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# THE BIDEN ADMINISTRATION'S DAY ONE IMMIGRATION PROPOSAL: MASS AMNESTY AND NO BORDER SECURITY

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## TOPLINE POINTS

- ★ The Biden Administration has recently pivoted from refusing to acknowledge the crisis at our southern border to blaming conservative policies for what is now taking place.
- ★ The administration's signature immigration proposal, the U.S. Citizenship Act of 2021, is the most radical and nonsensical piece of legislation ever proposed for our Nation's borders.
- ★ This bill would have exacerbated the humanitarian crisis at the southern border, further enriched the cartels, and fueled more human trafficking of vulnerable populations.

Although the U.S. has experienced two straight record-setting years of illegal alien apprehensions, the Biden Administration has refused to acknowledge this situation as a crisis. This two-year period corresponded with the 117th Congress, which was controlled by the president's own political party. Now, with a new House majority in the 118th Congress, the Biden Administration has pivoted from denying the existence of a border crisis to blaming conservative policies for what is now taking place.

On January 5, 2023, President Biden unveiled his administration's new border strategy. When doing so, he explained that on his first day in office, he had "sent Congress a comprehensive piece of legislation that would completely overhaul what has been a broken immigration system for a long time." President Biden argued that this legislation would help the country by "cracking down on illegal immigration; strengthening legal immigration; and protecting DREAMers, those with temporary

protected status, and farmworkers, who all are part of the fabric of our Nation.” However, he faulted conservatives for refusing to consider this legislation and said, “the failure to pass and fund this comprehensive plan has increased the challenges that we’re seeing at our southwest border.”

This bill, the U.S. Citizenship Act of 2021, was introduced in the House of Representatives by Rep. Linda Sanchez (CA-38) as [H.R. 1177](#) and in the Senate by Sen. Bob Menendez (D-NJ) as [S. 348](#). Its main provisions include giving those in the U.S. “lawful prospective immigrant” status, which would provide work authorization and a Social Security Number. This status would also provide green cards to all Deferred Action for Childhood Arrivals recipients and those under Temporary Protected Status (TPS) or Deferred Enforced Departure. Furthermore, the legislation would require the State Department to advertise new rules welcoming illegal aliens deported during the Trump Administration back to the U.S. and would eliminate one-year filing deadlines for asylum applications. On the whole, this bill offers large-scale amnesty for illegal aliens and—unlike previous amnesty legislation—contains no meaningful enforcement provisions either at the border or for criminal aliens detained in American communities. Despite what the administration may try to suggest, amnesty does not equate to border security.

Even though problems at the border were in the process of materializing at the time, the Biden Administration submitted its original plan to Congress in 2021. The situation at that time was by no means a crisis. The Biden Administration inherited the most secure border of modern times, but it immediately rescinded all the policies that led to this success. As a result, illegal alien apprehensions and “gotaways” spiked to more than 200,000 per month, fentanyl seizures increased exponentially, and apprehensions of known-suspected terrorists amounted to seven times more than in the previous administration.

The U.S. Citizenship Act did not gain any traction in Congress, but the Left’s fallback legislation was H.R. 6, the American Dream and Promise Act of 2021. This was a smaller amnesty package that similarly contained no law enforcement mechanisms. H.R. 6, which would have certainly worsened our Nation’s border crisis, passed in the House but hit a bottleneck in the Democrat-controlled Senate Judiciary Committee and was ultimately not brought to the floor.

Both H.R. 6 and H.R. 1177 demonstrated that the Biden Administration is not really interested in border security and that their only policy proposal regarding immigration is amnesty. Still, it is important for all Americans to understand the devastating effects these bills would have had on our Nation.

Here are the **top five ways** the Biden Administration’s day one signature immigration bill, the U.S. Citizenship Act of 2021, would have exacerbated the humanitarian crisis at the southern border, further enriched the cartels, and fueled more human trafficking of vulnerable populations:

- 1. It would have granted amnesty to nearly every illegal alien in the country.**



The U.S. Citizenship Act of 2021 is the largest amnesty proposal ever introduced. The bill would immediately provide “temporary legal status” (amnesty) to nearly every illegal alien unlawfully in the country as of January 1, 2021, and the ability to then obtain lawful permanent resident status (a green card) and become a naturalized U.S. citizen. Illegal aliens who claim to have entered the country under the age of 18, hold TPS, or worked unlawfully in agriculture are immediately eligible for a green card. Though the bill requires illegal aliens to pass background checks, numerous waivers for a wide range of qualifications are available. Furthermore, the Biden Administration has a track record of failing to vet aliens thoroughly. In total, more than 11 million illegal aliens would be expected to benefit from amnesty under this bill—more than three times the population that received amnesty in 1986. Granting amnesty to these people would have effectively legalized a group the size of the entire state of Georgia or more than twice the population of Los Angeles.

