

# U.S. Citizenship Act of 2021

## THE ISSUE

The U.S. Citizenship Act of 2021 (USCA) is the most radical piece of immigration legislation ever introduced in America and seeks to reward illegal aliens at the expense of American citizens. The legislation is a bold attempt to trade American national security, sovereignty, and well-being for perceived political benefit.

America deserves immigration laws that prioritize Americans, lawful immigrants, U.S. sovereignty, and national and economic security, not illegal aliens, smugglers, cartels, gangs, and breaking the law. The USCA seeks to erase the distinction between legal and illegal immigration. It includes no border security, would increase both illegal and legal immigration, and would skyrocket costs for the American taxpayer. The bill does not advance American interests with regard to immigration policy and cheapens American citizenship.

## ERASING THE LINE BETWEEN ILLEGAL AND LEGAL IMMIGRATION

- The USCA would change the long-standing word “alien” to “noncitizen” throughout the Immigration and Nationality Act of 1952 (INA) because some claim that the word “alien” is offensive.
- The INA defines “alien” as any person not a citizen or national of the United States.
- “Alien” includes illegal aliens, temporary visitors, and lawful permanent residents. Each category has its own set of benefits, obligations, and operations for coming to the U.S. Changing “alien” to “noncitizen” erases these distinctions, yet the bill does not address these consequences.

- If Congress is going to debate immigration, it should use accurate, precise terms. It should not gut our immigration system to score feel-good points.
- What proponents really seek to do is erase the line between illegal and legal immigration.
- This cheapens citizenship. The left wants to make American citizenship a meaningless and purely legal distinction.

## UNENDING AMNESTY FOR ILLEGAL IMMIGRANTS

- Amnesty begets more illegal immigration, and thus more amnesties. It is an immoral solution to an immigration problem as it only encourages more dangerous and illegal entry into the U.S.
- The primary purpose of the immigration bill is to add new potential voters. The bill seeks to shorten the period from green card to citizenship, and thus the vote, to three years. This means that the bill aims to add millions of new voters in advance of the 2024 presidential election in states like Texas and Florida that have large illegal alien populations.
- The bill would give untold millions of illegal immigrants living in the U.S. before January 1, 2021, “lawful prospective immigrant” (LPI) status, work authorization, and a Social Security number for six years with unlimited additional six-year term extensions. Estimates of the total illegal population range from 11 million to 22 million.

- This rewards illegal aliens for breaking the law.
  - The January 1, 2021, date is meaningless. Illegal aliens won't obey it, and fraudulent documents can easily overcome it. Previous amnesties have proven that document fraud is rampant and difficult to enforce in determining eligibility.
  - LPIs could apply for a green card after five years and citizenship three years later.
  - This tells future illegal aliens: Come to the U.S. illegally and you, too, will eventually get a green card.
  - DREAM Act: The bill would provide green cards to anyone who entered the U.S. illegally before turning 18 years old.
    - This is far broader than giving green cards to the 869,000 DACA recipients who were required to enter the U.S. before 16 years of age.
    - This encourages more parents to make the irresponsible and dangerous journeys with their children or, worse, to send their children unaccompanied to enter the U.S. illegally.
    - The numbers of unaccompanied alien children crossing the border predictably skyrocketed after the Democrats passed the Unaccompanied Alien Minors Act, yet they refuse to close the loopholes they created. Instead, they continue to pursue political power on the backs of children by offering them more benefits and creating stronger pull factors.
  - Temporary Protected Status (TPS) and Deferred Enforced Departure (DED): The bill would provide green cards to anyone who had TPS or DED by January 1, 2017.
    - Giving permanent residence to TPS holders ignores Congress's own intentions for the program, the most obvious of which is that Congress made it "temporary."
  - Agricultural workers: The bill would provide green cards to anyone who performed agricultural work for 400 workdays within five previous years.
  - None of these adjustments to lawful permanent resident status counts against annual caps. Normally, the U.S. grants approximately 1 million green cards per year. This change would raise that number to unknown millions.
  - The bill would encourage fraud in adjustment applications by punishing the sharing of information with Immigration and Customs Enforcement (ICE) with a \$50,000 fine.
  - The bill would permit judicial review in district court after multiple administrative levels of review. Because of court backlogs, this would keep aliens in the U.S. years longer, achieving the illegal alien's objective.
  - The bill would give schools grant money to "enhance opportunities for, and provide services to, immigrant children," including schools with at least 50 unaccompanied alien children.
    - Providing more benefits for illegal alien children demonstrates the left's pursuit of power on the backs of children.
    - The bill directs that unaccompanied alien children (UACs) be counted for purposes of these education grants, but the left otherwise obstructs counting of the illegal alien population.
- RETURNING PREVIOUSLY DEPORTED ALIENS TO THE U.S.**
- Aliens deported during the Trump Administration who had previously lived in the

