

A TRIBUTE TO RUBY'S COFFEE
SHOP

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DUNCAN. Mr. Speaker, a great Knoxville institution is closing, and it is a real loss to our area and to this Nation. Ruby's Coffee Shop in Burlington, in East Knoxville, will close this Saturday after 37 years in business.

This fine restaurant, where I have eaten many, many times, has been a friendly gathering place where friendships have been made and strengthened and problems have been solved. Almost everyone felt better and happier, physically and mentally, after a meal at Ruby's.

Owner Ruby Witt, her daughter, Mary Jo Netherton, her sister, Ann Henderlight, and the entire staff are wonderful, kind, big-hearted people. They have given great service and sympathetic ears to many thousands.

Their food was always outstanding and reasonably priced. At Ruby's, no matter who you were or how much money you had, you got good food and good treatment.

As long as I live, I will never forget Roy Berrier, one of the barbers at Barnes Barber Shop next door, coming in and breaking into a rendition of the song "Pine Trees" (his own song) in front of a full house at Ruby's.

This Nation is a better place today because of places like Ruby's and the people who worked there. I am sorry to see this fine restaurant close, but I wish the very best to Ruby, her family, and staff.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article which was published in the Knoxville News-Sentinel.

[From the Knoxville News-Sentinel, July 26, 2000]

RUBY'S TO CLOSE AFTER 37 YEARS
(By Don Jacobs)

No matter how savory the food at Ruby's Coffee Shop, it'll never match the warmth and friendliness exuded by the 37-year-old business' employees.

But that slice of Southern hospitality is about to be cut from the East Knoxville landscape with the closing Saturday of a business that has seated governors, senators, sports legends and even a vice president.

The small, family-operated business where customers are greeted by first name, are allowed to walk behind the counter to pour coffee and are invited to use the shop's phone, is closing its doors. The daughters of the owner are just plumb tired.

"It's sad but happy," said Mary Jo Netherton, the 64-year-old daughter of the owner.

"I'm just tired. I was telling somebody the other day that they let people out of the penitentiary for murder sooner than I'll be getting out of this place."

Netherton's 62-year-old sister, Barbara Williams, echoed the feeling that 10- to 12-hour work days that begin at 5 a.m. won't be terribly missed.

"You know, when you get in your 60s, you don't need to be doing waitress work," Williams said.

Owner Ruby Witt hasn't been active at the business at 3920 Martin Luther King Jr. Avenue since she suffered a minor stroke six years ago. But each day the 84-year-old Witt gets an earful of current events about the lives of her customers from her daughters.

"She's interested in the people," Netherton said.

Witt's popularity among residents, public officials, police officers and the University of Tennessee sports department earned her an unofficial moniker as the mayor of Burlington. Police officers said whatever Ruby wanted, Ruby got from the city.

Emphasizing that point, a customer noted there are no parking meters outside.

Netherton has been gingerly lifting fried eggs from the grill for 37 years at the business while Williams has been a fixture for 23 years. While neither of the women will miss the work, they will never fill the chasm of daily chatter with customers.

"I'm going to miss it," Williams said. "We've enjoyed the people. They've been like family to us."

Customers feel the same way. "We're spoiled," said Jimmie Bounds. "We'll never get that kind of service. When we walk in the door, they yell to put a pan of biscuits on."

Bounds and her husband, Dean Bounds, regularly trek from their Holston Hills residence with their home-grown tomatoes. They slice their tomatoes and pour their own molasses on what they claim are the best biscuits around.

Biscuits and cornbread are the domain of Ann Henderlight, Witt's younger sister, who for 37 years has been using the same metal evaporated milk can to cut her dough. "I don't measure anything," Henderlight said. "I just put in a little of this and a little of that. I just do it like my mother did."

Lettie Glass of Lilac Avenue has been munching those biscuits for 15 years. "Honey, they're just so fluffy they melt in your mouth. They really can cook," she said.

