

## Sen. Marco Rubio says immigration bill is not amnesty

By: Molly Moorhead – April 17, 2013

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The immigration proposal from the Gang of Eight "is not amnesty."

Marco Rubio on Sunday, April 14th, 2013 in an interview on "Fox News Sunday"

Florida Sen. Marco Rubio took on a public relations role ahead of the release of a bill to overhaul immigration. Rubio appeared on seven Sunday talk shows -- a new record, by most accounts -- to promote the legislation and make a pre-emptive strike against conservative resistance.

A possible flash point of that resistance: the notion that the bill would provide amnesty for the millions of immigrants living in the United States illegally.

"This is not amnesty," Rubio said on Fox News Sunday on April 14, 2013. "Amnesty is the forgiveness of something. Amnesty is anything that says do it illegally, it will be cheaper and easier."

We wondered if that's true. Does the bill give amnesty or not?

What's in the bill

Eight senators -- four Republicans, four Democrats -- unveiled the legislation April 17. It addresses lots of issues, including work visas and family reunification. But for this story we're focused on illegal immigration. A detailed summary of the bill describes some of the hurdles that people here illegally would have to clear before becoming eligible to apply for permanent residency or eventually, citizenship.

The bill would allow people to seek "Registered Provisional Immigrant Status," by demonstrating residence in the United States prior to Dec. 31, 2011, having no felony convictions and not more than two misdemeanors and paying a \$500 penalty plus back taxes. Another \$500 would be required after six years. After 10 years under Registered Provisional Immigrant Status, a person could pay \$1,000 and seek a green card using a new merit-based system. People brought here illegally as minors, known as "Dreamers," and workers in an agricultural program would get green cards in five years, versus the 10 for everyone else who qualifies.

New security measures would have to be under way before unauthorized immigrants could begin that process, however. The bill calls for \$4.5 billion for a strategy that includes new surveillance equipment, fencing along the Mexican border and more

customs agents. Employers would be required to check the legal status of employees through an electronic system known as E-Verify.

What's amnesty?

One legal dictionary defines amnesty as "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. ... The basis for amnesty is generally because the war or other conditions that made the acts criminal no longer exist or have faded in importance."

In modern American politics, though, the usual standard for amnesty is the Immigration Reform and Control Act of 1986. That law, supported by President Ronald Reagan, said that illegal immigrants could become legal permanent residents if they could prove they were in this country by Jan. 1, 1982, and met a few other minimal requirements. The law was widely described as an amnesty program, both then and now. And its failure to stem the flow of illegal immigration is partly why "amnesty" is such a poisonous word today.

For a comparison, consider this: the 1986 law granted legal status to any immigrant who had been in the country continuously since 1982, who paid a \$185 fine and back taxes and who demonstrated "good moral character." After 18 months, if they learned to speak English, they could become eligible for a green card.

So the new bill includes a criminal background check which the 1986 law did not, and it increases the time (to 10 years) and financial requirements (to \$2,000) before immigrants could obtain a green card.

Arguments pro and con

We reached out to immigration experts on all sides for their take on Rubio's statement.

Frank Sharry, director of the pro-citizenship group America's Voice, said he agrees with Rubio that the bill does not offer amnesty.

"If you look at what the consequences are -- first of all you have to come forward and register, submit to a background check. You have to pay fines," he said. "To me it's kind of like people who are caught for speeding. If you get caught for speeding in many states, they say 'okay, you have to pay a fine, take a class, lose your license for a while and you'll be reinstated.' No one calls that an amnesty."

Alex Nowrasteh, with the libertarian Cato Institute, agreed.

"This bill includes numerous punishments for unauthorized immigrants who broke the laws, including paying fines and other legal sanctions," he said. "If it was amnesty they would be legalized immediately with no punishment, no process. They would just be forgiven and handed a green card."

But Steven Camarota with Center for Immigration Studies, a group that favors low levels of immigration, argued that in practice most amnesties -- such as tax or parking ticket amnesties -- involve both a waiver and a penalty. Tax amnesties, for example, often allow delinquent taxpayers to pay back a defined amount, which may include reduced interest

or penalties. So they may end up paying less than they would have under prosecution, but not nothing.

In this case, Camarota said, "Is the normal rule of law being suspended? The penalty for being in the U.S. illegally normally says you have to go back to your home country. This says you don't."

"I don't think the fact that it is an amnesty -- which I think it clearly is -- makes it a bad policy," he said. "They're just not calling it an amnesty because politically that makes it tougher."

Our ruling

Rubio argues that the legislation outlining a 13-year pathway to legal status and eventually citizenship is not amnesty.

He's right that the bill does not offer blanket legal residency to unauthorized immigrants. The bill mandates fines, background checks and waiting periods, and it's tougher than its 1986 predecessor. But it also offers a measure of clemency to those immigrants, who would not be required to return to their home countries.

We rate Rubio's statement Half True.