



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

AILA –Final Vote Recommendations on Immigration-Related Amendments to the Budget Resolution

Senators should oppose enforcement-only amendments that present no solution on immigration or require unnecessary and excessive spending on the border security.

Vote NO on McCain 359
McCain 360
Flake 678
Vitter 849
Grassley 960

Senators should oppose amendments that interfere with the Executive Branch’s clear legal authority to implement reforms to the immigration system.

Vote NO on Isakson 611
Isakson 612
Cassidy 806
Cassidy 807
Vitter 850

Many also attack low-income immigrants by changing the benefits system to hurt lawfully present immigrants and even U.S. citizens.

Vote NO on Vitter 507
Grassley 469
Sessions 955

America needs a better immigration system, and AILA urges Congress to pass legislation, like the 2013 Senate bill S.744, that improves the system to meet the needs of American families, businesses, and communities. By contrast, enforcement-only amendments that throw more resources at the border or insist upon harsher penalties for illegal immigrants but do nothing to address the fundamental problems with the immigration system are not real solutions.

AILA urges Congress to move beyond the partisanship and enact lasting improvements to the legal immigration system, border security and interior enforcement, and due process and humanitarian protections as well as a plan to legalize the undocumented. In the absence of legislative reform, last year President Obama introduced reforms to the system that rest firmly within the legal authority of the executive branch and should be implemented immediately.

AILA recommends a YES vote on Senator Hatch Amendment 1025. See below.

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- **Vote NO on McCain 359**, which would direct additional resources to Southern border enforcement despite the border being more secure than ever. More resources are not needed to secure the border. The federal government has deployed more resources, agents, and technology to the border than ever before and the number of people apprehended crossing the border is at a 40-year low. Meanwhile, the number of border agents and removals at the border are at an all-time high.
- **Vote NO on McCain 360**, which seeks to deter unaccompanied immigrant children from coming to the U.S. by undermining protections for such children and subjecting them to expedited removal process that provide almost no due process. McCain 360 would result in children asylum seekers who have come alone to the U.S. being sent back to persecution and other life-threatening dangers.
- **Vote NO on Grassley 469** which aims to restrict access on a retroactive basis to the Earned Income Tax Credit. Already unauthorized immigrants cannot receive the EITC even though they pay federal taxes. But Grassley 469 will harm many immigrants who are lawfully present, including asylum seekers, people awaiting green cards, crime victims, spouses of those serving in the armed forces. It would also harm DACA and DAPA recipients. Grassley 469 would create a discriminatory two-tiered tax system that would hurt thousands of families who have U.S. citizen children living in poverty. People who are legally required to pay taxes deserve access to the same earned tax benefits as anyone else.
- **Vote NO on Vitter 507** which serves no purpose whatsoever because it claims to prohibit unauthorized immigrants from obtaining affordable care act subsidies but they are already statutorily restricted from all such programs. Moreover, Vitter 507 would primarily harm U.S. citizens by adding more verification requirements.
- **Vote NO on Isakson 611 and 612**, which are intended to defund the President's executive actions on immigration for the Deferred Action for Parents of Americans and lawful permanent residents and the Deferred Action for Childhood Arrivals. The amendment aims to prohibit U.S. Citizenship and Immigration Services from spending fees collected unless approved through the annual approval appropriations process. This would severely obstruct the agency's ability to conduct business for any future administration.
- **Vote YES on Hatch 1025** which creates a deficit-neutral reserve fund for legislation that, if passed, that would help the U.S. economy remain globally competitive by creating more opportunities for highly skilled foreign workers to stay in the U.S. Specifically, such a bill would raise the annual allotment of H-1B visas that would be available as well as create exemptions from the cap on such visas for advanced degree holders.

Furthermore, such a bill would provide much needed green card relief for the employment-based system by recapturing unused green cards from past years. Finally the legislation would increase STEM funding in the U.S. by raising the fees paid by employers seeking H-1B workers.