For Glass, the food is just part of the attraction.

"They treat people like people," Glass said.

Former Gov. Ray Blanton, U.S. Congressional members Bill Frist and John J. Duncan Jr., former UT football coach Johnny Majors, country music icon Archie Campbell and vice President Al Gore have taken a seat at one of the dozen booths or seven counter stools, Netherton said.

Netherton recalls mixing six raw eggs in a glass of orange juice and cooking 25 strips of bacon for former heavyweight boxing champion John Tate while he was in training.

But nowadays, Williams said, the business isn't as profitable as it used to be. The sisters just couldn't bring themselves to raise their prices as food costs climbed. The menu demands a total of \$3.50 for two eggs, three bacon strips, a biscuit and coffee.

"We didn't think the everyday people coming in here could afford it if we raised the prices," Williams said.

Several customers noted the sisters often fed the penniless. "If somebody came in here hungry, they got fed," Williams said.

INTRODUCTION OF THE RESTORATION OF FAIRNESS IN IMMIGRATION LAW ACT OF 2000

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. CONYERS. Mr. Speaker, I am proud to introduce today the Restoration of Fairness in Immigration Law Act of 2000. Today is truly a seminal event when the Congressional Black, Hispanic and Asian Pacific Caucuses along with Members on both sides of the aisle unite

behind a single piece of comprehensive immigration legislation.

For too many years, Congress has witnessed a wave of anti-immigrant legislation, playing on our worst fears and prejudices. Since 1994, we have considered proposals to ban birthright citizenship, ban bilingual ballots, and slash family and employment based immigration, as well as to limit the number of asylees and refugees. In 1996 we passed laws denying legal residents the right to public benefits and denying immigrants a range of due process and fairness protections, including prohibiting courts from reviewing many INS decisions, requiring lawful permanent residents be deported for minor offenses committed years ago, and imposing mandatory detention on non-criminal asylum seekers.

This year, I believe we have turned the corner, as business and organized labor have joined the advocacy community in recognizing the critical role immigrants play in our workplaces, our communities, our schools, and our culture. I particularly want to commend John Sweeney, President of the AFL-CIO, and the other 29 organizations who yesterday endorsed this historic piece of legislation. With the introduction of this comprehensive bill, I, along with the bipartisan list of co-sponsors, the Black, Hispanic and Asian Pacific American Caucuses, and the many supporting community organizations, send a clear message that Congress needs to fix what we did in '96.

Our work will not stop with the introduction of this legislation. We only have one month left in the legislative session, but I believe that many provisions of this bill can be passed into law, including providing Haitians and Central Americans with immigration parity, enacting late amnesty relief, and protecting battered immigrants.

Attached is a summary of the key provisions of this legislation.

SUMMARY OF THE "RESTORATION OF FAIRNESS IN IMMIGRATION LAW ACT OF 2000"

TITLE I.—DUE PROCESS IN IMMIGRATION PROCEEDINGS

Subtitle A.—Judicial Review (Sections 101-107)

Repeals all of the provisions from the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") which strip the courts of jurisdiction over immigration-related matters. It returns court jurisdiction to exactly what it was before IIRIRA.

Subtitle B.—Fairness in Removal Proceedings

SEC. 111. BURDEN OF PROOF.—IIRIRA created a higher threshold for persons seeking to enter the U.S. by requiring them to establish their admissibility "clearly and beyond doubt." This section implements a "clear and convincing evidence" standard, which is the same standard INS applies in deportation cases.

SEC. 112. WITHDRAWAL OF APPLICATION FOR ADMISSION.—Creates a presumption in favor of granting a request for permission to withdraw an application for admission to depart from the United States immediately, unless an immigration judge has rendered a decision on the admission seeker's admissibility.

SEC. 113. ABSENCES OUTSIDE THE CONTROL OF THE ALIEN.—Under IIRIRA, a person with lawful permanent resident status is subject to a full inspection upon returning from a trip abroad if he has been absent from the United States for a continuous period of 180 days. This section changes the time period from 180 days to a year or longer in some situations, which comports with INS's current procedures.

