

# 4 BIG Problems With Senate's S.744 Immigration Reform Bill

## No. 1: Won't Stop the Next Amnesty

*The Gang of Eight promises that the bill will end illegal immigration with tough new enforcement. But the enforcement triggers are weak, and interior enforcement is largely excluded.*

- **AMNESTY FIRST, ENFORCEMENT LATER -- MAYBE:** The main benefits for illegal aliens – legal status and work permits – are given before any enforcement. There are no hard triggers to guarantee improved enforcement after that (pp. 61-62).
  - The border security “triggers” merely require the DHS to submit to Congress and commence two “plans” for achieving border security. Congress does not get to vote or even advise – just receive the plan. DHS only has to demonstrate they’ve started the plan before illegal aliens get their legal status (pp. 9-10).
  - Past experience indicates that Presidents never carry out the enforcement once the immigration rewards are distributed. Nearly every enforcement promised in this bill (i.e. border security, workplace verification and entry/exit system) was previously a promise in one or more laws passed by Congress since 1986. They are now promises in this bill because the earlier promises were all broken.
  - After 10 years, even the path to citizenship can be given without enforcement implementation (pp. 11-14).
- **ALLOWS FUTURE ILLEGAL ALIENS TO OBTAIN AND KEEP U.S. JOBS:** Millions more illegal aliens may be enticed to enter by the fact that they can continue to obtain jobs during the five years the bill phases in the mandatory use of E-Verify for all employers. The same is true for current illegal aliens who don’t qualify for the amnesty. After the five years, all of those illegal aliens can continue to work in the U.S. if they stay in the same job because there are no provisions that allow – let alone require – employers to check the work authorization of existing employees – just new hires. (pp. 408-549).
- **ADMINISTRATION DECIDES WHICH LAWS TO ENFORCE:** Nearly every aspect of enforcement in the bill includes the opportunity for an Administration official to issue waivers to avoid the enforcement.
- **The NEVER-FINISHED 1996 ENTRY/EXIT SYSTEM GUTTED:** S.744 calls for the completion of an electronic entry/exit system that must be used at all seaports and airports. But it excludes 106 land **border entry points** where most crossings take place. All the entry points were required under a 1996 law and have been funded by Congress 5 times since, but every President has refused to implement (p. 556-558).
- **LITTLE THREAT OF DEPORTATIONS FOR FUTURE ILLEGAL ALIENS:** No provisions call for the removal of illegal aliens who entered after the December 31, 2011 deadline or who come in the future. One estimate suggests 400,000 illegal aliens already have entered since then (p.61).
  - S.744 makes only a few references to Immigration and Customs Enforcement (ICE), the agents charged with policing the entire country beyond the borders. Although S.744 creates 5,000 agents for ICE and for USCIS (which processes green cards), there is nothing that says any of them will be for ICE enforcement (pp. 549-550).
  - S.744 prevents ICE agents from deporting illegal aliens during the application window for amnesty if the illegal alien appears to be eligible and even if the illegal alien has yet to submit an application for amnesty (pp. 72-73).
- **ANTICIPATES FUTURE BUILDUP OF ILLEGAL POPULATION:** The bill is filled with provisions that have been previously proposed to make life easier for the current 11 million illegal aliens who won’t need them after they get their amnesty. States are guaranteed the right to offer in-state tuition to future illegal aliens. Future detained illegal aliens are guaranteed legal representation through new “legal orientation programs” (p. 585) The Attorney General has unreviewable discretion to appoint counsel to illegal aliens in removal proceedings (p. 583). Illegal aliens deemed to be inadmissible because they’re members of a violent gang can instead renounce all association with the gang (p. 621). Third-party oversight (ACLU, LaRaza, etc.) of illegal-alien detention centers to ensure humane treatment and respect of individual rights (p. 662).

## No. 2: Floods Labor Markets & Communities with 33 Million in First Decade

*While 20 million Americans can't find a full-time job, much of bill based on claim of labor shortages.*

- **FEW OFFSETS TO LABOR COMPETITION OF AMNESTY:** While giving work permits to 11 million illegal aliens, the bill’s only offset for adding that much competition to unemployed Americans is an elimination of the Visa Lottery (55,000 per year) and of future applications from adult siblings of past immigrants who are U.S.citizens (65,000 per year) (p. 276).

