

AMENDMENT IDEAS TO IMPROVE S. 744

CONCERN: We should require that a specific amount of fencing be built, not give DHS latitude to decide how much to build as part of their border fence strategy.

☒ **SOLUTION:** *An amendment to require at least 700 miles double-layered border fencing, with authorization for the necessary funding to do it.*

CONCERN: Illegal immigrants get legalized once and for all in exchange for DHS to simply submit a border fencing and security plans.

☒ **SOLUTION:** *An amendment to ensure that RPI renewals at the six year mark do not happen until the fencing and security plans are substantially completed, as opposed to simply submitted.*

CONCERN: The exit system to crack down on visa overstays lacks enough teeth to enforce.

☒ **SOLUTION:** *An amendment to provide the means for ICE to go after visa overstays.*

CONCERN: The exit system omits land ports of entry.

☒ **SOLUTION:** *An amendment to require the exit system be implemented and operational at our land ports of entry, not just at air and sea ports as the current bill does.*

CONCERN: Achieving the prescribed border awareness/apprehension metrics of 100 percent/90 percent are not real triggers. Regardless of whether these targets are met, the path to a green card can proceed.

☒ **SOLUTION:** *An amendment to eliminate or scale back the bill 's exceptions that would allow RPIs to apply for green cards if the border security and fencing triggers are not met.*

☒ **SOLUTION:** *An amendment to require that, if the 100/90 metrics are not met within the first 10 years, Congress would have to affirmatively vote that the border is secure before any green cards can be granted to the current illegal immigrant population.*

CONCERN: Tying up the security triggers in litigation will effectively ensure we get little security in exchange for granting legalization.

☒ **SOLUTION:** *An amendment to tighten the litigation exception that allows green cards to be granted by 1) only allowing for fast track court consideration of constitutional challenges to those security provisions; and 2) providing Congress the ability to intervene if the administration isn't defending the constitutionality of those provisions.*

CONCERN: The triggers are not specific enough and, therefore, DHS has no clear, mandated goals they need to meet.

☒ **SOLUTION:** *An amendment to more clearly define "operational control" and "metrics", by adopting the specifics from Senator John Cornyn 's border security bill, which DHS will be required to meet.*

CONCERN: The border metrics are not applied to the whole border, just "high risk sectors."

☒ **SOLUTION:** *An amendment requiring that the entire border (not just high risk sectors) be secured with either the 100% surveillance rate and 90% apprehension/turnback rate or the "operational effectiveness" and other Cornyn bill "metrics". This will include:*

- *The determination that this has been achieved must be done 10 years after the date of enactment and must be personally certified by the President in office at the time.*
- *At the ten year mark, Congress would have the ability to override that decision by a majority vote of both chambers.*

- Likewise, if President refuses to certify border is secure, then a majority vote of both chambers of Congress can certify that it is secured. Until this metric is achieved, people who are in RPI status will not be able to adjust to LPR status.

CONCERN: The path for illegal immigrants is too forgiving if they commit crimes.

- ☒ **SOLUTION:** An amendment to lower the grounds for ineligibility of RPI status from 3 misdemeanors or 1 felony to 1 conviction of any kind.
- ☒ **SOLUTION:** An amendment to detail what kind of misdemeanors cannot be waived.
- ☒ **SOLUTION:** An amendment to eliminate the ability for criminal record waivers entirely. , or detailing the kind of misdemeanors that cannot be waived.

CONCERN: This bill doesn't do enough to prevent illegal immigrants from obtaining public benefits.

- ☒ **SOLUTION:** An amendment to make welfare fraud grounds for revoking RPI status.
- ☒ **SOLUTION:** An amendment stipulating that if you received welfare benefits or any other means tested federal public benefits when you weren't supposed to as an RPI, you lose status and are subject to removal. To ensure enforcement, this amendment will require regular audits of the welfare rolls to make sure no one is defrauding the system in this manner.
- ☒ **SOLUTION:** An amendment stipulating that if you receive state or local welfare benefits, you are considered to have violated the public charge requirement and cannot move forward in the RPI process. This amendment will define what constitutes "state or local" welfare benefits, so the regulations are not written by this or any future administration.

CONCERN: There is an ObamaCare loophole for LPRs to be able to access it.

