



# **TRUE** Enforcement and Border Security Act of 2005

## Talking Points for True Immigration Reformers

The government's lack of concern about illegal immigration – at the borders and inside the country - and mass, uncontrolled legal immigration compromises our national security and perpetuates our vulnerability to future terrorist attacks.

### America is experiencing an immigration crisis

- Illegal immigrants cost taxpayers nearly \$70 billion/year in government outlays for health care, education, jobs, housing and other programs. (*FAIR report 2005*)
- The IRS estimates illegal workers cost our country \$400 billion in unpaid taxes—a number approaching the entire budget deficit for 2005.
- In 1997 there were 18,000 worksite arrests of illegal workers. In 2003, that number dropped to a frighteningly low 445 arrests. (*DHS Office of Immigration Statistics*)
- Illegal aliens hold 12 to 15 million jobs in the U.S.—8% of the employed are illegal. (*Justich, Robert, "The Underground Labor Force is Rising to the Surface," Bear Stearns Asset Management Inc, January 2005*)
- Approximately 287,000 to 363,000 children are born to illegal aliens each year. In California, 22% of all births are to an illegal alien. (*Center for Immigration Studies, 2005*)

### Americans demand immigration reform

- 63% of Americans believe "current immigration" is a threat to national security. (*Rasmussen Report, 2005*)
- 62% of Americans believe current immigration is a threat to the U.S. economy. (*Rasmussen Report, 2005*)
- 76% of Americans say it's too easy for people from other countries to enter the U.S. (*Rasmussen Report, 2005*)
- 85% of Americans think illegal immigration is a serious problem. (*Roper ASW, 2003*)
- 75% of Americans want stricter immigration reform. (*Pew Research, 2003*)

- 80% of Americans believe we should restrict people coming into our country to live more than we do now. (Pew Research, 2003)

**TRUE Enforcement of our immigration system must be our first priority. This Act gets its priorities straight. It is a no-nonsense approach to reform that makes us more secure and best serves our national interest. It:**

- Secures our nation's borders and fully polices our interior;
- Empowers local police to enforce immigration laws;
- Encourages states and local authorities to share information with the federal government;
- Forces the Department of Homeland Security to fully implement the computerized entry-exit system, which allows us to track who's crossing our borders;
- Funds thousands of new Border Patrol officers, immigration investigators, attorneys, and immigration judges.

**TRUE Enforcement removes incentives for illegal immigration. It:**

- Prevents employers from hiring illegal aliens (using a high-tech Social Security card and computer verification system);
- Punishes employers and aliens who try to get around the system;
- Restricts family reunification to nuclear family members;
- Denies birthright citizenship to children born to illegal aliens.

**TRUE Enforcement fights abuse of the system. It:**

- Stops illegal aliens from claiming the Earned Income Tax Credit;
- Stops illegal aliens from collecting Social Security;
- Stops employer tax deductions for wages paid to illegal aliens.

**TRUE Enforcement punishes those who break the law. It:**

- Makes the presence of illegal aliens in the U.S. a crime;
- Increases penalties for forging immigration and identity documents, and falsely claiming U.S. citizenship, etc;

- Helps law enforcement deport aliens who are criminal gang members;
- Creates criminal penalties for peddling Social Security cards;
- Increases penalties for alien smuggling.

*True Enforcement is broken into four titles.*

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# TITLE I — FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT

*Public Opinion Poll:*

81% of people believe local and state police should help federal authorities enforce laws against illegal immigration. (Zogby poll, 2005)

## FEDERAL LAW ENFORCEMENT

**Strengthen the capacity of law enforcement to protect the borders and apprehend those who are already in the country illegally.**

- Add 10,000 new border patrol officers
- Add 1,250 immigration investigators
- Add 500 adjudicators
- Add 2,000 worksite investigators with anti-fraud training

**Create a new Assistant Attorney General for Immigration Enforcement with additional staffing.**

- Add 250 litigators
- Add 250 U.S. attorneys
- Add 250 immigration judges within the next 5 years

