

FREQUENTLY ASKED QUESTIONS ABOUT THE “BORDER SECURITY, ECONOMIC OPPORTUNITY & IMMIGRATION MODERNIZATION ACT OF 2013”

Q: How many people get amnesty?

Zero. No one gets amnesty. Unless we continue to do nothing, this bill will eliminate today’s status quo de facto amnesty in which we have 11 million undocumented immigrants here and don’t know who they are, what activities they’re engaged in or anything else about them. On day one, no undocumented immigrant is rewarded with anything. What happens on day one is the clock starts running on meeting the mandatory security triggers – implementing an effective border security plan, mandatory employment verification for all businesses, and full implementation of an exit system. Once the border security plan is in place, undocumented immigrants will be able to come forward, must submit to and pass background checks, be fingerprinted, pay fines, pay taxes, prove gainful employment, go to the back of the line, and prove they’ve had a physical presence in the U.S. since before 2012, among other measures. They won’t get any federal benefits. And if they meet all these requirements, they will earn a temporary status that allows them to work. If they don’t they will be deported.

Q: What are the security triggers?

This bill fixes our broken immigration system by securing the border with the toughest border security and enforcement measures in U.S. history, based on the following six security triggers:

1. DHS must create, fund and initiate a border security plan (within 6 months of bill’s enactment).
2. DHS must create, fund & initiate a border fence plan (within 6 months of bill’s enactment).
3. DHS must achieve 100 percent border awareness and at least 90 percent apprehension rates in high-risk sectors of the U.S.-Mexico border (within 5 years of bill’s enactment).
4. If DHS fails to achieve #3, a Border Commission of border state officials and stakeholders is required to create & implement a plan to achieve 100 percent border awareness and at least 90 percent apprehension rates in high-risk sectors of the U.S.-Mexico border (within 10 years of bill’s enactment).
5. Universal E-verify must be implemented (within 10 years of bill’s enactment).
6. Visa exit system must be implemented at all international airports & seaports (within 10 years of bill’s enactment).

Q: Are the security triggers going to be effective?

Even the media has dubbed these as the “toughest immigration enforcement measures in the history of the United States.” The White House opposed having any security triggers, but this bill requires several triggers that must all meet congressionally mandated performance standards before any undocumented immigrant can apply for temporary status and, eventually, permanent residence. These include establishing, funding, and implementing our border fence plan; achieving 100 percent operational awareness of border and at least a 90 percent apprehension rate or else a border commission steps in to meet those goals; requiring the use of E-Verify by all U.S. employers; and implementing an effective exit system at our airports and seaports. The security triggers are not left at the discretion of politicians with agendas. Real measurable results must be achieved, and politicians cannot override them.

Q: Which comes first: the border security and enforcement measures, or the legalization for undocumented immigrants? In other words, what happens on day one?

The most important thing that happens on day one is that the toughest border security and enforcement plan in American history will be the law of the land. Those who came here illegally after the December 31, 2011 cut-off debate will be deported. The enforcement begins by requiring background checks, proof of gainful employment, and payment of fines and taxes. However, before undocumented immigrants even get to this step, the border security and fencing plan to achieve 100 percent border awareness and at least a 90 percent apprehension rate must begin implementation. The fine we've established is \$2,000, nearly three times what President Obama has pushed for. We set this fine to be tough but realistic, without discouraging people from coming forward.

Q: How much will this cost?

Conservative economists say the bill will generate trillions in new economic growth and create jobs. This will be a net benefit for America. The American people will now have a chance to review the bill and interested parties will scrutinize its specifics to help us identify costs, positive benefits and potential unintended consequences. Throughout this process, we have shared the concerns some have about the potential fiscal impact of changes to our immigration system, which is why we want others to review it and help inform debate around the proposal. To mitigate the costs of this legislation, the bill contains a partial repeal of ObamaCare to bar undocumented immigrants from receiving its benefits. The bill also strengthens public charge laws to prevent government dependency. In the long-term, there's no question that modernizing our broken legal immigration will be very good for our nation's economy. Immigration has always been good for America and it always will be. It helps us remain a dynamic country, not become stagnant. The reality is that today's de facto amnesty already costs taxpayers. Our local communities see this firsthand through their overburdened school and health systems, as well as taxes that are going unpaid because employers and workers choose to work under the table.