- ☒ **SOLUTION:** An amendment to harmonizing Obamacare and Medicaid eligibility for all LPRs. Current law says that you cannot qualify for general Medicaid coverage (non-emergency coverage) as an LPR if you haven't been in the country as an LPR for 5 years. This amendment will simply clarify that a LPR cannot qualify for Obamacare unless they have been in the country for a period of 5 years.

CONCERN: There is too much leeway given to the federal government when it comes to granting exceptions based on "hardships".

- ☒ **SOLUTION:** An amendment to the hardship exception language so that it mirrors current law. The bill's current language reverts back to language under the INA prior to 1996 where an individual could claim a hardship waiver by saying they themselves will suffer an "extreme hardship" if removed from the country. After IRRIRA was passed, in order to qualify for hardship exceptions, you had to show that you had a spouse, parent, or child who a citizen or LPR and that they would face an "exceptional and extremely unusual" hardship.

CONCERN: The reauthorization of SCAAP contained in the bill is toothless without funding.

- ☒ **SOLUTION:** An amendment to provide SCAAP funding to help law enforcement and local communities that use 287g in prosecuting criminal illegal immigrants.

CONCERN: The public charge requirements are weaker for RPI's than they are for green card applicants.

- ☒ **SOLUTION:** An amendment requiring the public charge requirement to apply when RPI status holders attempt to extend their status. Currently, the bill requires them to show that their average income is at least 100% of the poverty rate when they want to extend their RPI status; the amendment would raise it to 125% of the poverty rate. 125% is what we require under current law to show that you're not a public charge and it's what we require individuals in RPI to show when they apply for a green card; there should be no problem moving this to 125% and it will provide consistency across the board.

CONCERN: This bill contains hundreds of waivers and exceptions that give the federal government too much discretion in how it enforces the law.

☒ SOLUTION: *Various amendments to eliminate the most objectionable waivers. For example:*

- There is a waiver that allows someone who has been convicted of more than 3 misdemeanors to be able to adjust if they've committed more misdemeanors; not only should there not be a waiver for this, but the criminal grounds for ineligibility must be tighter and should only allow, at most, for 2 total misdemeanors per applicant.
- There is another waiver that allows people who were deported and then reentered illegally to qualify for RPI - this section should be removed entirely.

CONCERN: The background check requirement should be more frequent because a lot can happen in the span of years when RPI's are currently required to appear before the government.

☒ SOLUTION: *An amendment to strengthen the background check requirements by making the criminal requirements more strict.*

☒ SOLUTION: *An amendment requiring RPI's to submit to background checks when they extend their RPI status (every 6 years), or when they extend their employment authorization (every 3 years).*

CONCERN: The bill has a slush fund for citizenship training classes - money that will ultimately go to left-wing activist groups. The government is doing enough for illegal immigrants by allowing them to remain here; we shouldn't be paying groups like La Raza to do what the private sector and personal donations can do.

☒ SOLUTION: *An amendment to remove the section on the Office of Citizenship and New Americans.*

CONCERN: The bill won't prevent RPIs from receiving one type of federal benefit: refundable tax credits.

☒ SOLUTION: *An amendment to specify that RPIs do not qualify for the Earned Income Tax Credit or other refundable tax credits.*

CONCERN: The bill's asylum and refugee criteria are eased significantly.

☒ SOLUTION: *An amendment to eliminate the bill's current asylum and refugee provisions entirely. There is a "change of circumstances" section that would allow asylum applicants to say that even though they no longer have a well-founded fear of persecution back home, they can still move forward with their asylum applications. This undermines the concept of granting asylum to people who are being persecuted in their home countries.*

CONCERN: There are not enough protections for American workers in the high tech field.

☒ SOLUTION: *An amendment to eliminate recruiting and outplacement in the high tech sector, establishing tighter requirements to make it harder for companies to petition for nonimmigrant workers.*

CONCERN: Though curtailed, chain migration will still occur under this bill.

☒ SOLUTION: *An amendment to fully eliminate the F3 chain migration category. The bill preserves the F3 provision that allows the married sons and daughters of U.S. citizens to still come into the country so long as they are 31 years old or younger.*

OTHER MISCELLANEOUS CONCERNS

- *Requiring that E-Verify apply to all workers and not just new hires.*
- *Completely eliminate the ability for anyone who left and then reentered illegally after Dec 31, 2011 the ability to petition for RPI status*
- *Specify an age cap for DREAMers, with 30 years of age being the maximum*

- *Relabel the funding under the bill so it doesn't skirt around "pay as you go" by calling virtually all funding "emergency."*