



U.S. Department of
Homeland Security

Schumer-Rounds-Collins Destroys Ability of DHS to Enforce Immigration Laws, Creating a Mass Amnesty For Over 10 Million Illegal Aliens, Including Criminals

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The Schumer-Rounds-Collins proposal destroys the ability of the men and women from the Department of Homeland Security (DHS) to remove millions of illegal aliens. It would be the end of immigration enforcement in America and only serve to draw millions more illegal aliens with no way to remove them. By halting immigration enforcement for all aliens who arrived before June 2018, it ignores the lessons of 9/11 and significantly increases the risk of crime and terrorism.

It is an egregious violation of the four compromise pillars laid out by the President's immigration reform framework. Instead of helping to secure the border as the President has repeatedly asked Congress to do, it would do the exact opposite and make our border far more open and porous. It would ensure a massive wave of new illegal immigration by exacerbating the pull factors caused by legal loopholes. By keeping chain migration intact, the amendment would expand the total legalized population to potentially ten million new legal aliens – simultaneously leading to undercutting the wages of American workers, threatening public safety and undermining national security.

The changes proposed by Senators Schumer-Rounds-Collins would effectively make the United States a Sanctuary Nation where ignoring the rule of law is encouraged.

#1—Provides a Safe Enforcement-Free Haven for Over 10 Million Illegal Aliens

- It eviscerates the authority of DHS to arrest, detain, and remove the vast majority of aliens illegally in the country by attempting to limit DHS enforcement by codifying a “priorities” scheme that ensures that DHS can only remove criminal aliens, national security threats and those who arrive AFTER June 30, 2018.
- This immigration enforcement “holiday” until June 30, 2018 will show to the world we are not serious about enforcing our immigration laws as those who arrive here can just stay here consequence free, at a minimum until the next amnesty.
- The amendment fails to address serious loopholes in immigration law on detention and removal authorities, including *Zadvydas v. Davis*. The most egregious loopholes have required DHS to release aliens with final orders of removal - including dangerous convicted criminal aliens - into American communities if, because their country of origin refuses to accept them, we are unable to remove them in 180 days.
 - In Fiscal Year 2017, more than 2,300 aliens were released because of that court decision, and more than 1,700 of those were criminal aliens.
- It does nothing to combat sanctuary jurisdictions, and does not enhance ICE’s detainer authority—the tool it uses to pick up and process aliens from the secure and controlled environments of jails and prisons - or indemnify local jurisdictions that seek to comply with detainers. This forces ensures that local jurisdictions release criminals back into communities to re-offend.
 - According to a recent Harvard-Harris poll,^[1] 80 percent of American voters share the common-sense view that cities that arrest illegal aliens for crimes should be required to turn them over to immigration authorities.
 - While noncitizens made up approximately 7.2 percent of the U.S. population in 2016,^[2] they accounted for 41.7 percent of all federal offenders sentenced for felonies or Class A misdemeanors in that fiscal year. Even excluding all types of immigration offenses, noncitizens accounted for more than 20 percent of all federal offenders sentenced for felonies or Class A misdemeanors—nearly three times their share of the general population.
- It does not fix any current removal loopholes that it make it difficult for DHS to remove criminal aliens and does not subject gang members to removability – a serious concern where many gang members enter the country as Unaccompanied Alien Children (UACs) and are unable to be removed.
 - Last year, “Operation Raging Bull”, a law enforcement operation targeting MS-13 gang members, resulted in the arrest of 214 individuals in the United States—nearly one third of whom (64 individuals) had entered the country as UACs.

#2—Fails to Secure the Border

- The amendment ties the hands of all the men and women of DHS who stand at the border attempting to make our nation more secure.
- Leaves longstanding loopholes wide open, undermining DHS’s ability to remove aliens and perpetuating the catastrophic “catch and release” policy. These loopholes create a dramatic pull factor for illegal immigration.
 - Fails to terminate the Flores Settlement Agreement, effectively ensuring continued surges in unaccompanied alien minors and family units.
 - Only 3.5 percent of unaccompanied minors apprehended are eventually removed from the United States.
 - Fails to address The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which limits the DHS ability to promptly return UACs who have been apprehended at the border and creates additional loopholes.
 - Failing to close these loopholes creates untold risks for children who are routinely smuggled and trafficked as they seek to arrive in the United States.
- Fails to ensure that drugs like fentanyl do not enter the U.S.
- Fails to address much needed hiring and pay reforms that allow DHS to support the men and women on the frontlines.
- Prevents DHS from building a Border Wall where it is needed through the imposition of unnecessarily onerous environmental and reporting burdens.
- It does not provide any provisions to deter visa overstays (criminal designation, prompt removal, or bars to immigration benefits), enabling mass illegal immigration through temporary visa programs.
 - Visa overstays account for roughly 40 percent of all illegal immigration in the United States.