- **Vote NO on Flake 678**, which would establish a deficit-neutral reserve fund relating to federal criminal prosecutions of first time illegal border crossers. Already such prosecutions for illegal entry are among the most prosecuted crimes and are rapidly increasing every year. Moreover criminal prosecutions for immigrants charged with illegal entry raise grave concerns about fairness and due process. The amendment aims to prohibit any future policies that reduce such prosecutions and takes decision-making authority away from US attorneys to focus on more serious offenses. US attorneys may need to target resources against narcotics or weapons smuggling offenses and other violent crimes, but Flake 678 ties the hands of law enforcement that is trying to protect the American public.
- **Vote NO on Cassidy 806**, which is intended to restrict Department of Homeland Security (DHS) from using any funds appropriated for processing and adjudicating naturalization applications for any other purpose. This amendment would restrict DHS from processing the President's executive actions on immigration including the expanded DACA and DAPA programs. Furthermore, Cassidy 806 takes the extraordinary step of establishing a "point of order" against any future legislation that would allow the use of such funds for any other purpose.
- **Vote NO on Cassidy 807**, which is intended to restrict DHS from using any funds appropriated for the processing and adjudicating of immigration benefit applications for any other purpose than to process or adjudicate the specific benefit. This amendment targets the DACA and DAPA programs by restricting USCIS from using funds to process those applications. Furthermore, Cassidy 807 takes the extraordinary step of establishing a "point of order" against any future legislation that would allow the use of such funds for any other purpose.
- **Vote NO on Vitter 849** which aims to redefine the 14th amendment in order to prevent the children of undocumented immigrants from receiving citizenship. The amendment would restrict citizenship for persons who are born in the United States only to those who have a U.S. citizen parent or a lawful permanent resident parent. Any restrictions on the rights of citizenship guaranteed in the 14th Amendment would offend this country's most sacred values and Constitutional principles. Placing limits on citizenship rights would re-establish the very same discriminatory exclusion that the 14th Amendment was intended to remedy. Repeal of citizenship based on place of birth would create enormous administrative nightmares for most American citizens, who would no longer be able to

use their birth certificates as proof of citizenship. Already Federal and local law enforcement agencies are aggressively prosecuting fraudulent “birth tourism” schemes using existing criminal statutes.

- **Vote NO on Vitter 850** which aims to prohibit the allocation of funds to any agency for the purpose of administering any part of the President’s executive actions on immigration announced on November 20 and 21, 2014. The amendment would not only extinguish the DACA and DAPA programs but could also be used to target other programs announced last year that would help businesses, entrepreneurs, families waiting to reunite with loved ones in the legal immigration system, and those who plan to serve in the armed forces.
- **Vote NO on Grassley 960** which aims to establish a mandatory electronic verification system. AILA recognizes the value of an employment verification system, but a mandatory system cannot be implemented in isolation without other reforms as it would devastate the agricultural industry and other sectors of the economy. Grassley 960 would likely harm about 150,000 authorized U.S. workers and put many out of work. Every year large numbers of people who are authorized to work are erroneously denied employment authorization by errors in the E-Verify system. Most wait for weeks to resolve the problems in the system frequently losing wages or even job offers during the delay. Small businesses would suffer significant disruption to operations and incur costs of about \$2.6 billion.
- **Vote NO on Sessions 955** which aims to prohibit unauthorized immigrants from qualifying for Social Security and Medicare. Unauthorized workers are already ineligible for Social Security benefits. Only upon obtaining authorized employment status can they receive credit for their contributions to the system and later have access to their earned benefits. Sessions 955 is also designed as an attack against recipients of the DACA and DAPA programs who obtain employment authorization. Session 955 would harm many immigrants lawfully present including asylum seekers, people awaiting green cards, crime victims, and spouses of those serving in the armed forces. Finally, many unauthorized workers contribute to the Social Security trust fund but are never able to draw upon the benefits. The Social Security system estimates that unauthorized workers have paid \$100 billion into the trust fund over the last decade, helping the system but not benefiting from it.