

WebMemo



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Amnesty Legislation Still the Wrong Answer for Responsible Immigration Reform

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Recently, Senator Robert Menendez (D–NJ) introduced the Comprehensive Immigration Reform Act of 2011, which would grant legal permanent residence status to the nearly 11 million illegal immigrants present in the United States. In addition, the bill's language also fully incorporates the DREAM Act and the AgJobs Act, providing two further avenues to amnesty for illegal immigrants within the United States.

The strategy for addressing the issue of unlawful presence in the United States embodied in this legislation has been rejected repeatedly by both the Congress and the American people—and with good reason. It would do little to solve the problem. In fact, it would do the opposite (while adding significantly to the federal debt). The legislation's triple amnesty offer would encourage further illegal border crossing and unlawful presence and undermine efforts to establish respect for the rule of law, institute meaningful reforms, and help get employers the employees they need when they need them to help the U.S. economy grow and prosper.

Flawed from the Start. The Comprehensive Immigration Reform Act of 2011 has been touted as a complete and real solution to America's immigration troubles. Yet, rather than promoting true reforms, the bill rests largely on implementing amnesty in three different ways.

First, the bill would create a lawful prospective immigrant (LPI) status, allowing individuals to remain within the United States without recourse

after submitting biometric data, passing a background check, and paying a fine. After eight years of LPI status and after all existing immigration backlogs are cleared, aliens would then be able to apply for legal permanent resident (LPR) status. Applicants would be required to demonstrate basic citizenship skills, pursue an English course of study, pay all fees and federal taxes, and pass security and law enforcement background checks.

These provisions, however, are nothing new. In 1986, when Congress last passed an amnesty, the legislation contained similar provisions. Not only was the implementation of the 1986 amnesty marred by widespread fraud, but in its wake, it is estimated that the unlawfully present population more than quadrupled in size.

Second, the Comprehensive Immigration Reform Act also fully encompasses the DREAM Act and AgJobs Act. This latest version of the DREAM Act, much like failed versions before it, would grant legal permanent resident status to illegal immigrants who came to the U.S. before the age of 15 and who agreed to attend college or enter the military for at least two years. The AgJobs Act would grant LPR status to individuals who work a certain number

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of years in the U.S. agricultural sector. These two bills would offer amnesty to an estimated additional 2.1 million illegal immigrants, deepening America's illegal immigration problem.

Third, the Comprehensive Immigration Reform Act also undermines attempts at meaningful reform, providing for federal preemption of nearly every effort by state and local governments to combat illegal immigration within their communities and a hollow approach to enhancing border security.

Moreover, the bill gives little thought to the cost of implementing amnesty. At a time when Washington is looking to cut spending, implementing this legislation could result in many tens of billions of dollars of additional federal discretionary spending.

An Honest Approach to Reform. Congress and the Administration should work to advance responsible immigration and border security policies by rejecting amnesty from the start. Instead, Washington should begin by focusing on America's broken borders and deeply flawed immigration policies and programs. Congress should insist on:

- **Robust interior enforcement.** Since taking office, the Obama Administration has eroded key interior enforcement measures, including abandoning "Social Security No-Match," fostering changes that have weakened the 287(g) program, and reducing randomized I-9 checks. These acts undermine efforts to deter illegal immigration, essentially sending the message that once an illegal immigrant is here, it is easy to find employment and stay. Immigration reform is possible

only if the government enforces existing immigration law.

- **Effective border security measures.** An organized strategy for enhancing U.S. border security and decreasing the flow of illegal immigrants should integrate border manpower, technology, and other resources. Failing to better safeguard America's borders will only make illegal entry into the United States more attractive.
- **Enhanced system of legal immigration and temporary work visas.** Rather than rewarding those who have come here illegally, Congress and the Administration should look toward better managing those who wish to legally immigrate to the United States while abiding by the rule of law. Furthermore, the government should pilot effective temporary worker programs that get employers the employees they need when they need them to help grow the economy and create more jobs.

Take a Hint. It is time that Congress take this issue seriously and reject the amnesty-first strategy once and for all. What is required is a balanced strategy that emphasizes sensible border security, workplace and immigration enforcement, and establishing responsible visa reforms and temporary worker programs.

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