

Earned Legalization Is Not an Amnesty

- Amnesty, by definition, is an automatic pardon, or free pass, granted to a group of individuals without any consideration in return for the amnesty.
- Earned adjustment, often referred to as earned legalization, is neither an amnesty nor an automatic fix; it requires undocumented immigrants to *earn* legal status.
- Unlike President Reagan's 1986 Immigration Reform and Control Act, which could plausibly be described as providing "amnesty," the earned legalization provisions in the McCain/Kennedy Secure America Act only provide undocumented immigrants an opportunity to earn permanent legal status by satisfying significant *prospective* requirements.
- To earn legalization under the Secure America Act, an undocumented immigrant must demonstrate past work history, pay significant fines, work prospectively for a six-year period, undergo rigorous security and background checks, learn English and American civics, make good on any back taxes, and satisfy additional criteria. It is disingenuous to paint such stringent requirements with the "amnesty" brush.
- Moreover, undocumented immigrants who successfully jump through all of the hoops are not moved to the head of the line and do not gain preferential treatment over others who have been waiting for their green cards; they have simply earned the opportunity to apply for permanent residence and to get in line with everyone else.
- Earned legalization cannot be equated with other government-run programs such as tax amnesty. Tax amnesty does not need to be earned; it is simply granted to those who failed to meet their previous tax liabilities. It encourages individuals to come forward and satisfy those prior tax obligations by waiving all penalties and interest associated with the prior noncompliance. In direct contrast, the earned legalization proposed by the Secure America Act requires individuals who previously failed to comply with the immigration laws to pay hefty fines, in addition to meeting other non-monetary requirements.
- A categorical requirement that undocumented immigrants return to their home countries is unworkable and would undermine any attempt to fix our broken immigration system. We want people to come forward, register with the government, pay fines, and assimilate into our society not because we want to confer a special benefit on them, but because we want to reform our immigration system so that it serves our national and economic security goals. Requiring all undocumented immigrants to return home would be a strong disincentive for them to come forward.
- Earned legalization is a practical solution that balances the need to punish law violators with the recognition that our current immigration laws are unrealistic and inhumane because they fail to accommodate U.S. labor demand and impose unacceptable wait times on family reunification.
- Earned legalization is also the most realistic and humane response to the plight of the more than 1.6 million undocumented children and the additional 3.1 million U.S. citizen children with at least one undocumented parent. These kids should not be punished for their parents' decision to pursue a better life.