



The Wrong Direction: “Passport Fraud” Bill Impacts Immigrants and Their Families

To embrace and uphold our tradition as a nation of immigrants.

Senator Dianne Feinstein (D-CA) and Senator Jeff Sessions (R-AL) have introduced a bill known as “The Passport and Travel Document Fraud Prevention Act” (S. 524). This bill would expand the “aggravated felony” definition in the immigration law to include a wide range of passport and related document offenses. The consequences of an “aggravated felony” conviction are severe—and include mandatory detention, permanent deportation, and ineligibility for any type of relief.

Specifically, S. 524 makes the use of any false document to gain entry into the U.S. an “aggravated felony,” regardless of whether *any* prison sentence is imposed. Other offenses that would be considered “aggravated felonies” under this bill include false statements in an application for a passport or travel document regardless of whether any prison term is imposed; using, attempting to use, or furnishing a passport or travel document that was secured in any way by a false statement, regardless of whether any prison term is imposed; among others. Shutting the door permanently on anyone who is convicted for one of these acts could lead to unintended consequences.

While Senator Feinstein has modified the bill to address certain refugees who use false documents in order to flee persecution and enter the U.S., these exceptions do not go far enough to protect all vulnerable populations, such as crime victims, victims of trafficking, and victims of domestic violence. Under this bill, members of such groups who fit under the broad newly expanded “aggravated felony” definition would be ineligible for removal relief or other protections.

Example: A young woman who has been gang raped and sexually abused by local police and who relies on a false document to flee this violence and enter the U.S. could face an aggravated felony conviction and deportation back to her persecutor, under this bill, regardless of the equities in her case.

In addition, this bill would impact the lives of thousands of immigrants who are convicted for passport and related document offenses. Currently, the immigration laws already render inadmissible/deportable those involved in document related offenses but allows an immigration officer or judge to provide relief if such individuals can show compelling and sympathetic facts. The Feinstein-Sessions bill removes this discretion.

Example: Workers who enter the United States on passports or travel documents containing a false name or address in order to work in jobs that are currently not being filled by Americans would face mandatory detention and deportation regardless of how compelling the facts of their cases are.

Example: Consider the case of Roberto, a 30 year old Mexican native male who is married to Rosa, a lawful permanent resident living in the U.S. Rosa has filed a family immigration petition for Roberto, which will take years to be processed. While Roberto waits in Mexico, his wife becomes very sick, and ultimately is diagnosed with lymphoma. Roberto makes a misstatement in his passport application, is issued a passport, and then uses it to enter the U.S. and care for Rosa. Under this bill, if convicted, Roberto’s crime would be considered an aggravated felony, and he would be subject to mandatory deportation and detention, and permanently separated from his wife.

Example: Yuko is a lawful permanent resident working as a *sous chef* in New York City and living with her three U.S. citizen children. Ten years ago, Yuko borrowed her neighbor's passport to enter the U.S. because she was desperate to leave her abusive husband. While Yuko pleads guilty to entering the U.S. on a false name, she spent no time in jail. Yuko is employed full time in the U.S., has three U.S. citizen children, and has an otherwise spotless record. Yuko's priest, employer, mother, and eldest daughter all testify about the positive contributions she makes as a mother, worker, and member of the community. Under this bill, Yuko's conviction would automatically be an aggravated felony and subject her to deportation separating her permanently from children, regardless of the equities in her case.

The Feinstein-Sessions bill is not the solution. The immigration laws already sufficiently address and penalize those with document related offenses, and allow government officers and judges to remove or deny admission to such persons. What this bill does is classify countless document fraud and related offenses as an aggravated felony (in many cases, regardless of the sentence imposed), without giving officers or judges the opportunity to review the facts of a particular case, weigh the equities, and consider discretionary relief to those who are neither dangerous nor a threat.

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