



[Immigration Reform News and Impact on US Homeland Security January 22, 2014](#)

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House GOP Leadership Expected to Endorse Amnesty

"As details continue to emerge about Speaker John Boehner's (R-OH) immigration "principles" for House Republicans, it is increasingly anticipated that the Speaker and House GOP leadership will support granting amnesty to the 12 million illegal aliens in the country.

Sources familiar with the Speaker's plan say the one-page document embraces the core elements of the Senate mass amnesty bill, S. 744. ([Wall Street Journal](#), Jan. 16, 2014; [Politico](#), Jan. 15, 2014) While lacking details, similar to the Senate bill the plan allegedly calls for a path to "earned" citizenship, a DREAM Act (expedited amnesty for illegal aliens who claim to have been brought to the country unlawfully as minors), and increased guest workers. (Id.; see FAIR's [S. 744 Resources](#) for comparison) In addition, although the plan supposedly promises increased border security and enhanced E-Verify, it maintains the legalization first, enforcement maybe approach adopted by the Senate. (Id.) Despite the similarities between S. 744 and Boehner's principles, the Speaker's document is reported to contain an explicit "promise" to never

conference with the Senate bill. ([Politico](#), Jan. 15, 2014; see FAIR [Legislative Update](#), Nov. 20, 2013)

The Speaker's principles document, which many expect to be released before President Obama's State of the Union address next week, will guide the immigration discussion during the GOP retreat January 29-31. (See [Wall Street Journal](#), Jan. 16, 2014; [Politico](#), Jan. 15, 2014) A source close to House leadership revealed that the immigration debate will include an outside "expert," a panel of legislators, and an opportunity for rank-and-file members to voice their opinions. ([Daily Caller](#), Jan. 17, 2014) However, FAIR's sources believe the panel will consist of only pro-amnesty members, casting doubts on how "open" the conversation will be.

Curiously, House GOP leadership seems determined to pass "immigration reform" despite recent polling showing clear voter opposition. A new Quinnipiac University poll shows that 52 percent of Republicans and 42 percent of independents would be less likely to vote for a legislator who supports a "path to citizenship for illegal immigrants." ([Quinnipiac University Poll](#), Jan. 8, 2014) In fact, opposition to amnesty has increased 50 percent since a May 2013 Quinnipiac poll showed that 36 percent of Republicans and 25 percent of independents would be less likely to vote for a pro-amnesty legislator. ([Quinnipiac University Poll](#), May 31, 2013) Additionally, a new Gallup poll reveals that only three percent of American adults surveyed believe immigration is a priority that should be addressed in 2014. ([Gallup Poll](#), Jan. 15, 2014)

Study: House Proposal Could Grant Amnesty to 6.5 Million

On Tuesday, the National Foundation for American Policy released a policy brief speculating that if turned into legislation, an amnesty proposal by House Judiciary Chairman Bob Goodlatte (R-VA) would grant amnesty to between 4.4 and 6.5 million illegal aliens. ([NFAP Policy Brief](#), Jan. 2014) The author of the policy brief, Stuart Anderson, has long advocated for amnesty for decades through various roles in government and policy.

Basing his policy brief's statistics on comments made by Rep. Bob Goodlatte, Anderson published this analysis despite the fact that the Congressman has not yet introduced or publicly released any legislative text. Anderson extrapolates facts and figures from Rep. Goodlatte's comment that amnesty can be implemented by "us[ing] routes that already exist in law: sponsorship by a family member, including a U.S. citizen spouse, or sponsorship by an employer." (Id. at 9, See also [NBC Latino](#), Sept. 19, 2013) From this statement, Anderson presumes that Goodlatte's amnesty bill could legalize parents of U.S. born children, spouses of U.S. citizens or green card holders, individuals arriving to the U.S. as minors, and other subsets of the illegal alien population. He applies statistics from the Congressional Budget Office's report on S. 744 (the Senate mass amnesty bill) to conclude that between 4.4 million and 6.5 million could be amnestied in Rep. Goodlatte's proposal.

Anderson also assumes that Goodlatte's comment that amnesty would permit illegal aliens "to be legally present in the United States, able to work anywhere [they] wanted... [and] travel to [their] home country" is a proposal to abandon the three and ten year bars to future entry into the United States for illegal aliens. (See INA § 212(a)(9)(B)) Anderson also addresses another possible legislative provision with support from "some Republicans" that would permit illegal aliens to be

sponsored within 6 years. ([NFAP Policy Brief](#) at 14, Jan. 2014) The Republicans who support the proposal are unidentified in Anderson's policy brief, but news reports indicated that a bill that would grant amnesty in 6 years was being spearheaded by Rep. Darrell Issa (R-CA) last year. (See [Politico](#), Oct. 23, 2013) Anderson's policy brief also uses statistics from the Pew Center to conclude that two million illegal aliens could qualify for amnesty under this provision. ([NFAP Policy Brief](#) at 14, Jan. 2014)

To advocate for amnesty in this policy brief, Anderson makes a number of conclusions about the nature of illegal immigration without citing to evidence. He advocates for amnesty by arguing that a "lack of legal means to enter the United States to work" and not a "lack of personnel at the border" is "the primary reason for illegal immigration." (Id. at p. 5) Anderson also argues, without evidence, that stronger border enforcement would not decrease illegal immigration and does not consider enforcement and deterrence as a way to reduce illegal immigration. Yet, in direct contradiction, Anderson argues Congress should eliminate the three and ten year bars to future entry into the United States for illegal aliens because these bars have resulted in illegal aliens "choosing to stay in the country in unlawful status, rather than risking travel abroad." (Id. at 3)