SEC. 114. REINSTATEMENT OF REMOVAL ORDERS AGAINST PERSONS ILLEGALLY REENTERING.—Under IIRIRA, immigrants who reenter the United States after being previously removed must be removed from the country without any right to judicial review. This provision provides for a hearing before an immigration judge and an opportunity to seek relief from removal.

Subtitle C.—Fairness in Detention

SEC. 121. RESTORING DISCRETIONARY AUTHORITY.—Restores pre-IIRIRA law granting discretionary authority to release immigrants from detention who do not pose a risk to persons or property and are likely to appear for future proceedings.

SEC. 122. PERIODIC REVIEW OF DETENTION DETERMINATIONS.—Eliminates indefinite detention without review that resulted from IIRIRA's changes to detention provisions. It requires mandatory review every 90 days.

SEC. 123. LIMITATION ON INDEFINITE DETENTION.—Establishes a one year ceiling on the time an individual can be detained while waiting to be removed, so long as the individual is not a risk to the community and is not a flight risk.

SEC. 124. PILOT PROGRAM.—Requires a pilot program to determine the viability of supervision of foreign nationals subject to detention through means other than confinement in a penal setting, so long as the individual is not a risk to the community and is not a flight risk.

SEC. 125. MANDATORY DETENTION.—IIRIRA requires mandatory detention for all individuals involved in expedited proceedings. This section provides for release unless the detainees are risks to the community or flight risks.

SEC. 126. RIGHT TO COUNSEL.—Would allow attorneys, with the consent of their clients, to make limited appearances in bond, custody, detention, or removal immigration proceedings.

Subtitle D.—Consular Review of Visa Applications (Sections 131–132).

Incorporates the "Consular Review Act of 1999" (H.R. 1156) introduced by Rep. Frank (D-MA) to require the Secretary of State to set up a Board of Visa Appeals that would have authority to review any discretionary decision of a consular officer regarding the denial, cancellation, or revocation of an immigrant or nonimmigrant visa or petition, or the denial of an application for a waiver of any ground of inadmissibility under the INA.

TITLE II.—FAIRNESS IN CASES INVOLVING PREVIOUS AND MINOR MISCONDUCT

Subtitle A.—Increased Fairness and Equity Concerning Removal Proceedings

SEC. 201. EXCLUSION FOR CRIME INVOLVING "MORAL TURPITUDE."—Eliminates exclusion from the United States under IIRIRA for acts of moral turpitude which may have constituted the elements of a crime but have not led to a conviction.

SEC. 202. AGGRAVATED FELONY PROVISIONS. (a). "Illicit Trafficking"—Excepts a single offense of simple possession of a controlled substance from the "aggravated felony" category created by IIRIRA if it is the person's first controlled substance offense. (b). "Crimes of Violence and Theft Offenses"—Changes the definition of violence and theft offenses that are considered to be "aggravated felonies" under IIRIRA from offenses for which the sentence was imprisonment for at least one year to offenses for which the sentence was imprisonment for at least five years. (c). "Alien Smuggling"—Limits the "alien smuggling" category to offenses committed for the purpose of commercial gain. (d). Waiver.—Provides discretionary authority to disregard convictions for aggravated

felonies that did not result in incarceration for more than one year. (e). Conforming Change Concerning Removal of Nonpermanent Residents.—Repeals a IIRIRA provision that bars nonpermanent resident aliens who have been convicted of an aggravated felony from being eligible for discretionary relief from removal.

SEC. 203. DEFINITION OF "CONVICTION" AND "TERM OF IMPRISONMENT."—Modifies IIRIRA's definition of "conviction" to provide that an adjudication or judgment of guilt that has been expunged, deferred, annulled, invalidated, withheld, or vacated; an order of probation without entry of judgment; or any similar disposition will not be considered a conviction for purposes of the INA. Also strikes the provision in that definition which states that any reference to a "term of imprisonment" or "sentence" is deemed to include the period of incarceration or confinement ordered by the court regardless of any suspension of the imposition or execution of the imprisonment or sentence.

