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Keeping the Promise of IRCA

In 1986, Congress passed and President Reagan signed the Immigration Reform and Control Act (IRCA). IRCA was touted as a grand compromise in which illegal aliens then living in the United States would be granted a one-time amnesty, in exchange for border enforcement measures and employer sanctions that would effectively end illegal immigration and ensure that no future amnesty would be necessary. The amnesty portion of IRCA resulted in the legalization of some three million illegal aliens. The enforcement measures never materialized.

Before Congress begins a new discussion of what to do with the now 11 million illegal aliens residing in the United States, the old promise must be kept. Now is the time to put in place an enforcement foundation that will, in fact, dramatically reduce future illegal immigration and prevent criminal aliens from taking advantage of our citizens and legal residents. Only after these structures are in place and working will it be possible to convince Americans that Congress is serious about immigration reform.

These are the key components of keeping the promise:

I. Worksite Enforcement that Works

- Mandatory E-Verify for all future hires

II. Crime Prevention and Penalties

- Increase penalties for making/selling/using fake or stolen documents
- Increased penalties for human smuggling
- Restrict State Criminal Alien Assistance Program funding for sanctuary cities
- Require that ICE Immigration Enforcement Agents have the same arrest authority as ICE Deportation Officers
- Increase by 5,000 the number of full-time ICE Deportation Officers and by 700 the number of support staff for ICE Deportation Officers
- Require ICE to assign Deportation Officers to serve as members of any state or local gang or drug task force, at the request of the task force

- Authorize ICE to hire 2,500 Detention Enforcement Officers to be responsible for detention duties, including transportation and guarding of detainees, facility security, and assisting with processing
- Require ICE agents at every federal/state/county prison/jail to identify and place mandatory detainers on all unlawfully present aliens
- Require mandatory issuance of “Notice to Appear” to illegal aliens with criminal convictions, any conviction for operating a vehicle under the influence, any conviction for domestic violence or sexual assault, gang affiliation, or who assault law enforcement officers (the NTA puts the alien before an immigration judge, who then decides whether the alien should be removed or is eligible for relief)
- Deny nonimmigrant visas to countries that refuse to repatriate their nationals who come here and commit crimes (as authorized by current law)
- Increase by 10,000 the number of ICE detention beds
- Increase by 20 the number of DoJ Immigration judges
- Increase by 60 the number of ICE prosecutors
- Require that all ICE Deportation Officers, Immigration Enforcement Agents, and Detention Enforcement Officers have adequate equipment to ensure their safety

III. Gaining Operational Control of America’s Land Borders

- Reinstate definition of operational control of the border as the metric by which DHS measures border security
- Require the development of a National Strategy for Border Control
- Require implementation of a fully functioning entry-exit system at ALL ports of entry within two years of enactment (as originally required in 1996)
- Improve border technology by requiring equipment sharing with DoD
- Require that CBP agents and officers have adequate equipment to ensure their safety
- Establish an ICE Advisory Council that would report to ICE Headquarters and to the House and Senate Judiciary Committees on a quarterly basis on the current status of law enforcement efforts, prosecutions, removals, equipment and personnel needs, and the effectiveness of policies and regulations promulgated by Headquarters