#3—Not a DREAMer Bill, But a Mass Amnesty Bill for Illegal Aliens of All Ages

- Gives initial citizenship to a massive population of three million illegal aliens – and potentially many more as extended-family chain migrants.
- In addition to the 3 million DACAs, it ensures a path to citizenship for their 6 million parents through the use of a faux-prohibition provision that is likely unconstitutional as well as administratively and judicially impossible to administer.
- There are no real eligibility requirements. Much of the eligibility criteria can be waived.
- Gives citizenship to criminal aliens: Many criminals can benefit from the DACA provision as the bars for criminals are overly narrow and the eligibility to waive criminal conduct for applicants is overbroad.
- Expands maximum age of entry into the United States for DACAs to age 18—ensuring it applies to illegal aliens who have spent most of their lives in their home countries and who came to the United States recently and who are decidedly not children.
- Grants immigration benefits to individuals who are not “DREAMers”: expands conditional permanent resident status to certain aliens in Temporary Protected Status who otherwise meet the eligibility requirements designed to address the DACA population.
- Persons who are under the age of 43 years old TODAY are eligible to apply for DACA now – these are not children, and haven’t been for some time.
- Additionally there is no maximum age limit: meaning that, a “DREAMer” who is eligible today could wait years before applying, thus we could have DACA “children” benefiting receiving citizenship when they are in their 60s and 70s.
- Contains unworkable and dangerous confidentiality provisions, which hamstrings DHS’s ability to remove illegal aliens who do not meet eligibility requirements or commit fraud.
- The bill creates a new definition of expunged records that contradicts current law and ensures that criminal aliens with expunged convictions can benefit from legalization.
- Allows illegal aliens’ own statements – not verifiable documentation – to satisfy the DACA eligibility requirements creating an obvious enforcement loophole. This is the exact type of non-auditable visa program that the GAO continues to cite as irredeemable on its face.
- Prevents the Secretary from denying applications for DACA applicants who appear to be a threat to public safety or national security concerns.

- Anyone who claims to be eligible for relief is barred from removal, essentially a get out of jail free card.
- The Schumer-Rounds-Collins proposal explicitly prevents DHS from removing anyone who is “enrolled in” school over the age of five. This would include teenage human smugglers, gang members, or criminal aliens.

#4—Expands Chain Migration

- Fails to protect the economic security of millions of American workers and taxpayers by doing nothing to address unchecked extended family chain migration.
- Under current law, illegal aliens are unable to legally bring over their foreign relatives through chain migration. By providing a pathway to citizenship for millions of illegal aliens while leaving chain migration intact across the entire U.S. immigration system, these individuals would then be able to bring over all of extended families through chain migration, who in turn could bring in their foreign relatives, potentially increasing the legalized population of aliens to 10 million.
- A Princeton study found that every two new migrants sponsor, on average, seven additional relatives to come to the United States.

#5 Keeps the Visa Lottery

- The bill does nothing to address the outdated and dangerous Visa Lottery program, let alone fulfill the Administration’s goal of ending it.
- A report published by the U.S. Government Accountability Office (GAO) in 2007 found that the visa lottery system was vulnerable to fraud committed by and against lottery applicants.
 - The GAO report found difficulties in verifying applicant identities, which raised serious security concerns.
 - At some of the consular posts they reviewed the majority of visa lottery applicants had hired “visa agents” to enter the lottery.
- In 2003, the State Department Office of Inspector General (OIG) authored a report that found the program was subject to widespread abuse.
 - The OIG found that despite restrictions against duplicate visa lottery submissions, thousands of duplicate submissions were detected each year.

The report asserted that identity fraud was endemic in the system and that it was commonplace for applicants to use fraudulent documents.

[1].(#_ftnref1) <http://thehill.com/homenews/administration/320487-poll-americans-overwhelmingly-oppose-sanctuary-cities> (/redirect?url=http%3A%2F%2Fthehill.com%2Fhomenews%2Fadministration%2F320487-poll-americans-overwhelmingly-oppose-sanctuary-cities).

[2].(#_ftnref2) See U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2016, <https://www.census.gov/cps/data/cpstablecreator.html> (<https://www.census.gov/cps/data/cpstablecreator.html>).

Topics: [Border Security](/topics/border-security) (/topics/border-security), [Immigration and Citizenship Services](/topics/immigration-and-citizenship-services) (/topics/immigration-and-citizenship-services), [Immigration Enforcement](/topics/immigration-enforcement) (/topics/immigration-enforcement).

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