SEC. 204. DEFINITION OF "CRIMES OF MORAL TURPITUDE."—IIRIRA provided for deportation when an alien is convicted of a crime involving moral turpitude for which a sentence of one year or longer may be imposed. This section limits deportation on this basis to cases where the offense was serious enough to result in incarceration for a year or more.

SEC. 205. CANCELLATION OF REMOVAL FOR LPRS (FORMERLY KNOWN AS SECTION 212(c) RELIEF).—Restores discretion to grant relief to long-time legal permanent residents who have committed minor criminal offenses. Repeals IIRIRA's stop-time rule so that lawful permanent residents can continue to accumulate their permanent resident status in the U.S.

SEC. 206. CANCELLATION OF REMOVAL FOR NON-CITIZEN (FORMERLY KNOWN AS SUSPENSION OF DEPORTATION).—IIRIRA replaced suspension of deportation relief with "cancellation of removal" relief which significantly narrowed eligibility for equitable relief. This section reverses IIRIRA by replacing the cancellation of removal provisions with the previous suspension of deportation provisions.

SEC. 207. RETROACTIVE CHANGES IN REMOVAL GROUNDS.—Reverses retroactive changes made by IIRIRA by providing that an immigrant will not be found to be removable for committing any offense that was not a ground for removal or deportation when the offense occurred (e.g., the "aggravated felony" classification will apply only to an offense that was defined as an "aggravated felony" when the offense occurred).

SEC. 208. LAWFUL PERMANENT RESIDENTS REMOVED UNDER RETROACTIVE.—Permits former lawful permanent residents who have been removed from the U.S. to return and apply for 212(c) relief as it previously existed or for cancellation of removal under the provisions of this bill. Applies to LPRs who were (1) removed for a criminal offense that was not a basis for removal when it was committed; (2) removed for criminal offense that is not a basis for removal when this bill is enacted; or (3) removed for a criminal offense for which relief would have been available but for the enactment of AEDPA or IIRIRA.

Subtitle B.—Exclusion Grounds

SEC. 211. FAILURE TO ATTEND REMOVAL PROCEEDINGS.—Limits the applicability of the five-year bar to admissibility that IIRIRA imposed on persons who fail to attend or remain in attendance at removal proceedings to situations where the individual acted willfully.

SEC. 212. VIOLATION OF STUDENT VISA CONDITIONS.—Limits the applicability of the five-year bar to admissibility that IIRIRA im-

posed on persons who violate a term or condition of their nonimmigrant student visas to situations where the student acted willfully.

SEC. 213. FALSE CLAIMS TO CITIZENSHIP.—Limits the applicability of an IIRIPA provision which made making a false claim to citizenship for an immigration benefit a basis for exclusion or deportation. INS will be required to prove that a claim of citizenship was not only false, but was also in fact willfully made by the individual.

SEC. 214. MINOR CRIMINAL OFFENSES.—Provides a waiver of inadmissibility based on a controlled substance violation for which the alien was not incarcerated for a period exceeding one year.

SEC. 215. BARS TO ADMISSIBILITY.—Under IIRIRA, a person unlawfully present in the United States for more than 180 days but less than 1 year who then voluntarily departs from the United States is barred from reentering the United States for 3 years. A person who is unlawfully present in the United States for 1 year or more and then voluntarily departs is barred from reentering the United States for 10 years. This section reduces the 3 and 10 year bars to admissibility to 1 and 3 years, respectively.

TITLE III.—ENCOURAGING FAMILY REUNIFICATION

Subtitle A.—Reuniting Family Members

SEC. 301. VISA FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS.—Provides for a visitor's visa permitting family members to join their lawful permanent resident spouse or parent in the United States while waiting for an immigrant visa number. Also makes a visitor's visa available to persons waiting for an immigrant visa number on the basis of their status as battered immigrants.

