



IMMIGRATION COMMITTEE  
RECOMMENDATIONS

JANUARY, 2018

U.S. Congressman  
Mark Amodei  
332 Cannon House Office Building  
Washington, DC 20515

January 1, 2018

Dear Congressman Amodei,

We speak on behalf of the Immigration Committee of NevadansCAN, a citizen action network, volunteer, grassroots organization. Immigration is one of our top concerns.

We have empathy for Constitution-respecting, law-abiding, non-benefit receiving, hard-working, patriotic and grateful DACA participants. For them, we are willing to grant provisional legal status with restrictions. But only with the following stipulations: (1) thorough vetting of current DACA recipients requiring a live interview and documentation of high school graduation or military service, (2) FULL funding for the border wall, (3) an end to chain migration, (4) an end to the diversity lottery, (5) full implementation of E-verify, and a few other related items listed in the accompanying document.

We favor the legislative language in S1720, the RAISE Act. We believe that an integration of the stipulated issues (build the wall, end chain migration, end the diversity lottery, and standardize e-verify) into this bills most closely aligns with our vision. Our accompanying document contains references to specific U.S. federal law codes and our recommendations on how to modify those existing law codes to meet our common goals.

President Trump has changed the tide, thereby enabling Americans to fully express the totality of their views on immigration. A recent Rasmussen poll found only 2% of likely voters support the interests of 800,000 DACA beneficiaries ahead of immigration



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enforcement priorities. A majority of voters (61%) want increased enforcement measures adopted before DACA is addressed. First among the priorities of enforcement is building the border wall. With \$1.6 billion already allocated to start construction, we need full funding to put that issue to bed.

This is a unique opportunity for Republicans, having majorities in both the House and Senate to pass comprehensive immigration reform, even without a single Democratic vote. Only a truly comprehensive bill, one with teeth for enforcement, and rigor in screening of DACA recipients, will pass muster with the now conservative majority across the nation and the passionate support we have for President Trump's America First agenda.

Thank you for your attention to this matter. We will arrange a meeting in the near future.

Sincerely,

Niger Innis, Chairman  
Immigration Committee  
NevadansCAN

Linda Cannon, Co-Chair  
Immigration Committee  
NevadansCAN



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# RECOMMENDATIONS FOR DACA COMPROMISE





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## RECOMMENDATIONS FOR DACA COMPROMISE

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**WE ARE NEVADA**

NevadansCAN network was formed in 2017 as a state-wide, volunteer, grassroots organization of Nevada citizens to address State and federal political issues of concern to Nevadans. Immigration is one of our top concerns.

NevadansCAN network counts among its members and advisors not only political leaders but also retired military members, academics, professionals and other concerned citizens who bring their professional expertise to the discussion. We have one common goal: to act in the best interest of Nevada.

**THE IMMIGRATION ACTION COMMITTEE (IMAC)**

The Immigration Action Committee appreciates and values the many waves of immigrants who have contributed to America.

IMAC seeks to pass legislation to strengthen adherence to federal immigration laws. IMAC seeks to reverse immigration practices that undermine immigration law and/or the US Constitution.

**GOALS OF THE IMMIGRATION ACTION COMMITTEE (IMAC)**

Our overall goal is a stronger, more patriotic, more civic-minded citizenship. Since the mid-'60s the United States immigration system, unlike Australia's, Canada's and other developed industrialized nations, has moved away from merit-based immigration to family-based immigration. This change came to fruition during the Civil Rights movement of the 1960s. The environment created during the fight to end racial segregation in America inspired a change of our immigration policy that prioritized global social justice, over American economic interests.

The unique situation of black Americans and white Americans was very different from immigration history, and the two should never have been conflated. In fact, civil right leaders and pioneers such as Barbara Jordan and Cesar Chavez vigorously opposed increased immigration because they saw it as a threat to American workers.



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We need a radical re-imagination of what immigration & citizenship should mean for our country—a dramatic shift away from the Social Justice Imperative of the 60's and a return to the focus on being about the American people, the welfare of our country and a reaffirmation of the of the Constitution. Representatives in Congress need to ensure citizenship processes are fair and balanced for citizens, legal residents, and those “in line” applicants. The highest priority of our immigration policy should be the benefit the American economy and culture.

American citizenship, legal residency and the opportunity to vote is a privilege, not a right for the international community. Innocent, yet illegal residents (“Dreamers”) being converted to legal residents is a privilege and gift; not a moral imperative akin to black American voting rights.

A critical issue identified by IMAC is the high cost of illegal immigration. According to the most recent report of the Federation for American Immigration Reform (FAIR) titled: The Fiscal Burden of Illegal Immigration on the United States Taxpayer (2017), illegal immigrants cost a net of over \$115 billion annually, and over \$45 billion of that comes out of our federal budget. We need laws that provide relief to U.S. citizens and mechanisms that support enforcement of laws already on the books. We need State and local governments to carry out those goals.

IMAC also seeks to educate and refute misinformation about illegal immigrants and crime. According to statistics from the U.S. Sentencing Commission, non-citizens are far more likely to commit serious crimes than citizens. While non-citizens constitute only 7% of the U.S. population, they receive sentences for 22% of murders, as well as 18% of fraud, 33% of money laundering, 29% of drug trafficking, and 79% of drug possession cases. The myth that illegal immigrants commit fewer crimes than do citizens is simply that... a myth.



