

Immigration Fact Check: Responding To Key Myths

1. MYTH: The government is going to give permanent legal status to 12 million illegal aliens before securing our borders.

- **FACT:** Temporary worker and Z visas will not be issued until benchmarks for enforcement are met. These triggers include:
 - Increasing border fencing.
 - Increasing vehicle barriers at the Southern border.
 - Increasing the size of the Border Patrol.
 - Ground-based radar and camera towers along the Southern border.
 - Resources to maintain the end of catch and release.
 - DHS establishment of worksite enforcement tools, including an electronic Employment Eligibility Verification System.
- **FACT:** As we work to meet these triggers, we must provide a mechanism for undocumented workers with clean records and steady jobs to come out of the shadows and be accounted for in a regulated system, on a probationary basis. This will allow immigration enforcement officers to focus their resources on apprehending violent criminals and terrorists.
- **FACT:** To obtain probationary status, illegal immigrants must come out of the shadows to acknowledge they have broken the law and pass a preliminary background check.
- **FACT:** Probationary status may be revoked at any time if a worker is found ineligible for the Z visa, fails to maintain a clean record, or fails the background check required for obtaining a Z visa.
- **FACT:** The Administration has already seen progress in securing our borders due to increased investment and other deterrence factors – the number of apprehensions for illegally crossing the Southern border is down 27 percent from this time last year. The Administration has:
 - Expanded the Border Patrol from approximately 9,000 agents in 2001 to more than 13,000 agents today.
 - Built 78 miles of permanent vehicle barrier and 86 miles of primary fencing.
 - Put in place four Ground Surveillance Radars and one Unmanned Aerial System (UAS), with another (UAS) coming on line in July of this year.

2. MYTH: Under the guest-worker program, guest workers will be able to bring spouses and children into the United States. Children of guest workers will be entitled to free education in public schools, costing taxpayers millions of dollars.

- **FACT:** Temporary workers can only bring their families if they show that they have the financial means to support them and that their family members will have health care insurance while in the U.S. In addition, the number of family members that may be brought into the U.S. by temporary workers is capped.

- **FACT:** Temporary workers are required to pay taxes on the income they earn while working in the U.S. They must also pay a State impact fee of \$500, plus \$250 for each dependent (capped at \$1,500 per family), to cover costs of public services used.
- **FACT:** Temporary workers are not entitled to welfare, Food Stamps, SSI, non-emergency Medicaid, or other programs and privileges enjoyed by U.S. citizens and some Lawful Permanent Residents.

3. MYTH: This bill, through mandates with the Employment Eligibility Verification System, gives the federal government the authority to force national ID cards on all American citizens.

- **FACT:** There is no provision in the bill that requires the creation of a national ID card. The Employment Eligibility Verification System (EEVS) requires workers to present a limited range of highly secure government-issued or government-authorized IDs. These include:
 - U.S. Passport (for U.S. citizens only).
 - Document issued by DHS or the State Department containing photo, biometrics, other such personal identifying info needed to ensure identity (for non-citizens).
 - State-issued, REAL ID compliant license presented along with a Social Security card, or for a limited period before implementation of REAL ID, a State-issued license with a photograph that can be verified by DHS, presented along with a birth certificate and Social Security card.

4. MYTH: The bill allows dangerous gang members access to the Z visa program if they renounce their gang affiliation.

- **FACT:** Any gang member convicted of any of a wide range of criminal conduct is not permitted in the Z visa program, whether he or she has renounced his gang affiliation or not. The range of crimes that disqualify applicants from the Z visa program extends into the thousands and includes:
 - Any felony
 - Any three or more misdemeanors
 - Any serious criminal offense
 - Crimes involving moral turpitude (with narrow exceptions for certain misdemeanors such as those committed before age 18)
 - Violations of a law relating to a controlled substance
- **FACT:** Even if a gang member or other applicant has not been convicted of a crime, he or she is ineligible for the Z visa program if the Government concludes that he is sufficiently dangerous. This is true for all applicants, including gang members who have renounced their affiliations. For example, among those ineligible is any gang member (or other applicant):
 - About whom there are "reasonable grounds" for regarding as a danger to the security of the United States;
 - Who the Government knows or has reason to believe seeks to enter the U.S. "solely, principally, or incidentally" to engage in unlawful activity; or
 - About whom there are reasonable grounds for believing has committed a serious criminal offense outside the U.S.
- **FACT:** The bill would, for the first time, give the Departments of Homeland Security (DHS) and Justice (DOJ) tools to keep certain aliens out of the United States solely on the basis of their participation in a

gang. No conviction is required – if an individual has associated with a gang and helped "aid" or "support" its illegal activity, then he or she is not allowed to remain in the country – even if he renounces his gang affiliation.

5. MYTH: The bill contains a new category of visas for family members that includes a waiver for "family members in hardship cases," which will exponentially increase extended-family chain migration.

- **FACT:** The bill would end chain migration – preferences for siblings and adult children would be eliminated. In addition, visas for parents of U.S. citizens would be capped.
- **FACT:** After the family backlog is cleared in the first eight years after enactment, the bill will eliminate about 190,000 extended family visas per year. By contrast, the category of "extreme hardship" cases is capped at 5,000 visas per year.
- **FACT:** The number of family members that could qualify for the waiver is exceedingly small – such individuals could migrate only if they would otherwise experience "extreme hardship" that cannot be relieved by temporary visits. For example, the category might extend to families that have a member with a disability.

6. MYTH: Illegal workers who remained in the country after they were ordered deported by an immigration judge are eligible for Z visas.

- **FACT:** Illegal workers who ignored deportation orders are not eligible for the Z visa program, except in exceedingly rare cases in which they can demonstrate their departure would "result in extreme hardship."
- **FACT:** The determination of what constitutes "extreme hardship" lies entirely within the discretion of the Secretary of Homeland Security, who has no interest in allowing this exception to be abused.