**Provides for a Border Fence from the Pacific Ocean to the Gulf of Mexico.**

- The fence is at least two layers of reinforced fencing, physical barriers, lighting roads and sensors to eliminate illegal crossings.
- Creates a border zone area consisting of the area 100 yards north of the international land border
- Creates 25 new ports of entry along international land border of the United States

## MAINTAIN ACCURATE ENFORCEMENT DATA ON ALIENS

**Ensure accurate information is available on who is entering and departing the country with reliable checkpoints and with the entry-exit system.**

**Prevent aliens from overstaying their visas.**

- **Require full completion of entry/exit system**  
*(If we don't know who is inside our borders illegally, we will not look for them.)*
- **Strengthen alien registration**  
*(Many countries require resident aliens to register and to re-register if they change their address.)*
- **Strengthen immigration law enforcement authority for state and local government**  
*(Law enforcement officers at all levels of government are sworn to enforce and uphold laws when they have strong reason to believe they are being violated. Immigration enforcement should not be their primary duty, but allowances for this authority should be given when, in the course of their jobs, they come across someone breaking the law who is a likely illegal alien. Police regularly execute*

warrants on behalf of other jurisdictions. Local police should consider themselves duty-bound to act in immigration law enforcement.)

- **Withhold funding for detention of illegal aliens from states/localities with sanctuary laws**  
*(If state and local governments are not willing to be part of the solution, they should bear the costs themselves.)*

## **DENTENTION OF ALIENS AND REIMBURSEMENT OF COSTS**

**Add federal detention space and require Homeland Security to take custody of illegal aliens from state and local authorities.**

### **Waste of Manpower**

- **Halt “catch-and-release” policy by increasing federal detention space**  
*(It is an unconscionable waste of time and money to arrest illegal aliens if they are simply going to be released. We know most of them will disappear, only to have to be located again.)*
- **Require DHS to take timely custody of illegal aliens detained by state/local authorities**  
*(The federal government has no right to ask for state and local assistance if they are not willing to do their part. All too often, when state and local police have acted to detain illegal aliens, they are told that the federal government lacks the resources to take custody of the aliens.)*
- **More fully reimburse state/local agencies for costs of immigration enforcement cooperation**  
*(State and local governments should not have to pick up the tab for the federal governments’ failure, so long as local jurisdictions are willing to do their part.)*

## **STATE/LOCAL AND TRIBAL ENFORCEMENT OF IMMIGRATION LAWS**

**Give authority to state and local police to enforce immigration laws and cooperate with federal immigration enforcement.**

- **Provide immigration enforcement training for state/local enforcement**  
*(If state and local police are to participate in immigration law enforcement, they should have the proper training. Everything possible should be done to ensure that local police act properly so that they can protect their communities and the rights of individuals.)*
- **Give the same immunity to state/local officials as federal officials in immigration law enforcement**  
*(If police follow proper procedures, they should be protected from prosecution the same as federal enforcement officers.)*

- **Provide incentives for Indian reservation police to cooperate in immigration enforcement**  
*(Because so many tribal lands are at the border, Indian reservations are bearing the brunt of our out-of-control borders. It is in their interest and the national interest to be part of the enforcement effort.)*

## **OTHER PROVISIONS**

- **Clarify federal bar to in-state tuition for illegal aliens.**  
*(Under the 1996 Immigration Act, Congress affirmatively required states that make benefits available to illegal aliens to also make those same benefits available to all U.S. citizens, regardless of their state of residence. Failure to do so may violate the equal protection clause of the U.S. Constitution. By admitting and subsidizing the college education of illegal aliens states are depriving other students—whose families have not violated the law—of those limited seats and subsidies.*

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## TITLE II — Visa Reform and Alien Status

### *Public Opinion Poll:*

Nearly 63 percent of Americans said they would support a policy that stopped all immigration from countries suspected of harboring terrorists. (Hamilton College poll, 2003)