SEC. 302. UNMARRIED SONS AND DAUGHTERS OF REFUGEES.—Under current law, when children reach the age of 21, they are classified as "sons and daughters" and lose their entitlement to refugee status when accompanying or following to join a parent who is a refugee. This section provides refugee status for older children when it is warranted by unusual circumstances or to preserve family unity.

SEC. 303. *Unmarried Sons and Daughters and Asylées*.—Provides asylee status to unmarried sons and daughters who are accompanying or following to join a parent who is a refugee when such a benefit is warranted by unusual circumstances.

SEC. 304. PROCESSING DELAYS.—Provides protection against INS and State Department delays in processing by requiring the determination of an applicant's eligibility to be based on the beneficiary's age 90 days after the date on which the application was filed. Also incorporates H.R. 2448 introduced by Rep. Mink (D-HI) to assure that immigrants do not have to wait longer for an immigrant visa as a result of a reclassification because of the naturalization of a parent or spouse.

Subtitle B.—Limited Waiver of Grounds of Admissibility

SEC. 311. 212(i) WAIVERS.—IIRIRA added a hardship provision requiring the applicant to establish that the waiver is needed to avoid causing "extreme hardship" to his or her spouse or parent. This section retains a general hardship requirement, but it does not require a showing of "extreme" hardship. IIRIRA also made persons present in the United States without being admitted or paroled inadmissible, and this section provides a discretionary waiver of that new ground of inadmissibility.

SEC. 312. DOCUMENT FRAUD.—Under IIRIRA, this waiver is limited to spouses and children. The reasons for permitting relief in

cases where the alien was acting solely to help a spouse or a child apply with equal force to the case in which the alien was trying to help a parent or non-minor son or daughter. Relief obviously should be available in both situations.

SEC. 313. NEW GENERAL WAIVER.—Waives inadmissibility in unusual circumstances (including victims of a battering or extreme cruelty by a spouse or other relative) for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Applies to cases in which the applicant is inadmissible because of a failure to attend removal proceedings, for unintentionally violating the conditions of a student visa, for having been removed previously, and for being unlawfully present in the United States.

Subtitle C.—Eliminating Unfairness and Waste in Section 245(i) Waivers (Section 321-322)

Makes section 245(i) of the INA a permanent provision. Provides a waiver of inadmissibility on the basis of an unlawful presence in the United States in cases where the unlawful presence occurred during a time when the person involved would have been able to become a lawful permanent resident but for a gap in the life of section 245(i).

Subtitle D.—Equitable Procedures Concerning Voluntary Departure

SEC. 331. TIME ALLOWED FOR VOLUNTARY DEPARTURE.—IIRIRA limits grants of voluntary departure to a 120-day period. This section repeals that limit and permits the length of time for voluntary departure to be based on the circumstances in a particular case.

SEC. 332. VOLUNTARY DEPARTURE BONDS.—Eliminates the mandatory requirement that an alien must post a bond as a condition for receiving voluntary departure at the conclusion of removal proceedings and instead leaves this matter up to the discretion of the official who sets the bond terms.

SEC. 333. AUTOMATIC PENALTIES.—Eliminates automatic penalties for failing to depart pursuant to a grant of voluntary departure.

Subtitle E.—Public Charge (Sec. 341)

Eliminates the requirement of an affidavit of support as a condition for admissibility, but it permits using such an affidavit as evidence that the applicant for admission should not be excluded as a person who is likely to become a public charge. Also reduces the minimum income requirement for persons who sponsor the immigrants from 125% of the Federal poverty line to 100%.

