

Repeal Executive Amnesty Act of 2015

Why it Matters and Why Congress Must pass it

Summary

The **Repeal Executive Amnesty Act of 2015** was introduced in the House of Representatives by Robert Aderholt (R-4th AL) on January 7, 2015. It is a comprehensive bill that reinstates meaningful immigration enforcement, reins in the abuse of executive power by President Obama, restores the authority of Congress to make our laws and restores faith for the American public that those laws will be carried out. If passed, the bill would defund and stop the president's recent executive action amnesty. More broadly, it is a strong, first step for the new 114th Congress to begin "reconstructing" our nation's weakened immigration infrastructure.

Background

Since taking office, the Obama administration has systematically dismantled border and interior immigration enforcement, effectively nullifying most of the laws written by Congress. Policies have been put in place behind closed doors reprioritizing which illegal aliens will be removed, local and state resources have been gutted and "deferred action" and parole-in-place have been abused to justify granting relief to broad categories of deportable aliens. In 2012, the president bypassed Congress and unilaterally declared amnesty (DACA) for millions of young illegal aliens. Two months ago, the president declared another amnesty for virtually all remaining illegal aliens in the United States. Not surprisingly, over the years Americans have watched illegal immigration surge and the rule of law disappear while Congress has witnessed the president arrogantly usurp its constitutional authority.

What's in it. Why it Matters

- Defunds amnesty by preventing DHS or any other federal agency from using funds to "implement, administer, enforce, or carry out" the administration's amnesty policies including Obama's 2012 Deferred Action for Childhood Arrivals (DACA) amnesty and the broader executive amnesty program he announced on Nov. 20, 2014. Congress will use its "power of the purse" to stop the president from initiating policies and financial expenditures that the American public has said repeatedly it does not want and that Congress did not authorize.
- Curbs the abuse of parole that has allowed entire classes of inadmissible aliens to enter or remain in the United States. It also bars aliens with parole status from gaining lawful permanent residency or work authorization. The bill restores the original intent of parole authority which is designed to be used on a limited case-by-case basis to allow aliens to enter the U.S. temporarily for humanitarian purposes.

- Bars illegal aliens granted deferred action from gaining work authorization. The bill would protect American workers by preventing millions of illegal aliens from legally taking jobs sought by citizens and legal immigrants.
- Stops illegal aliens who have been granted deferred action or parole by the Obama administration from accessing certain public benefits including Social Security, Medicare and Obamacare. The bill protects the solvency of social programs. It keeps the American safety net from being drained dry by those who have no right be in the county and prevents the president from unilaterally deciding who is eligible.
- Reaffirms that local law enforcement, acting within constitutional limits, has the authority to identify, apprehend, and detain individuals suspected of violating U.S. immigration laws. In addition, the bill requires federal authorities to take custody of removable aliens at the request of state or local authorities. The bill reverses years of Justice Department intimidation of states wanting to assist in the enforcement of federal immigration policy.
- Reinstates the Secure Communities program terminated by Sec. Jeh Johnson on Nov. 20, 2014. The program helps local communities identify illegal aliens and make sure they're removed from the country after serving time. Putting the program back in place ensures that law enforcement won't have to revert back to dangerous "catch and release" policies.
- Reins in executive authority to waive the 3- and 10-year bars on illegal aliens returning legally to the U.S. The bill reinstates what was originally designed as a disincentive to come to the U.S. illegally in the first place.
- Amends the 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA). The law was ostensibly designed to prevent alien trafficking but is now actually fueling more trafficking. TVPRA says minors from any country other than Mexico or Canada can't be returned until they have a lengthy and formal removal process. It's become a loophole because human smugglers and traffickers from Central America know that if they get someone in, the alien minors won't be instantly turned around and are likely to stay. The **Repeal Executive Amnesty Act of 2015** bill treats alien minors from *all* countries the same, and in so doing will reduce illegal immigration yet preserve the original purpose.

Will it Pass?

That depends on how forcefully we pressure our lawmakers. But ultimately, the abuse of executive power and the corruption of our immigration system by the president transcends the issue of immigration and should even transcend partisan politics. No member of the House or Senate - whether they are Republican, Democrat or Independent - should let this usurpation of power be left unchecked. Congress must act. The president has a constitutional obligation to "take care that the laws Congress writes are faithfully executed." There is no clause that says...."except of course if Obama doesn't really feel like it." If Congress ignores Obama's violation of his constitutional obligations they themselves are violating that obligation and surrendering their plenary authority.