### LIMITATIONS ON VISA ISSUANCE, VALIDITY, SUSPENSION OF THE VISA WAIVER PROGRAM

- **Deny visas to countries with worst records in accepting deported nationals**  
*(Simple quid pro quo. In addition, if we are going to withhold funding from uncooperative state and local governments, shouldn't we also take a carrot-and-stick approach to uncooperative foreign governments?)*
- **Eliminate judicial review for aliens who improperly received visas subsequently revoked while in U.S.**  
*(If the visas have been revoked it means they were obtained fraudulently. There is a long-standing legal principle that people should not benefit from fraud or other criminal acts. Convicted drug dealers are not allowed to retain the cars, homes or money used in or the result of their crimes. People who embezzle money are required to pay it back.)*
- **Suspend Visa Waiver Program until entry-exit system is fully operational**  
*(We know there are many terrorists who possess visa waiver country passports. Given the level of threat we need to take reasonable precautions to protect the security of this nation.)*
- **Eliminate Visa Lottery Program**  
*(Selecting 55,000 foreigners each year to become American citizens pulling their names out of a hat is ridiculous, unfair and dangerous.)*
- **Eliminates Preference Categories for Adult Siblings and Adult Children**

### ALTER ADJUSTMENT STATUS

#### Make illegal immigration less attractive

- **Bar adjustment of status for illegal aliens who have worked illegally more than six months**  
*(Many people who believe they have a claim to legally immigrate—usually as a result of the family chain migration policy—decide that they would rather do their waiting here than in their homelands. Closing that door will serve as a deterrent. Others believe if they can establish themselves in this country they will eventually create a basis for adjustment of status. This bar will make it clear they cannot.)*

- **Withhold U.S. citizenship from individuals born to illegal aliens**  
*(Our revised policy follows precedent set in the way we treat foreign nationals who serve in the U.S. in diplomatic functions. Their offspring are citizens of the father and mother's country of origin as the parents are not U.S. citizens.*

*The 14<sup>th</sup> Amendment was adopted to ensure citizenship to freed slaves after the Civil War. It is clear from both the language of the Amendment and the contemporaneous congressional debates that the framers never intended this Amendment to apply to anybody who happened to give birth on U.S. soil. In an age when anyone can reach the U.S. from any point on the globe in a matter of hours, the current interpretation of the 14<sup>th</sup> Amendment is untenable.)*

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## **TITLE III — Workplace Enforcement and Identification Integrity**

*Public Opinion Poll:*

*Most Americans oppose guest worker eligibility for illegal immigrants.*

*CBS/News York Times Poll, 2004*

### **IMPROVE WORKER ELIGIBILITY VERIFICATION**

- **Ensure worker eligibility verification by making the current Basic Pilot program mandatory**  
*(It is tested and proven to work. Just do it. The Basic Pilot program is simple to use and available online or via telephone. Employers have no good reason not to use it.)*
- **Require all employers to use the program within six months of enactment**  
*(The government has a responsibility to provide a level playing field. An employer cannot be expected to hire legal workers and pay decent wages if his competitor down the street is hiring illegal aliens at a fraction of the cost. We cannot have laws that allow people who don't want to abide by them to opt out.)*
- **Create a multi-layered framework for enforcement**  
*(Given the enormity of the problem we cannot rely on any one method of law enforcement. Relying solely on putting all the resources at the border is the strategic equivalent of a defensive football team putting all eleven guys at the line of scrimmage. It also does nothing to deter the millions of visa overstays.)*
- **Authorize DHS to investigate and enforce violations**  
*(That's their job.)*
- **Authorize private parties (individuals, employers, employees, unions) to file complaints with DHS to compel enforcement**  
*(The government has consistently demonstrated it lacks the resources and will to enforce laws against powerful business interests that have come to view illegal immigration as a giant labor subsidy. This provision puts additional enforcement power in the hands of those who are directly harmed by businesses that hire illegal aliens. Displaced American workers and law-abiding competitors have an incentive and the right to protect their own interests.)*
- **Authorize private parties alleging unlawful hiring of 20 or more aliens to file complaints with DOJ and afford access to federal district court for appeal.**  
*(See previous talking points.)*

## **REQUIRE LIMITED INFORMATION SHARING BETWEEN DHS (DEPARTMENT OF HOMELAND SECURITY), SSA (SOCIAL SECURITY ADMINISTRATION) AND IRS (INTERNAL REVENUE SERVICE)**

