



FEDERATION FOR AMERICAN IMMIGRATION REFORM

FAIR opposes Kirk Amendment #1776 to the NDAA

June 10, 2015

The **Federation for American Immigration Reform (FAIR)** is advising all Senators and staff that it **opposes Kirk Amendment #1776** to the National Defense Authorization Act (NDAA). The Kirk amendment is similar to Rep. Jeff Denham's "[ENLIST Act](#)" and **would make illegal aliens eligible to enlist in the military and put on a fast-track path to citizenship.**

Specifically, Kirk Amendment #1776 makes all illegal aliens with work authorization through Deferred Action for Childhood Arrivals (DACA) eligible for amnesty. The Kirk Amendment #1776 also makes all aliens with two years of lawful status eligible to enlist, meaning aliens who were lawfully admitted for a temporary basis (e.g., student visa) could circumvent the proper procedure established by the Immigration and Nationality Act in order to get a green card. Worse, the Kirk amendment does not give the Homeland Security (DHS) Secretary any discretion to deny an application. Instead, once the alien enlists, **the Secretary of Homeland Security is required to make them a lawful permanent resident** (or green card holder). In fact, DHS doesn't even need to wait to hand out green cards. Under the Kirk amendment, illegal aliens could conceivably enlist in the military and get a green card the same day.

The [policy implications](#) of this amendment are severe. In addition to encouraging a massive flow of illegal aliens into the military—at a time when we are downsizing troop levels—in order to get a green card, the national security risks are clear. Additionally, the inclusion of such provisions in the NDAA is particularly objectionable. The effort to hold such “must-pass” pieces of legislation like the NDAA hostage in order to force a legalization scheme on Americans is nothing more than a political game by unscrupulous politicians and the amnesty lobby. It does not serve the national interest.

Indeed, Senator McCain [agrees](#) that it is inappropriate to include military amnesty in the NDAA. Just last month Sen. McCain said, “We’re not doing anything on immigration on the NDAA.” He added, “The defense bill is for defense, not for Dreamers.”

FAIR urges a NO vote on Kirk Amendment #1776 and will include it in FAIR's Voting Report.