

Taxpayers to foot bill for amnesty under House proposal

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Immigrant youth and advocates rally to the office of Attorney General Ken Paxton on the day of the Supreme Court's hearing on DACA in Austin, Texas, in this July 2019 file photo. (Lola Gomez/Austin American-Statesman via AP, File) ****FILE**** [more >](#)

By [Stephen Dinan](#) - The Washington Times - Saturday, September 11, 2021

House Democrats unveiled their plan to legalize millions of illegal immigrants — and to make taxpayers pay billions of dollars to process their applications.

Rep. Jerrold Nadler's proposal, released late Friday, calls for \$2.8 billion in federal funds to help U.S. Citizenship and Immigration Services build capacity to handle the expected surge of paperwork and decision-making.

USCIS is almost entirely fee-funded, under the theory that immigrants should pay their own way. Mr. Nadler's proposal would subvert that model.

His plan would also kick in the amnesty by May 1, giving USCIS little time to get up and running.

Previous directors [have told](#) The Washington Times it would take at least 18 months to prepare for a mass amnesty.

Mr. Nadler, chairman of the Judiciary Committee, envisions legalizing “Dreamers,” who came to the U.S. before age 18, those in the U.S. under the Temporary Protected Status program and illegal immigrants who held “essential” jobs during the pandemic. That covers more than three-quarters of the estimated 11 million illegal immigrants believed to be in the country.

The plan does not contain new border security or enforcement measures. That marks a major break with past immigration plans, whose security measures were considered critical elements to prevent the amnesty from enticing more people to come to the U.S.

The eligibility date is the start of this year, meaning any illegal immigrant who made it to the U.S. by that time could qualify. That includes hundreds of thousands of people who jumped the border during the surge in 2019 and who should have been deported.

Those who file for legalization would have to pay a \$1,500 “supplemental fee” and processing costs.

Mr. Nadler’s plan would apply to those already ordered deported but who absconded, giving them a chance to petition to join the amnesty.

The plan also gives a wide-ranging waiver to the homeland security secretary, allowing him to grant legal status to people whose criminal records should make them ineligible. That includes illegal immigrants who engaged in smuggling, voted illegally, or abused student visas.

“The Judiciary Committee’s portion of the Build Back Better Act makes pivotal investments in community-based violence reduction and human infrastructure that reflect our commitment to a stronger U.S. economy and a vibrant future for all Americans,” the New York Democrat said in announcing his proposal.

Mr. Nadler’s proposal is part of Democrats’ attempt to use the budget process to pass a \$3.5 trillion makeover of America’s social safety net. The immigration amnesty is a tiny part of that.

Using the budget process means Democrats do not have to face the prospect of a Republican filibuster in the Senate, though it’s not clear whether the parliamentarian will allow the immigration provisions to be part of the bill. To be eligible for passage in the budget, a plan must be central to the government’s fiscal situation.

The proposal will be debated and open to amendments in the Judiciary Committee this week, then will be wrapped into a broader package with other committees’ work on the \$3.5 trillion budget.

That price tag has already met with resistance in the Senate, where Sen. Joe Manchin III, West Virginia Democrat, has said he can’t see supporting that much spending.

His support is critical. No Republican is expected to back the bill, and the Democratic Caucus has 50 members, the bare minimum to pass the bill with Vice President Kamala Harris' tiebreaking vote.

The immigration provisions are also likely to be a tough sell without additional security.

There is an appetite from senators in both parties to do something about illegal immigrant Dreamers. A federal judge this year ruled that the DACA program was created illegally. Much of that ruling is on hold pending more court proceedings, but the ruling adds complications to the debate.

But Sen. John Cornyn, a Texas Republican who has long been at the center of immigration debates, said the way Democrats are pursuing their plan sinks chances of cooperation.

“Ds never fail to fail when it comes to immigration reform even when they control the White House, Senate and House,” he said in a post on Twitter. “They persist in pursuing partisan bills rather than bipartisan immigration reform, starting with bills like our Bipartisan Border Solutions Act.”

Under Democrats' plan, the brunt of the legalization work would fall on USCIS. The agency is already stretched to its breaking point, and the Biden administration is piling on more work.

The Times reported in July that a secret study completed last year found that the agency had an 11 million man-hour shortage. That was before the COVID-19 pandemic, which has deepened the agency's fiscal troubles.

That Times report also found experts said USCIS would need significant time to prepare to handle an amnesty program.

Emilio T. Gonzalez, who ran USCIS under President George W. Bush and studied amnesty during the 2006 and 2007 immigration debates, said it would take 18 months to two years to prepare.

The agency's annual budget is a little more than \$3 billion, so the \$2.8 billion Mr. Nadler wants to add is nearly equivalent to a full year's funding.

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