TITLE IV.—FAIRNESS IN ASYLUM AND REFUGEE PROCEEDINGS

Subtitle A.—Increased Fairness in Asylum Proceedings

SEC. 401. TIME LIMITS ON ASYLUM APPLICATIONS.—Eliminates the requirement that an asylum applicant must establish that his application was filed within one year of his arrival at the United States or justify the delay on the basis of extraordinary circumstances.

SEC. 402. GENDER-BASED PERSECUTION.—Adds a provision to the definition of a “refugee” which specifies that persecution on account of gender will be deemed to fall within the “particular social group” category for asylum purposes.

SEC. 403. CAP ON ADJUST FROM ASYLEE TO LEGAL PERMANENT RESIDENT.—Eliminates cap of 10,000 on the number of individuals who can change their status from “asylee” to “lawful permanent resident” in any fiscal year. Provides that the President will set the numerical limitation before the beginning of each fiscal year.

SEC. 404. WITHHOLDING OF REMOVAL.—Individuals who have been convicted of certain offenses are currently ineligible for withholding of deportation even if there is a high probability that they will be persecuted. This section would limit that exclusion to individuals who were sentenced to an aggregate term of imprisonment of more than five years and are considered to be a danger to the United States.

Subtitle B.—Increased Fairness and Rationality in Refugee Consultations (Sec. 411)

Refugee Admissions Consultation. Changes the time for the President’s report on refugee admissions from the beginning of each fiscal year to the date when he or she submits his or her budget proposal to Congress.

TITLE V.—INCREASED FAIRNESS AND EQUITY IN NATURALIZATION AND LEGALIZATION PROCEEDINGS

Subtitle A.—Naturalization Proceedings

SEC. 501. FUNDS FOR NATURALIZATION PROCEEDINGS.—Establishes a fund that will be used to reduce the backlog of naturalization applications to no more than six months. It would also provide funding for more expeditious processing of visa petitions, adjustment of status applications, and work authorization requests.

SEC. 502-506. CAMBODIAN AND VIETNAMESE MILITARY VETERANS.—Exempts Cambodian and Vietnamese naturalization applicants from the English language requirement if they served with special guerilla units or irregular forces operating in support of the United States during the Vietnam War (or were spouses or widows of such persons on the day on which such persons applied for admission as refugees). Also provides special consideration with civics requirement.

Subtitle B.—Parity in Treatment for Refugees From Central America and Haiti (Sections 511–516)

Incorporates the “Central American and Haitian Parity Act of 1999” (H.R. 2722) introduced by Reps. Smith (R-NJ) and Gutierrez (D-IL) to extend the same opportunity to become LPRs to eligible nationals of Guatemala, El Salvador, Honduras, and Haiti, as currently provided to Cubans and Nicaraguans under NACARA.

Subtitle C.—Equality of Treatment for Women’s Citizenship (Sections 521–522)

Incorporates the “Restoration of Women’s Citizenship Act” (H.R. 2493) introduced by Rep. Eshoo (D-CA) and Walsh (R-NY), which grants posthumous citizenship to American women who married alien men before September 1922 and died before they could take advantage of the procedures set up by Congress to regain their citizenship in 1951.

Subtitle D.—Refugees from Liberia (Sec. 531)

Authorizes lawful permanent resident status for Liberian refugees who are in the United States under a Deferred Enforced Departure Order executed by President Clinton on September 27, 1999.

Subtitle E.—Previously Granted Amnesty Rights (Sec. 541)

Incorporates the text of the “Legal Amnesty Restoration Act of 1999” (H.R. 2125) introduced by Rep. Jackson-Lee (D-TX) to repeal jurisdictional restrictions imposed by Congress on the courts in IIRIRA with respect to certain outstanding claims for legalization and work permits under the Immigration Reform and Control Act of 1986.

Subtitle F.—Legal Amnesty Restoration (Sec. 551)

Incorporates the text of the “Date of Registry Act” (H.R. 4138) introduced by Rep. Jackson-Lee (D-TX) and Rep. Luis Gutierrez (D-IL) to amend the INA to permit the Attorney General to create a record of lawful

admission for permanent residence for certain aliens who entered the United States prior to 1986. This permits them to become lawful permanent residents of the United States.

