



## Summary of Major Provisions in the Repeal Executive Amnesty Act of 2015

January 7, 2015

The **Repeal Executive Amnesty Act of 2015** was introduced in the House of Representatives by Robert Aderholt (R-4<sup>th</sup> 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, and restores the authority of Congress to make our laws.

### Summary:

- **Significantly curbs the President's ability to abuse parole (INA 212(d)(5))**
  - Restricts and specifies the circumstances under which DHS may grant an alien parole
  - Prohibits an alien who present in the United States under parole to adjust to nonimmigrant status, lawful permanent resident status, or to obtain work authorization
  - Prohibits DHS from granting "parole in place" (i.e. granting parole to an alien who is present in the United States without admission or has been admitted and stayed beyond the lawful period of admission)
- **Limits the desirability of deferred action and parole by stripping work authorization from aliens with deferred action or parole (INA 274A)**
  - Provides that (except for LPRs/green card holders) an alien must be admitted, in lawful status and authorized to work by the INA in order to be excluded from the definition of unauthorized alien
  - Eliminates the discretion of Homeland Security to grant work authorization to aliens not granted work authorization by Congress
- **Defunds the Morton Memos and the Executive Amnesty Memos**
  - Prohibits DHS or any other federal agency from using funds or fees made available to them from using that money to "implement, administer, enforce, or carry out" (this includes issuing regulations for) any of the policy changes made by:
    - The Morton Memos (including the June 15, 2012 DACA memo), and
    - The Johnson Memos (issued November 20, 2014)
- **Provides for prompt processing of Unaccompanied Alien Children (UACs)**
  - Amends the TVPRA of 2008 by including the Aderholt-Carter-Kingston legislation from July 2014 (H.R. 5143, as introduced); incorporates the definition of UAC from Chaffetz/Goodlatte (H.R. 5137)
  - Eliminates major avenues for asylum fraud by incorporating certain asylum provisions from Chaffetz/Goodlatte (H.R. 5137)
- **Limits the desirability of deferred action or parole by barring aliens with deferred action or parole from receiving various benefits**
  - Limits alien eligibility for Social Security to aliens who have been admitted and whose period of lawful admission has not expired (this excludes aliens with deferred action)
  - Expressly bars parolees from receiving Social Security
  - Limits alien eligibility for Medicare to aliens who have been admitted and whose period of lawful admission has not expired (this excludes aliens with deferred action)

- Expressly bars parolees from receiving Medicare
  - Includes specified benefits provided in the Affordable Care Act (Obamacare) – including participation in the exchanges and the Medicaid expansion –in the definition of “federal public benefit”; provides that only “qualified aliens” are eligible to receive such benefits
  - Bars parolees from the definition of “qualified alien.” This places the Affordable Care Act on par with other federal benefits programs that limit eligibility only to “qualified aliens” pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This means that nonimmigrant (temporary aliens) will no longer be eligible for the ACA and that the five year waiting period will apply in order for qualified aliens to be eligible for the ACA
- **Overturms many of the Administration’s non-enforcement policies**
    - Authorizes state and local law enforcement officers to investigate, identify, apprehend, arrest, detain, or transfer aliens to federal custody for the purpose of U.S. immigration laws and state and local immigration laws
    - Grants immunity to state and local law enforcement officers who act within the scope of their official duties to the same extent as federal law enforcement officers from personal liability arising out of enforcing local, state, or federal immigration laws
    - Requires DHS to assume custody of removable aliens upon the request of state and local law enforcement officials; requires that DHS detain the alien; requires DHS to reimburse locals for all reasonable expenses as a result of the incarceration and transportation of aliens who are inadmissible or deportable
    - Expressly authorizes SCAAP reimbursement (INA 241) to state and local law enforcement agencies for the incarceration of aliens who are charged with certain crimes (in addition to aliens convicted of certain crimes, which is current law)
    - Prohibits states and locals that have laws or policies prohibiting the collection of immigration information; prohibiting the sharing of immigration information; or prohibiting or restricting compliance with ICE detainers from receiving SCAAP reimbursement, Byrne/Jag grants, or COPS grants
- **Reins in Discretion of DHS by suspending its authority to waive the 3 and 10-year bars for two years (through the end of President Obama’s term)**
- **Limits abuse of Temporary Protected Status (TPS) by**
    - Suspending the President’s authority to designate TPS countries for two years
    - Limiting eligibility to aliens who have lawful status at the time of country designation; and
    - Limiting TPS to a total of 36 months
- **Reinstates Secure Communities**
    - Requires DHS operate and maintain the Secure Communities Program
    - Requires DHS to issue detainers, assume custody of, and initiate removal proceedings against aliens who are identified as removable through Secure Communities