As conservatives, we've always looked at budget cost estimates, or "scores", as important but believe any serious analysis must account for the positive benefits of any policy. It's the same way tax cut "scores" must account for revenue inevitably generated from economic growth. When it comes to "scoring" immigration policy, it must also account for the infusion of entrepreneurs, innovators, investors, skilled workers and people driven by the desire to build a better life for themselves and their children. With the reforms this bill makes to emphasize merit and skill-based immigration more than ever in U.S. history, this will help generate new job creation and economic growth.

Q: Will undocumented immigrants be eligible for federal public benefits?

No. Temporary status immigrants will be barred from receiving federal benefits, and this legislation extends that prohibition to include ObamaCare. Once they are eligible to apply for permanent residence, this bill strengthens current law that stipulates no immigrant can obtain a green card if they can't prove they can support themselves. Current law, which we do not change, also bars permanent residents from receiving federal benefits for the first five years of that status. This legislation strengthens "public charge" requirements that prevent immigrants likely to access welfare programs in the future from being eligible for permanent residency. Right now, we basically take people's word that they won't be public charges, and we only do so before granting green cards. This legislation requires them to provide tax returns – before legalization – so we can verify they are earning at least 25 percent above the poverty level and are gainfully employed. And they will have to do it more than once, at different parts of the process. Bottom line: their status can be revoked for failure to comply with the employment requirement, the public charge requirement (which goes hand in hand with the employment requirement), their tax obligations and their physical presence obligations.

Q: Does this help or hurt American workers?

The situation today works for no one, especially the middle class. It allows unscrupulous businesses to hire undocumented workers and pay them less, diminishing job opportunities for Americans. It punishes middle class business owners who end up paying fines when they discover workers they hired are here illegally because a workable employment verification system does not exist. It punishes middle class Americans who have loved ones waiting in line to come the right way, but our immigration system has them in limbo.

This bill protects American workers from unwarranted immigration for jobs that Americans are willing and able to do. For example, the proposal would not allow any work visas to be issued if the unemployment rate in a certain area is above 8.5 percent, which is the norm in many cities. This proposal also protects the American taxpayer by ensuring that undocumented immigrants who earn temporary status are not eligible for federal benefits, including ObamaCare. To further protect the American taxpayer, this legislation strengthens “public charge” requirements that prevent immigrants likely to access welfare programs in the future from being eligible for permanent residency. Right now, we basically take people's words for the idea they won't be public charges and we only do so before granting green cards. This legislation requires them to provide tax returns – before legalization – so we can verify they are earning at least 25 percent above the poverty level and are gainfully employed. And they will have to do it more than once, at different parts of the process.

Let's be clear about the impact of this bill on American and foreign workers: We need important reforms to modernize the legal immigration system so that our future flow of workers is manageable, traceable, fair to American workers, and in line with our economy's needs. The modernization of our visa programs will ensure people who want to come legally – and who our economy needs to come legally – can do so. In certain industries, there will always be a need for foreign labor, and we should make sure that need can be met legally.

Q: Will this bill be rushed through, or will an open and transparent process be allowed?

Most bills in Congress are given a only few days of consideration before they're brought to a vote – and sometimes even less (like the fiscal cliff bill that passed on New Year's Eve, only a few hours after it was written and introduced). That is wrong, and Sen. Rubio has said he would not support this legislation if it was rushed through. This legislation will receive multiple public hearings after it's introduced. After weeks of public review, the legislation will undergo the first round of amendments in the Judiciary Committee in May. The Judiciary Committee Chairman has pledged to allow unlimited amendments and debate, and we expect the consideration of the bill to take weeks. If/when it is approved by the Judiciary Committee, it will then be debated and amended by the full Senate for several weeks. The earliest this legislation could pass the Senate is months after it is first introduced. Through this vibrant and healthy debate, we want to hear from people who live this issue every day and might have better ideas. We are confident that the more daylight this legislation receives, the better it will become.