U.S. for three years could return at taxpayer expense.

- Central Americans would be paroled into the U.S. for family reunification, disregarding Congress's own law that parole be individualized for exceptional, humanitarian purposes and that parolees be returned to their home countries.
- The State Department would have to advertise these programs in Central America to increase awareness.
  - The U.S. government would be an active participant in illegal immigration.
- The multi-year bars to re-entry for aliens who lived in the U.S. illegally for more than six months and then left would be scrapped.
  - This also erases the consequences for overstaying a visa, a large segment of illegal immigration.

#### TAXPAYER-FUNDED LAWYERS FOR REMOVABLE ALIENS

- Government-funded legal counsel would be required for “vulnerable populations” of removable aliens, including children; those financially unable to obtain “adequate” representation; a person with a disability; victims of abuse, torture, or violence; and pregnant or lactating woman, as well as parents of a U.S. citizen minor.
- The Attorney General could appoint a government-funded attorney for any other removable alien. This would treat non-Americans better than Americans, as Americans do not receive taxpayer-funded lawyers for civil proceedings.
- An Immigration Counsel Account would be created for deposit of \$25 surcharges imposed on immigration fees charged by U.S. Citizenship and Immigration Services (USCIS) and the State Department.

- U.S. immigration law has long and correctly stated that aliens can have legal representation, *but at no cost to the taxpayer*. This is sound policy: American taxpayers should not have to pay immigration attorneys' fees for someone who is deportable. It also is good fiscal policy when aliens routinely drag out proceedings for years with continuances, appeals, and motions to reconsider and reopen.
- The left has chipped away at that policy for decades, particularly for children. This bill would gut the policy.
- With open-border policies and excessive court processes, funding legal counsel for any population of aliens would be a bottomless fiscal pit.
- The \$25 surcharge on application fees would be a mere subsidy against the total cost of attorneys' fees.
- It is irresponsible for Congress to enact this drastic fiscal change without knowing the total cost.

#### ENCOURAGING ASYLUM FRAUD

- The bill would eliminate the one-year filing deadline for asylum applicants.
  - Requiring asylum applicants to apply for asylum within one year of arriving in the U.S. was one of the most effective tools that Congress created in the 1996 immigration reform law to combat asylum fraud.
  - The current law includes an exception to the one-year deadline for changed circumstances.
  - Asylum is about personal safety. If aliens do not apply for their safety within one year of arriving in the U.S., the validity of their claims is significantly undermined.

- The bill would codify the granting of work authorization to an asylum applicant no later than six months from filing the application.
  - This would encourage aliens to file fraudulent asylum applications solely to obtain work authorization.
- The USCA would authorize appropriations to reduce the USCIS asylum backlog. USCIS is a fee-funded agency.
  - Such appropriations would undermine the sound fiscal policy that immigration applicants should pay for their own fees and adjudications. Backlogs created by fraudulent asylum applicants shift the fiscal cost to the taxpayers.
- The bill would increase the number of immigration judges to decrease the court backlog.
  - Without an increase in the number of ICE attorneys to prosecute the court cases, the backlog will not decrease.
  - Both USCIS and immigration court backlogs would continue to grow because of the left's open-border policies and a drastic increase in the refugee admissions ceiling.

