



## THE TRUTH ABOUT AMNESTY

**Definition:** Amnesty, from the same Greek root as "amnesia," forgives past crimes and removes them from the record for future purposes. In the context of immigration, amnesty is commonly defined as granting legal status to a group of individuals unlawfully present in a country. It overlooks the alien's illegal entry and ongoing illegal presence and creates a new legal status that allows the recipient to live and work in the country.

**The Immigration Reform and Control Act of 1986:** The textbook example of amnesty. The 1986 law's path to citizenship was not automatic. The legislation stipulated several requirements to receive amnesty, including payment of application fees, acquisition of English-language skills, understanding of American civics, a medical exam, and registration for military service. Individuals convicted of a felony or three misdemeanors were ineligible. No one disputes that this act provided amnesty.

**The Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 [aka McCain-Kennedy CIR bill]:** This bill resembles the 1986 amnesty in several important ways. Like that law, it would grant amnesty to individuals unlawfully present in the United States. Its provisions prove that its effect would be "amnesty," which its proponents deny. Specifically,

- Only illegal aliens are eligible. Creates a new "Z" visa exclusively for illegal aliens, granting legal status to those who have willfully violated U.S. laws and denying that benefit to law-abiding aliens who have played by the rules. (Section 601(c)(1))
- Legal status is immediate. Section 1(a) allows probationary Z visas to be issued immediately after enactment. These probationary visas are nearly as good as non-probationary Z visas, giving the alien lawful status, protection from deportation, authorization to work, and the ability to exit and reenter the country with advance permission. (Section 601(h)(1))
- Immigration laws are set aside. Before anyone even applies for a probationary Z visa, the legislation would set aside the immigration laws that currently criminalize the presence of illegal aliens. The bill waives compliance with several laws as a condition for eligibility for the amnesty, including those concerning illegal entry, failure to appear for a removal proceeding, fraud in obtaining documentation to enter the United States, falsely claiming citizenship, violating terms of a student visa, failure to obtain valid immigration documents, unlawful presence for more than one year, and reentry after having been ordered removed. (Section 601(d)(2)(A))
- Eligibility leads to permanent residence. Probationary Z visas could be valid for years, depending on when the government begins issuing non-probationary Z visas (Section 601(h)(4)). The Z visa can be renewed every four years indefinitely (Section 601(k)(2)).
- Amnesty is unlimited. The bill grants legal status to virtually all of the 12 million to 20 million illegal aliens who are in the country today, and there is no cap on the total number of illegal aliens who could receive Z visa status.

**Impact of Amnesty:** In analyzing the 2007 CIR bill, Robert Rector of *The Heritage Foundation* stated, "The main fiscal impact... will occur through two mechanisms: (1) the grant of amnesty, with accompanying access to Social Security, Medicare and welfare benefits, to 12 million illegal immigrants who are overwhelmingly low skilled; and (2) a dramatic increase in chain immigration, which will also be predominantly low skilled."

"The bottom line is that high school dropouts are extremely expensive to U.S. taxpayers. It does not matter whether the dropout comes from Ohio, Tennessee, or Mexico. It does matter that the Senate immigration bill would increase the future flow of poorly educated immigrants into the U.S. and grant amnesty and access to government benefits to millions of poorly educated illegal aliens already here. Such legislation would inevitably impose huge costs on U.S. taxpayers." Heritage research has concluded that the cost of amnesty alone will be \$2.6 trillion. And the number of additional LEGAL immigrants who will join those who were the recipients of amnesty through chain migration, i.e., family reunification, will approach 70 million over a 20-year period, assuming there are only 12 million illegal aliens.

**The Alternative to a Blanket Amnesty:** The proponents of amnesty are wont to create the false choice between a blanket amnesty and mass deportation of 12 to 20 million illegal aliens. In reality, we have other choices and alternatives that don't reward people who have broken our laws with the right to stay and work here and an eventual path to citizenship. The 12 to 20 million illegal aliens did not enter this country overnight and they will not leave overnight. Attrition through enforcement works. We have empirical data from experiences in Georgia, Colorado, and Arizona. Specifically, we need to:

- Secure the borders. You cannot deal with those already here illegally without cutting off the endless supply of those wanting to enter illegally. Until the borders are secured, it is absurd to discuss additional guest worker programs and amnesty.
- Fully implement the US-Visit Program. There are over 4,000,000 aliens now in illegal status, i.e., people who entered legally as tourists or students or temporary workers but did not leave when their visa expired. We need a system that tracks who enters and leaves the country and deport those who overstay their visas.
- Enforce existing laws against employers. Jobs are the magnets that attract illegal aliens. The government's failure to enforce existing laws against employers and to create a proper employee verification program must end.
- Implement 287[g] nationwide. The federal government must provide state and local law enforcement with the training and access to databases to coordinate and leverage existing assets to identify and deport illegal aliens.
- State and local laws to discourage illegal settlement. Eliminate sanctuary cities.

In the 1986 amnesty legislation, we tried amnesty without enforcement. It's time to try enforcement without amnesty.