Subtitle G.—Asian American Visa Petitions (Sec. 561)

Incorporates the text of the “American Asian Justice Act of 1999” (H.R. 1128) by Rep. Millender-McDonald (D-CA), which grants certain individuals born in the Philippines or Japan who were fathered by United States citizens the right to file visa petitions in lieu of their parents and other relatives.

TITLE VI.—FAIRNESS AND COMPASSION IN THE TREATMENT OF BATTERED IMMIGRANTS (SECTIONS 601-615)

The provisions in this title were taken from the “Battered Immigrant Women Protection Act of 1999” (H.R. 3083) introduced by Rep. Schakowsky (D-IL), Rep. Morella (R-MD), and Rep. Jackson Lee (D-TX), which continues the work that began with the passage of the first Violence Against Women Act in 1994 (“VAWA 1994”). IIRIRA drastically reduced access to VAWA immigration relief for battered immigrant women and children. Title VII restores and expands the provisions of VAWA which provide access to a variety of legal protections for battered immigrants.

TITLE VII.—UNUSED EMPLOYMENT BASED IMMIGRANT VISAS

SEC. 701.—Incorporates section 101(b) of the “Helping to Improve Technology Education and Achievement Act of 2000” (H.R. 3983) introduced by Rep. Zoe Lofgren (D-CA) and Rep. D. Dreier (R-CA) to allow unused visas from FY 1999 and FY 2000 to be recaptured for future use.

TITLE VIII.—MISCELLANEOUS PROVISIONS

SEC. 801. BOARD OF IMMIGRATION APPEALS.—Adds definition of “appellate immigration judge” to the existing definition of “immigration judge” and specifies that the Attorney General may delegate authority to the appellate immigration judges.

SEC. 802. FORFEITURES.—Limits the seizure and forfeiture of a vehicle used to harbor or smuggle an alien to cases in which the purpose of harboring or smuggling the alien was for commercial advantage or private financial gain.

SEC. 803. COMMUNICATIONS WITH THE INS.—Repeals a provision in IIRIRA which prohibits any federal, state or local government official from preventing or restricting any government entity from sending to or receiving information from INS regarding the citizenship status or immigration status of any individual, or maintaining such information.

SEC. 804. AUTHORITY TO PERMIT STATE PERSONNEL TO CARRY OUT IMMIGRATION OFFICER FUNCTIONS.—Repeals provision which allows the Attorney General to enter into agreements with State and local governments to have enumerated immigration functions handled by local law enforcement agencies.

SEC. 805. PAROLE AUTHORITY.—Changes the standard for determining when to parole a person into the United States temporarily from “for urgent humanitarian reasons or significant public benefit,” to “for emergent reasons or for reasons deemed strictly in the public interest.”

SEC. 806. BORDER PATROL.—Incorporates the text of the “Border Patrol Recruitment and Retention Act of 1999” (H.R. 1881) introduced by Rep. Jackson Lee (D-TX) to provide for an increase to the GS-11 grade level for Border Patrol agents who have completed one year of services at a GS-09 grade level and who have fully successful performance rating. It provides for an Office of Border Patrol Recruitment and Retention.

SEC. 807. ERRONEOUS ASYLUM APPLICATION.—Eliminates two IIRIRA provisions limiting the rights of persons seeking asylum. Section 208(d)(6) of the INA prohibits foreign nationals who have knowingly made a “frivolous” asylum application from ever receiving any benefit under the INA Sec.

208(d)(7) states that nothing in the asylum provisions of the INA can be construed to create a legally enforceable substantive or procedural right or benefit.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION OF ACT.—Author-

izes appropriations for the various provisions included in the Act.

TITLE IX.—EFFECTIVE DATES

Sets forth various effective dates with regard to the Act’s provisions.