#### INCREASING ALL TYPES OF LEGAL IMMIGRATION

- The USCA would raise the annual per-country limit on family-based immigration and eliminate the country cap for employment visas.
  - The increase in family-based immigration would increase chain migration, which provides green cards based on family relations rather than merit and skills an immigrant brings to the U.S. economy. With the erroneous application of the Fourteenth Amendment to birthright citizenship, it would also allow the children born to those present in the country without citizenship to become U.S. citizens upon birth.
- The per-country cap has existed to treat all countries equitably. Removing it would greatly benefit China and India while disadvantaging allies like the United Kingdom, Israel, and South Korea.
- The bill would exempt spouses and children of green card holders from employment-based immigration quotas, thereby expanding the number of green cards available to employment-based immigrants.
- The definition of "immediate relative" would be expanded to include spouses and minor children of lawful permanent residents, including children born abroad.
  - This would accelerate chain migration.
- Diversity visas would be increased from 55,000 to 80,000 annually.
  - This program should be repealed, not expanded.
  - Winners of these visas are selected by lottery. A sovereign nation should select immigrants based on skill and merits, not luck.
  - Terrorists have exploited this program to enter the United States.
- The USCA would create a Regional Economic Development Visa Pilot Program with 10,000 new visas for immigrants whose employment is "essential" for economic development in cities or counties.
  - Hiring Americans should be the priority, especially in a COVID-wracked economy.
  - In the alternative, refugees should be resettled in such geographical areas.

- Refugee Processing Centers would be established in at least El Salvador, Guatemala, and Honduras to process refugees and relocation to the U.S.
- The Central American Minors Program (CAM) would be re-established for any child of a “non-citizen” to receive special immigrant status.
  - This would make the U.S. government an active facilitator in illegal immigration.
- Applicants who previously filed for the CAM program before its 2017 termination also would qualify for special status.
  - The bill does not specify whether they would still need to be minors.
- The bill would create a Central American Family Reunification Parole Program that would allow for family sponsorships.
- A hotline would be established to provide updates on pending immigration cases.
- It does not specify which bilateral donors the U.S. would engage. This is a matter of concern in view of China’s expansive presence in the region.
- The bill would promote an expansive and invasive role for multilateral organizations to engage in anti-corruption missions that have proven to exceed their authorities in the past.
- Unelected and unmonitored civil society organizations would be designated to conduct oversight over all branches of the government and security services.
- The bill prioritizes ideologically progressive civil society organizations, choosing to work only with those that promote “human rights, freedom of expression, freedom of the press, labor rights, environmental protection, and the rights of individuals with diverse sexual orientations or gender identities; and civil society organizations that address sexual, gender-based, and domestic violence.”

#### EXPENSIVE AND LEFTIST FOREIGN AID PACKAGE FOR CENTRAL AMERICA

- The USCA would authorize \$4 billion for this package over four years, 50 percent of it without conditions.
- The remaining 50 percent could be given to Northern Triangle countries after the Secretary of State certified that each country was taking effective steps to combat corruption, make reforms, etc.
  - Missing from the list of requirements are the countries accepting their nationals back from the U.S.
- The bill would prioritize promoting social justice reforms, including environmental activism, over addressing the economic drivers of migration.
- The bill does not specify whether U.S. Customs and Border Protection would support Central America’s border security efforts.
- The bill falsely claims that green energy investments would cause energy costs to decline.
  - Massive initial investments and costly maintenance would be required to produce tangible reductions in energy cost reductions. The USCA neglects to account for the cost of hydrocarbons and regional governments’ fiscal constraints.
- The bill would launch a bilingual public awareness campaign highlighting U.S. amnesty programs available to Central Americans.