Q: A lot promises were made in the 1986 amnesty bill. How can we be sure this one will actually live up to them?

The 1986 amnesty was just that – an amnesty. It created a special path to citizenship without enforcing security laws and without important reforms to modernize the legal immigration system so that our future flow of foreign workers would be manageable, traceable and in line with our economy's needs. This bill contains the toughest border security and enforcement measures in American history that will deter future illegal immigration. The modernization of our visa programs will ensure people who want to come legally – and who our economy needs to come legally – can do so. And it ensures that no one can work and earn a living here unless they have legal status as verified through an employment verification system. Nothing even close to resembling this bill's triggers were in the 1986 bill or in

subsequent legislation. The 1986 bill also called for more border security funding without any guarantee the funding would actually happen. This time, we require as a trigger the development, funding and deployment of a border security plan before any undocumented immigrant can start applying for temporary status. Lastly, the 1986 law called for security requirements that didn't have a realistic way of being enforced because the technologies weren't available. In 2013, we are able to require the use of all the modern technological advances that are available now – for example, drones to patrol the border – and ensure we get control of our borders, secure our nation's sovereignty and prevent the mistakes of past failed immigration reform efforts from being repeated.

Q: Isn't this unfair to aspiring immigrants waiting in line to come legally?

We have a broken immigration system and are trying to make the best out of the imperfect situation that has resulted because of it. For undocumented immigrants who avail themselves of the process outlined in this bill, they will face a longer, more costly and less certain way forward than if they had come legally in the first place. They will have to pay fines legal immigrants don't have to pay, and they will have to wait at the back of the line behind all those who applied to come legally before them until the backlog is cleared. Plus, whereas aspiring legal immigrants won't have to wait until the security triggers are met, those who are here illegally today won't be eligible for permanent residence until at least ten years have elapsed AND several security triggers are achieved.

Q: What do we do about illegal immigrants who are criminals, drug traffickers, human traffickers gang members or maybe even terrorists?

Today's situation is a de facto amnesty that allows these very individuals to game our system and avoid capture, deportation and incarceration. These are exactly the kind of people we need to deport immediately, and it's why the process of identifying who is here and figuring out what they've been doing is so critical. Since we know these are the type of people who will be the last to avail themselves of the process being set up to deal with our undocumented population, the bill's security measures will help better focus our resources on finding and deporting these individuals. By bringing undocumented immigrants without criminal records out of the shadows, this will also encourage those individuals to cooperate with law enforcement to identify criminals who commit fraud, steal, assault others, deal in drugs, traffick in humans, and are violent gang members. At the end of the day, no one likes that we have today's illegal immigration situation, but no one benefits more from the broken system of de facto amnesty than criminals and traffickers.

Q: Can we really trust this President to enforce the law?

Through congressional debate and action conducted in an open and transparent process, we will restore the constitutional balance of power that our founders intended and that President Obama has ignored by abusing his executive powers time and time again. Americans have every reason to be distrustful of the government's ability to enforce our laws, which is why there is no "future enforcement" in this legislation. The enforcement begins right away. Requiring people to come forward to be fingerprinted, undergo criminal background checks, pay fines and taxes before any temporary status can be attained, is part of the enforcement mechanism. Undocumented immigrants who do not come forward, will be subject to further fines, arrest and ultimately deportation. And the legislation includes enforcement measures and triggers that cannot be undermined by the President or anyone else. Securing our border and enforcing our laws is critical to any immigration reform, and without it, no reform will be successful in solving our broken immigration system. Nor is it worthy of the American people's support.

Q: Does this provide any special recognition for the LGBT community.

No. This bill contains no special provisions for the LGBT community.