- **ACCELERATES CHAIN MIGRATION:** The bill requires green cards within 7 years for the 4.3 million foreign citizens who have applied in chain migration categories. That amounts to nearly a tripling of the usual rate of chain migration in those categories. Although it stops future applications for adult siblings of past immigrants who are U.S. citizens, the bill continues all other forms of chain migration, including unlimited numbers of parents. These millions of work permits are for people regardless of skill who generally are much less educated than the average American (pp. 272-273).
- **UNLIMITED COMPETITION TO AMERICANS WITH HIGH EDUCATION:** S.744 creates four new unlimited employment-based green card preferences for: 1) Aliens with a PhD in any field (p. 315), 2) Foreign Physicians (p. 315), 3) Foreign Students that graduate from a U.S. university with an advanced degree in a STEM field (pp. 315-318), and 4) Spouses and Minor Children of all employment-based entrants (p. 319).
- **DOUBLES CURRENT LEGAL IMMIGRATION LEVEL – WHICH ALREADY WAS TRIPLE THE TRADITIONAL AVERAGE:** In the first decade, the net effect of S.744's new categories, its two subtracted categories and its numerous increased categories is to double the number of green cards for new immigrants over the 11 million per decade level since 1990, which was more than three times the traditional level of 3 million green cards per decade. Essentially, the bill gives green cards to 11 million illegal aliens, to the 11 million new immigrants who would come under existing law and to another 11 million who will come in through new and expanded categories, according to a detailed line-by-line analysis of the bill by NumbersUSA. The 33 million in a single decade is almost half the total of all immigrants who ever came in U.S. history since the founding of Jamestown in 1607.

### No. 3 Adds Massive Unfunded Mandate to Government Spending & Debt

*A Heritage Foundation study calculates that 11 million illegal aliens will receive \$9.4 Trillion in government services over their lifetime, but only pay \$3.1 Trillion in taxes. That equals a gigantic (a) addition to the national debt, or (b) increase in taxes for other Americans, or (c) combination of both.*

- **EDUCATION LEVEL DETERMINES THE NET COSTS:** Most Americans cost more in government services than they pay in taxes. Even if the illegal aliens had the same education and income and paid the same taxes as Americans, 11 million of them would add considerable costs to the government and add to the national debt, according to the exhaustive study by the Heritage Foundation of federal data.
  - Only Americans with post-graduate degrees (on average) pay more in taxes than they cost in services. College grads essentially break even. Americans with some college, no college or no high school degree are extremely expensive to the government.
  - The Heritage study assumes that illegal aliens will earn and pay taxes and use services much like Americans of the same education level.
  - The huge costs of the amnesty are due to the fact that 75% of illegal aliens have no more than a high school degree and that the average education level for illegal aliens is the 10<sup>th</sup> grade.
- **NET COST PER AMNESTIED HOUSEHOLD:** Using voluminous studies and data collection of the federal government, the Heritage study found:
  - After legalization, but in the first 10 years before green cards are issued, the net fiscal deficit for each illegal-alien household would be \$11,455. While illegal aliens will be barred from means-tested benefits, they'll be eligible to receive public education benefits and population-based services (police, fire, highways, parks, etc., all of which have to expand with the population).
  - Once green cards are issued (mostly after a decade), illegal aliens will be eligible for means-tested welfare, Social Security, Medicare, and Obamacare. The net fiscal deficit of the average illegal-alien household would more than double to \$28,000 per year.
  - The Heritage study assumes that illegal aliens would increase their education, their earning power and their taxes after an amnesty. But the net liability for the government would be \$6.3 trillion.

### No. 4 Hides Special-Interest Payoffs in a Giant Bill

*Much bad lawmaking to appease Special Interests can be hidden in nearly 900 pages. (Here are some small examples.)*

- S.744 exempts **ski and snowboard instructors** from the H-2B visa cap (p. 788). (Sen. Michael Bennet of Colorado is a member of the Gang of Eight.)
- S.744 earmarks \$150 million for **immigration lawyers and pro-illegal-immigration groups** that educate and assist illegal aliens in completing the amnesty process (p. 133-136).
- S.744 provides additional guest-worker visas for the **meat packing** industry (p. 839). (Gang of Eight member, Sen. Lindsey Graham, has said meat packers in South Carolina can't find enough workers, and turkeys and chickens are the state's top commodities.)
- S.744 provides guest-worker visas for individuals that repair **cruise ships** (p. 795). (Sen. Marco Rubio of Florida is in the Gang of Eight.)

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