## **2. It contains no mechanisms to secure the border.**

Legalizing aliens already in the country will do nothing to stop future flows of illegal immigration. In fact, amnesty fuels more illegal immigration, as demonstrated by the illegal alien population exploding from an estimated 3 million to at least 11 million since the Reagan Administration’s amnesty bill in 1986. That bill paired amnesty with new enforcement measures, but while the amnesty happened immediately, the enforcement provisions never materialized. Recent failed attempts to pass a large-scale amnesty bill in 2006, 2007, and 2013 took the same structural approach of pairing amnesty with at least the pretext of border security. In stark contrast, the U.S. Citizenship Act of 2021 contains no provisions to secure the border or enforce the law against illegal aliens in American communities. Instead, this bill functioned as a lucrative marketing tool for the cartels and traffickers to entice vulnerable aliens to take the dangerous journey north on the prospect of benefiting from amnesty in the future. Increasing such “giveaways” for the illegal alien population serves as a significant pull factor for prospective illegal migrants who are not deterred from coming because there are no consequences for their illegal behavior.

## **3. It would have taken jobs away from American citizens.**

Granting amnesty to 11 million illegal aliens would flood the labor market and could harm the job prospects and wages of similarly skilled Americans. For example, some research shows that newly legalized people may act as a source of competition with less educated Americans for jobs. These Americans are already subject to long-term declines in labor participation from the past two decades, and the legislation would likely present even greater challenges for them. As demonstrated by the aftermath of the 1986 amnesty legislation, legalized alien farmworkers would probably leave demanding agricultural work and fill non-agricultural positions within the workforce, which could crowd out Americans from filling these jobs. This is a key example of a policy that puts Americans last and slights many people who immigrated to the U.S. and obtained legal status so they could work legally.



#### 4. It gives criminals a free pass.

Another harmful component of the bill is its provisions regarding criminal aliens. Though the bill *does* include stipulations preventing criminal aliens from receiving green card benefits, it contains many exceptions to these rules, including a provision that basically allows anyone who claims their criminal conduct was done in self-defense to qualify for amnesty. Additionally, if an alien is denied an application, he can appeal two different times and may also have felony behavior waived for “humanitarian purposes, family unity or if otherwise in the public interest.” One misdemeanor offense may also be waived if the most recent one occurred more than five years before an application. These rules do nothing but reward criminal behavior because violent offenders will suffer no consequences for their actions, and innocent people will continue to be victimized without justice. The bill also includes requirements for paid lawyers to be provided for illegal alien gang members and other illegal aliens who are public-safety risks, even if they already have one or cannot afford one.

#### 5. It misleads and wastes money on “root causes.”

The Biden Administration’s classic catchphrase on immigration is that the “root causes” of illegal immigration must be addressed to solve the crisis at the border. The bill’s investment in programs that will allegedly fuel economic growth and enhance workforce productivity in Central American countries acknowledges that migrants are illegally immigrating to the U.S. for economic reasons, which are *not* grounds for asylum or eventual legal status. These investments are also meant to address the challenges of hurricanes, drought, and COVID-19, even though weather-related events and pandemics are not grounds for asylum either. Investing millions of dollars in vague initiatives for humanitarian work abroad is not an effective immigration strategy. Massive barriers to fixing the economic instability in many Central American countries still exist, including decades of government corruption and weak institutions. The bill embraces the “throw money at the problem” approach that has been tried before and has failed. Most importantly, it fails the American taxpayer, whose money is funding a failed strategy, instead of being spent wisely on initiatives that protect them and their way of life.

The border problems afflicting our Nation today are a testament to the bad outcomes of putting politics over practical solution-building. Touting radical mass amnesty as the only viable immigration solution, then blaming those who refuse to accept it while failing to acknowledge the present border crisis, is exactly why the American people have lost confidence in the government’s ability to fix these problems. Before the Biden Administration, innovative policies such as Remain in Mexico, the Asylum Cooperative Agreements, expanded expedited removal, and imposing visa sanctions maintained the integrity of our Nation’s borders. We need to implement the successful [playbook](#) of America First policies that will secure the border, end human trafficking, and defeat the cartels.



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