



# News Release **JEFF SESSIONS** UNITED STATES SENATOR | ALABAMA

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## **10 Questions For The Gang Of Eight**

### ***SOME OF THE MANY QUESTIONS THAT MUST BE ANSWERED BEFORE LEGISLATION IS PRODUCED***

Due to the enormous complexity of immigration reform and the profound consequences for American workers, taxpayers, and society at large, many have advocated for a step-by-step approach rather than a comprehensive one. The last attempt at comprehensive legislation was riddled with flaws and loopholes that made it unworkable—serving the special interests but not the national interest. Dozens of crucial questions remain for the Gang of Eight that must be resolved before any proposal can properly be called comprehensive. The American people have a right to know the answer to each of them—and to express their views during a thorough period of public hearing and review. The public must know exactly what’s in any far-reaching proposal before anyone votes on it. With that in mind, here are 10 questions for the Gang of Eight:

#### **1. Is this bill enforcement first or legalization first?**

After the last attempt at comprehensive legislation was rejected by the public in 2007, a national consensus emerged that any successful reform of our immigration system begins with securing the border and achieving enforcement of current federal law first—before creating any new legal status or amnesty. When the Gang of Eight first emerged, “enforcement first” was a publicly stated principle. Yet, on the March 31st edition of *Meet the Press*, Gang of Eight member Senator Chuck Schumer said: “We’ve come to a basic agreement, which is that first, people will be legalized. In other words, not citizens, but they’ll be allowed to work, come out of the shadows, travel. Then, we will make sure the border is secure. And we have specific metrics that are in the bill. I’m not going to get into what they are...” Following that statement, ICE officer and National ICE Council president Chris Crane explained that “the plan of the Gang of 8 appears to be legalization or amnesty first and then enforcement. That’s the big problem for us... Here’s my promise to America, if we don’t take care of the enforcement part of this first it will never happen. The only thing that will happen is that 11 million illegal aliens will be legalized.”

## **2. What are the concrete metrics used to measure border security?**

Since 2004, the Department of Homeland Security (DHS) has been required to maintain “operational control” the border, *i.e.*, the Department must be able to detect, identify, classify, and then respond to and resolve illegal entries along our U.S. borders. According to a 2011 GAO [report](#), the federal government has only 6.5 percent operational control of the southwest border. The stunning revelation that this administration had left the border highly vulnerable caused DHS to abandon that metric. Recently, Administration officials admitted that they have no standard by which to measure border security and have no plan to establish one, apparently because the Administration is concerned that it will discourage Congress from passing a large-scale amnesty. Meanwhile, Secretary Napolitano publicly dismissed the Gang of Eight’s idea of a border security “trigger” as “not the way to go.” According to recent news reports, the Gang of Eight is contemplating a trigger that simply asks DHS to *submit a plan* “to achieve within a decade 90 percent apprehension and 100 percent real-time surveillance.” Once that plan is simply submitted, illegal immigrants would be offered amnesty and, like 1986, there will be no way to guarantee that the enforcement will ever take place. Even the rejected 2007 legislation included a stricter trigger, requiring DHS to certify 100 percent operational control of the border.

## **3. Does the bill complete the border fence and secure all ports of entry?**

In 2006, Congress mandated 700 miles of physical double-layer border fencing. *To date, only 36.3 miles of that fencing have been completed.* Additionally, DHS has failed to comply with Congress’ nearly 20-year-old mandate that the government implement a biometric exit system to track visa overstays, which account for an estimated 40 percent of the illegal population in the country today. After the attacks of September 11th, the 9/11 Commission identified the absence of such a system as a national security threat. Importantly, GAO has specifically stated that without a *biometric* exit system, “DHS cannot ensure the integrity of the immigration system by identifying and removing those people who have overstayed their original period of admission.” Any comprehensive immigration reform must adhere to Congress’ mandate that a biometric exit system be implemented at all ports of entry—air, land, and sea.

## **4. Who gets amnesty and how many?**

The rhetoric of comprehensive reform often emphasizes that those illegal immigrants who have made lives for themselves in this country should be given amnesty. But no one knows who is actually eligible for amnesty under this bill and how many will be legalized. Questions include: the age of those eligible for amnesty; how long they have been in the country and how recently they illegally entered; whether they can petition to bring their family members from abroad; how many people will be legalized in total once all future family migration is taken into account; and how verification of identities, date of arrival, employment, and other information will

occur. News reports have indicated that some people will have an accelerated path to citizenship, but precisely who and how many is unknown. Reports further indicate that the plan will grant citizenship to 300,000 people in the country with *temporary* protected status. Also at issue is what happens to those who do not apply for the so-called probationary legal status (or those who apply and fail to meet the criteria) and whether they will be identified and deported (and within a time certain) or will not be deemed an administrative “priority.”

