



**“One of (Joe Biden’s) first acts in office was sending an immigration bill to Congress to grant mass amnesty to illegal immigrants.”**

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**Tillis doesn't tell full story about Biden 'amnesty' bill**

**IF YOUR TIME IS SHORT**

- U.S. Sen. Thom Tillis, a Republican from North Carolina, says President Biden introduced a bill that offers "amnesty" for immigrants in the country illegally.
- Immigration experts say the word "amnesty" is so vague and overused that it no longer conveys any specific meaning.
- However, some say Biden's plan is more lenient than the sweeping immigration law signed by President Reagan in 1986.

**See the sources for this fact-check**

U.S. Sen. Thom Tillis says President Joe Biden has failed to live up to his promises on immigration.

The North Carolina Republican goes even further in a recent [Fox News op-ed](#), arguing that Biden attempted to grant "mass amnesty" to immigrants in the country illegally.

"One of his first acts in office was sending an immigration bill to Congress to grant mass amnesty to illegal immigrants," Tillis wrote.

While the op-ed doesn't specify the bill Tillis is referring to, his office [cited the U.S. Citizenship Act of 2021](#).

So, is Tillis right about Biden's bill?

Most experts hesitate to label Biden's bill as granting "mass amnesty" because it requires immigrants to meet certain criteria along their pathway to citizenship. And while the legislation does appear to open a wider gate than previous legalization efforts, the term "amnesty" is squishy, having been loosely defined and debated for many years.

Biden's bill is more lenient than the bipartisan "[Gang of Eight](#)" proposal in the Senate that gained momentum in 2013. However, experts didn't agree on whether it's more lenient than a law enacted in 1986 by President Ronald Reagan, which is considered the modern standard for amnesty bills.

**Biden's plan**

Biden's plan offers what the U.S. News & World Report described as a "two-tier" pathway to citizenship.

A three-year path to citizenship would be available for some farmworkers, immigrants who arrived here illegally when they were children (known as "Dreamers") and people who currently benefit from a Temporary Protected Status designation. The expedited path could affect 3 million people, according to the Migration Policy Institute, a nonpartisan think tank.

An eight-year path to citizenship would be available for all undocumented immigrants living in the United States at the start of 2021. In total, the bill could affect as many as 11 million immigrants. All immigrants would be required to pay taxes and pass background checks.

The bill takes a more comprehensive approach to immigration than previous proposals because it also seeks to reduce visa backlogs, eliminate per-country admission caps, get rid of the one-year deadline for filing asylum claims and expand access to some visas.

If enacted into law, it would fulfill Biden's promise to create "a roadmap to citizenship for the nearly 11 million people who have been living in and strengthening our country for years."

So, does it call for "mass amnesty?"

### **What is amnesty?**

Amnesty is a loose term that PolitiFact has explored dozens of times. We consulted six experts on the issue. They said the word is used so often and so excessively it's almost devoid of a specific meaning.

- Does the term only apply to bills that offer blanket legalization?
- Do the criteria for legalization matter?
- Could it refer to any proposed pathway to citizenship?

Tillis' office says the U.S. Citizenship Act of 2021 meets the definition of amnesty outlined by a researcher for the Center for Immigration Studies, in a previous fact check about Tillis' SUCCEED Act.

Steven Camarota, whose group pushes for more limits on immigration, said amnesty basically refers to forgiveness for a crime (meaning Tillis' SUCCEED Act could qualify as amnesty, despite having stringent citizenship requirements). It's important to note though that the simple act of being in the United States illegally is not necessarily a crime.

As PolitiFact has noted before, one legal definition of amnesty is that of "a blanket abolition of an offense by the government, with the legal result that those charged or convicted have the charge or conviction wiped out."

Meanwhile, experts have told us the immigration law signed by President Reagan in 1986 often serves as the standard for what qualifies as amnesty.

The Immigration Reform and Control Act, or IRCA, said anyone who had been in the country continuously for about four years when the bill was signed into law, who paid a \$185 fine and back taxes and who demonstrated "good moral character" would be granted legal status. Ultimately, the law allowed about 2.7 million people to get green cards.

## Comparing proposals

So, how does Biden's plan compare to other proposals?

Experts say it's more lenient than the so-called "Gang of Eight" proposal that attained notoriety in 2013 but never became law. That bill would have created a 13-year pathway to citizenship while also allocating billions of dollars to tighten border security.

Is it more lenient than Reagan's 1986 law? Some experts told us Biden's law might actually be stricter. Others argue it's unfair to compare the two, since the immigration issue has changed over the last 30 years.

Biden's proposal is "much closer to the Gang of Eight bill than to Reagan's amnesty," said David Leopold, a partner with Ulmer and Berne LLP.

"But unlike those bills, Biden's bill shifts the paradigm by providing a holistic approach," Leopold said. "It addresses the root causes of migration from Central America by promoting rule of law, security and economic development, strengthening the regional humanitarian responses for refugees and asylum seekers and manages the border."

Edward Alden, the Bernard L. Schwartz senior fellow at the Council on Foreign Relations, says experts have "learned an awful lot since IRCA.

"The Reagan bill was premised on the notion that a one-time legalization would 'solve' the illegal immigration problem. But it paid no attention to what was going on in Mexico, and made no provisions for new legal channels, enhanced border security or employment verification," Alden said.

Ann Lin, associate professor of public policy at the University of Michigan-Ann Arbor, is one of a couple experts who believe Biden's bill might in some ways be stricter than Reagan's law.

Biden's law "does allow the primary applicant to apply for his/her immediate family dependants at the same time. In that way it is more generous than the 1986 law," Lin said. "On the other hand, because there's a six year period (to become a permanent resident), those dependents are also likely to face a longer time period between application and permanent residence than the 1986 dependents."

"In some ways, the U.S. Citizenship Act is similar" to Reagan's law, said Kevin R. Johnson, an immigration law expert and dean of the University of California, Davis School of Law.

"However, the proposed act also addresses legal immigration in ways that IRCA did not; the U.S. Citizenship Act has a better chance in my view of allowing many undocumented immigrants to legalize and to avoid the growth of a new undocumented population, like that which occurred after IRCA."

Biden's plan would "provide a quite wide path to legal status and eventually citizenship," said Julia Gelatt, a senior policy analyst at the nonpartisan Migration Policy Institute. It also "arguably has fewer requirements than Reagan's bill."

David Bier, an immigration researcher at the Cato Institute, agreed Biden's bill "has fewer requirements than the Reagan bill."

But Gelatt hesitated to use the term amnesty, noting that Biden's plan requires applicants to "pay a fee, undergo screening, and pay federal taxes."

While Reagan's law required people to "pay a fee, go through normal screenings, show proof of financial resources to ensure self sufficiency, and, to get a green card, show basic knowledge of English and U.S. history and government," the Biden bill includes "the fee and background checks, but not documentation of self-sufficiency or the extra English/civics requirement."

Overall, Biden's plan is "not a completely open path to legal status," Gelatt said. "But it is a broader and faster legalization pathway than others that have been proposed in recent years."

### **Our ruling**

Tillis said: "One of his first acts in office was sending an immigration bill to Congress to grant mass amnesty to illegal immigrants."

It's fair to say that Biden's plan would offer a wider path to citizenship than other proposals in recent years. However, experts avoid the word amnesty because it's a vague term that doesn't convey that criteria applicants must meet in order to qualify for citizenship.

On balance, we rate this claim Half True.