under the proposed "Y" visa classification return home for one year after participating in the program for two (2) years. The amendment was offered by Senator Jeff Bingaman (D-New Mexico) and was defeated by a vote of 57 to 41. Senators voted to maintain the requirement that most "guest workers" under the proposed "Y" visa classification return to their home country for one (1) year between each of three (3) two-year stays in the United States. (Under the "Y" visa program that is currently proposed, the maximum period of stay in the U.S. in "Y" visa status is two (2) years. After that, "guest workers" are required to depart to their home country for one (1) year before re-applying for "Y" visa classification to enter the U.S. to work for an U.S. employer).

The Senate debate over CIR remains heated, as it cuts across party lines. For example, ten Republicans voted against the Cornyn amendment and nine Democrats voted in support. Senate debate continues today, and we will continue to post news on the developments in the Senate, with hopefully a final vote by Friday.