#### **5. How will the bill impact American workers and wages?**

In 2007, the last time a comprehensive bill was considered and rejected, the unemployment rate was 4.5 percent. Today it is nearly 8 percent, and the labor force participation is at a 30-year low. Economic growth remains tepid. Youth unemployment is 25 percent. A record number of Americans are on welfare. A large-scale amnesty combined with a dramatic increase in the future flow of immigration—including chain migration—will certainly have a negative impact on the wages and employment of American citizens. Already, the U.S. allows approximately 700,000 guest workers to enter the country each year. It has been roughly estimated that this bill will increase that number to over a million per year—and that increase in guest workers would be in addition to the increase in the future flow of immigration generally and the legalization of those now unlawfully present. As *The Weekly Standard* editor Bill Kristol recently pointed out, “at the end of the day simple economics say: if there is an extra supply of a couple hundred thousand low-income workers, that probably doesn’t help the job prospects. Especially for those Americans who have been hurt the most over the past 20-30 years: which is lower-middle working class, not college educated workers.” Imagine the real-world consequences of immediately introducing into the workforce millions of newly legalized workers—both to compete with out-of-work Americans and to continue holding jobs that would otherwise be available to citizens and to legal immigrants who waited years for the opportunity to seek work in the United States. Another area of concern for American workers is whether the bill will require that all employers use E-Verify within one year and re-verify current employees within three years, resume worksite inspections, and create and enforce sufficient penalties for the continued hiring of illegal labor.

#### **6. Is the guest worker program truly temporary?**

According to the AFL-CIO (one of the primary parties to the Gang of Eight negotiations), guest workers can petition for green cards within one year, which means the program is yet another pathway to citizenship for illegal immigrants and accompanying chain migration. A true guest worker program is just that: it requires that a participant’s stay in the country is limited, precludes them from bringing family, and requires that they return to their home countries each year for a defined period of time.

#### **7. Does the bill put a stop to sanctuary cities and resume cooperation with local law enforcement?**

Dangerous sanctuary city policies—which this administration has ignored while suing states that are trying to support federal law enforcement—require local law enforcement to disregard requests by federal authorities to detain criminal aliens for a short time until they arrive and release them back into the community where they commit more crimes against citizens and immigrants alike. In addition, despite initially touting its effectiveness and success, the Obama Administration has dismantled the 287(g) program, a force multiplier through which federal law enforcement train state and local law enforcement in federal immigration law. To be effective, any comprehensive reform must specifically prohibit sanctuary city policies and reinstate and enhance programs like 287(g).

**8. How does the bill guarantee that the Administration will not ignore future laws as it has with the laws already on the books?**

With the stroke of a pen, the Obama Administration has unilaterally waived entire portions of federal immigration law through a so-called deferred action policy and the unprecedented abuse of prosecutorial discretion. ICE officers—the ones responsible for enforcement of federal immigration law in the interior of the country—have been left with no choice but to sue the Administration to protest these actions as unlawful and unconstitutional. Any attempt at comprehensive reform must end this abuse of executive power, address these constitutional concerns, and explain how promises of future enforcement will be met when the Administration refuses to enforce current law.

**9. How does the bill ensure that federal public charge law is enforced and that illegal immigrants do not access the welfare state through the granting of green cards and citizenship?**

Federal law explicitly bars entry to those likely to rely on federal assistance. Yet an estimated one in three immigrants currently receive some form of federal welfare. An inquiry from the Ranking Members of Senate Budget, Finance, Judiciary, and Agriculture Committees revealed that federal public charge law is currently unenforced and is, in fact, actively undermined by the federal government. The president of the ICE Council said of this statutory protection for taxpayers: “We are not permitted to enforce that statute. Period.” DHS confirmed it was unable to identify a single public charge within the United States in 2012 (having checked records through August). With respect to those illegal immigrants who would receive amnesty under the bill, sponsors have likened their initial probationary legal status to non-immigrant visas. Under a faithful reading of current law, no legal applicant would be eligible for a non-immigrant visa if they are likely to live off public assistance at any future point. Yet the Gang of Eight’s framework does not mention a public charge screening process (which is different from a work requirement) for illegal aliens seeking legal status—effectively establishing a lower threshold for illegal immigrants than for legal immigrants. Additionally, current green card holders are eligible for a vast array of federal benefits, including Medicaid, food stamps, and

cash welfare, indicating that today's low-income illegal population will become eligible for these benefits once they attain green cards as the proposal outlines.

#### **10. What is the long-term cost of the bill?**

The true cost of the bill will occur outside the 10-year budgetary window, as illegal immigrants become eligible for green cards and ultimately citizenship. Once they become eligible for green cards, they will also be eligible for myriad public assistance, welfare, and entitlement programs. Tellingly, the four Democrat members of the Gang of Eight voted against restrictions on illegal immigrants' access to Medicaid and Obamacare. The long-term cost, on net, for Obamacare alone is likely to be around \$2 trillion, with Medicare and Social Security expected to account for another \$2.5 trillion. These are net costs—in other words, the amount paid in to the U.S. Treasury by the newly amnestied population is expected to be dramatically less than the amount paid out.

*U.S. Senator Jeff Sessions (R-AL) serves on four Senate committees: Armed Services, Judiciary, Environment and Public Works, and as Ranking Member of the Budget Committee. Visit Sessions online at his [website](#) or via [YouTube](#), [Facebook](#), and [Twitter](#). Note: Please do not reply to this email. For further information, contact Sen. Sessions' Press Office at (202) 224-4124.*

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