Stuart Anderson's report has clearly been shaped by his previous experience in immigration policy. Anderson is currently the executive director of the National Foundation for American Policy and has been employed in Washington, D.C. advancing amnesty for decades. Anderson worked for Immigration and Naturalization Service Commissioner James Zigler, an appointee known for weakening immigration law enforcement (See Copley News Service, Mar. 19, 2002) and as a staffer on the Senate immigration subcommittee for pro-amnesty Senator Spencer Abraham (R-MI). ([NFAP Website](#), Jan. 16, 2014) He also was Director of Trade and Immigration Studies and currently remains an adjunct scholar at the Cato Institute, a think tank that advocates for open borders. ([Cato Website](#), Jan. 16, 2014)

Obama: If Congress Won't Pass Laws, "I've Got a Pen"

As he convened his first Cabinet meeting of the year last week, President Obama indicated he will implement his 2014 agenda with or without Congress. In televised opening remarks to his Cabinet officials, he called for Congress to complete "immigration reform," which he described as a "major piece of unfinished business from last year." But then he explained that his administration was "not just going to be waiting for legislation," but would act unilaterally if Congress refuses to pass his agenda. He declared: "I've got a pen and I've got a phone, and I can use that pen to sign executive orders and take executive actions... And I've got a phone that allows me to convene Americans from every walk of life — nonprofits, businesses, the private sector, universities, to try to bring more and more Americans together around what I think is a unifying theme..." ([White House Press Release](#), Jan. 14, 2014; see also [video clip](#))

President Obama's latest comments represent a reversal from statements he made late last year taking a less expansive view of his ability to implement policies without Congressional approval. During a speech on immigration in San Francisco, an illegal alien protestor in the audience interrupted to demand Obama put an end to deportations by executive order. (See [NBC Bay Area](#), Nov. 26, 2013) Obama responded: "if in fact I could solve all these problems without

passing laws in Congress, then I would do so. But we're also a nation of laws. That's part of our tradition." ([Wall Street Journal](#), Nov. 25, 2013)

The President made similar comments before enacting the Deferred Action for Childhood Arrivals (DACA) program. (See FAIR's report, "[President Obama's Record of Dismantling Immigration Enforcement](#)" at 20, Feb. 2013) Obama said that "it was just not the case" that he could "suspend deportations through executive order" because "there are laws on the books that Congress has passed." ([White House Press Release](#), Mar. 28, 2011) However, in June 2012, the Department of Homeland Security announced that it would indeed implement the Dream Act administratively. (See FAIR's [Legislative Update](#), Jun. 19, 2012)

Speaker John Boehner (R-OH) responded to the President's latest remarks during his weekly press conference. He stated: "I would remind the President he also has a Constitution and an oath of office that he took to faithfully execute the laws of our country." However, possibly referring to plans for the House to take up immigration reform legislation, he went on to say that there is "[n]o reason that this can't be a bipartisan year..." (See [Speaker's Blog](#), Jan. 16, 2014)

Congress Passes Bill to Fund Government, Cuts Key Programs

As part of a \$1.1 trillion omnibus spending bill passed last week, Congress funded all federal agencies for the remainder of fiscal year 2014. (See [enrolled version of H.R. 3547](#)) In particular, the appropriations bill reduces discretionary spending for the Department of Homeland Security (DHS) to \$39.3 billion, \$336 million less than fiscal year 2013.

Though the overall spending for the department charged with enforcing our immigration laws did not change significantly, some individual programs nonetheless saw their budgets cut.

- The Office of Biometric Identity Management (which is US-VISIT's successor and responsible for implementing the biometric entry-exit system) was reduced to roughly \$227 million, down \$5 million from last year;
- "Salaries and Expenses" for U.S. Immigration and Customs Enforcement (ICE) was reduced to \$5.2 billion, down nearly \$165 million from last year; and
- "Salaries and Expenses" for U.S. Customs and Border Protection was reduced to \$8.1 billion, down roughly \$147 million from last year.

(Id.; see also [H.R. 933](#), Division D)

Perhaps most notably, in a blow to state and local enforcement efforts, the bill drastically reduces funding for the Justice Department's State Criminal Alien Assistance Program ([SCAAP](#)). Congress reduced the annual funding for the program — which is designed to reimburse state and local law enforcement agents for detaining criminal aliens for ICE — from \$238 million last year to \$180 million. This follows a pattern of reductions in the program whose funding has been gradually cut from a high of \$565 million in 2002. (See [Arizona Central](#), Jan. 17, 2014)

Another immigration enforcement program, E-Verify, also did not make it out of negotiations completely intact. Though the electronic employment authorization verification program

received a slight \$2 million boost in funding up from last year, lawmakers also quietly removed language appearing in previous appropriations bills that prohibits DHS from using funds to hire individuals not verified through the program. (See Section 533 of [P.L. 111-83](#))

Other key programs remained funded at current levels. Consistent with current law, the 2014 appropriations bill requires ICE to maintain the current minimum number of detention beds, 34,000, and maintains the current level of full-time active duty Border Patrol agents, 21,370.

Despite the legislation's 1,500+ pages, both chambers of Congress passed the bill — and President Obama signed it into law — in just three days. (See Senate [Roll Call Vote](#), Jan. 16, 2014; see also House [Roll Call Vote](#), Jan. 15, 2014)