- **Require limited information sharing between SSA and DHS in order to identify when information provided with an employee's Social Security withholdings do not match Social Security records**  
*(This provision balances the protection of individual privacy with the need to flag fraud. It provides the agency tasked with enforcing these laws the information it needs, but only the information it needs.)*
- **Require limited information sharing between SSA, DHS, and IRS to prevent Social Security card fraud and identity theft in employment and benefit contexts**  
*(Identity theft is an enormous and growing problem. Protecting against identity theft will have benefits well beyond immigration enforcement. There is an unquestionable need for secure identity documents that include photographs and/or biometric identifiers.)*
- **Establish that the secure Social Security card is not and may not be used as a national identification card**  
*(These documents will be used only for the purpose of proving work eligibility or for claiming government provided services and benefits.)*

## **TRANSITION TO NEW SYSTEM REQUIRING MANDATORY WORKER VERIFICATION AND ISSUANCE OF NEW TAMPER-RESISTANT, MACHINE-READABLE AND BIOMETRIC SOCIAL SECURITY CARDS FOR ALIEN WORKERS**

- **Within 12-months of enactment:**  
Basic Pilot Verification Program is renamed Interim Worker Eligibility Verification Program (IWEVP) and becomes mandatory for all employers.
- **Within 24-months of enactment:**  
DHS and SSA issue regulatory structure for:
  - Worker Eligibility Verification System (WEVS);
  - Alien Worker Eligibility Database (AWED) incorporated by WEVS.Application and issuance procedures for the new Social Security cards.
- **Within 24-months of enactment:**
  - AWED and IWEVP transfer from DHS to SSA
- **Within 36-months of enactment:**
  - SSA issues the new secure Social Security Cards

- **Within 10-years of enactment:**
  - Employers must require all new employees to present the new Social Security Card (or REAL ID Driver's License for citizens) for work eligibility verification

## **WORK ELIGIBILITY VERIFICATION SYSTEM REFORM IN THE IRS**

- **Close costly loophole by barring illegal aliens from continuing to claim the Earned Income Tax Credit**  
*(The intent of the EITC was to create an incentive for Americans to work rather than rely on government assistance programs. Mass illegal immigration is making it ever more difficult for many Americans to even find work. It makes no sense to reward illegal aliens with tax benefits for holding jobs that they are prohibited from holding under federal law.)*
- **Bar use of an Individual Taxpayer Identification Number (ITIN) for any purpose other than filing a tax return. This is intended to stop the growing practice of banks issuing 'ITIN' mortgage loans to illegal aliens.**  
*(We should not have programs that encourage people who are here illegally to put down roots. We should not allow powerful financial institutions to subvert the law simply because there may be some profit in it for them. What is good for Bank of America is not necessarily good for America. Moreover, banks and other financial institutions are ultimately insured by the government. As such, the government must not allow them to make inherently risky loans to a population of people whose very presence in the U.S. is illegal.)*
- **Bar employers from the current practice of taking business deductions for payroll and benefits of illegal alien employees.**  
*(Claiming a tax deduction for an illegal act is ridiculous and un-American.)*

## **LIMIT ILLEGAL ALIEN COLLECTION OF SOCIAL SECURITY**

- **Bar any quarter worked illegally from counting toward eligibility for Social Security benefits**  
*(It is wrong to reward people who commit overt acts of fraud by working under a false Social Security number. Allowing people to file claims for payments made under these bogus accounts is an open invitation to massive fraud. On top of everything else, as the president has told us, the Social Security trust fund is headed toward bankruptcy. Do we really want to add millions of new claimants to the system?)*

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## **TITLE IV — Penalties and Enforcements**

### **CRIMINAL AND CIVIL PENALTIES**

- **Add and increase penalties for most immigration infractions such as illegal presence and illegal employment.**
- **Provide for systematic identification and removal of criminal alien gang members.**
- **Streamline detention removal and departure of illegal aliens, criminal aliens, and terrorists.**  
*(It's just plain common sense. Why would anyone want foreign criminals, criminal gang members and terrorists roaming our country freely without a system to track them and no clear intent to deport them?)*