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The 10<sup>th</sup> Amendment gives autonomy to the states. Consequently, many may provide public benefits as they wish. But, if these benefits made available contravene federal law, the state should be sanctioned by the federal government.

### **BRIEF HISTORY OF DACA**

The total number of individuals that met the age criteria, known as Dreamers, was approximately 1.7 million. Of these 844,000 applied for the DACA program. The applicants had to sign an affidavit under penalty of perjury that they met the criteria of the program and were fingerprinted for background checks. According to a September 2017 PEW research study, the 800,000 DACA recipients have now dwindled to approximately 690,000. Of those no longer listed, 40,000 received green cards and 70,000 either failed to renew their DACA applications or had their renewal applications rejected for a variety of reasons.

According to U.S. Citizenship and Immigration Service (USCIS) investigator Matt O'Brien, and documents received from the Department of Homeland Security (DHS) through a FOIA request by Judicial Watch, approximately half or more of all DACA applications are fraudulent.

After 9/11, federal law was changed to make it a felony to falsely sign an affidavit on a federal government document. This means that a high percentage of DACA applicants have committed a felony, which effectively bars them from participating in the DACA program. Furthermore, despite the last two requirements of the DACA program that applicants not have been involved in significant illegal activity or be threats to national security or public safety, there appears to have been little or no investigation or evaluation of the DACA applicants.

This concern of lack of screening or fraud must be addressed in advance of any DACA Compromise we suggest.



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**THE DACA COMPROMISE:**

We have empathy for Constitution-respecting, law-abiding, non-benefit receiving, hard-working, patriotic and grateful DACA participants. For them, we are willing to grant provisional legal status with restrictions. This plan of action will only come to fruition if certain guarantees accompany it

- A. Implementation of funding for a border barrier previously signed into law in the early 2000's and any other requests by the current administration.
  - A. Establishment of a system of internal monitoring and deportation processes for those not eligible to remain in the US.
  - B. Initial DACA applications must be re-examined and each applicant must provide proof of education or military status, and all statements made on their applications.
  - C. Each must submit to a personal interview, like all other citizenship applicants. There should be no chain migration for DACA recipients while on provisional status.
    - i. Within DACA: Those who complete six years of honorable active military service (excluding non-combat duties in the National Guard and Reserves) will be given priority vis-à-vis other DACA participants.
    - ii. Terminate and preclude social welfare benefits for DACA recipients.
    - iii. All applicants will complete and pass a course on civics and the Constitution.
  - D. End or dramatically reduce the chain migration system (see Addendum 1).
  - E. End or dramatically reduce the visa lottery program (see Addendum 2).
  - F. Congress should pass a resolution reaffirming the President's authorization to designate groups or nations deemed hostile to the United States and subject potential immigrants from those groups or nations to rigorous examination and possible ban (see Addendum 3).



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- G. Strengthen and implement E-verify. Levy heavy fines for employers hiring illegal aliens (aka undocumented individuals). (See Addendum 4.)
  
- H. Sanction Sanctuary Cities and states (see Addendum 5).
  - i. Enforce federal law which prohibits the harboring of illegal aliens per 8USC 1324 that is current law.
  - ii. Withhold from those who flaunt, ignore or attempt to flaunt federal law by failing to cooperate with immigration officials (so-called Sanctuary states, cities and other governmental subdivisions) the payment of any sums which would otherwise be used to house, feed, clothe, educate or care for those not entitled to be in the United States.
  
- I. Patriotic affirmation
  - i. Implement policies which encourage the assimilation of immigrants such as English proficiency, military or public service, and knowledge of American civics including a basic understanding of the Constitutional principles upon which this Country was built.
  - ii. Provide for creation or support of vouchers mandatory for patriotic assimilation.
  - iii. (For provisional DACA recipients) Pledge of allegiance to obey the laws and Constitution of the United States
  
- J. Restrictions on Federal public benefits for illegal aliens (see Addenda 6 and 7).
  - i. Enhance federal restrictions on public benefits for illegal aliens.
  - ii. Prohibit a state directly or indirectly using federal funds to give public benefits to illegal aliens.



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- iii. Address the apparent contradiction of 8 USC §1621 (a) and 8 USC §1621 (c) versus 8 USC §1621(d) +
  - iv. Prohibition of child tax credits for illegal aliens
- K. Establish a Congressional Commission to vet the constitutionality and efficacy of birthright citizenship for 21st century America.

**CONCLUSION**

By following the policy prescriptions above we will compel the far left to declare their opposition to pro-American ideals.

Provisions should be used by the current majority in both Houses to expose and reaffirm minority opposition to the far left political agenda.

Reaffirm programs to ensure support and defense of our unique Constitution, love of country, and the desire for full assimilation of new immigrants and current citizens not previously required to publicly declare their loyalty to our nation, its unique Constitution, and our Rule of Law.



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## **RELEVANT STATUTORY ADDENDA**

### **1. Family Chain Migration – 8 USC §1153(a) (For Legal Immigrants. Does not apply to DACA.)**

IMAC recommends that 8 USC §1153(a) and §1151(a)(1) be amended to limit family-oriented immigration to a spouse and unmarried minor children of a citizen as follows:

- Spouses should receive provisional citizenship subject to revocation if:
  - the parties divorce or separate within 10 years with each spouse to submit an annual sworn statement, or
  - any minor child resides outside the United States for more than 90 days during any calendar year, or
  - the spouse has committed a felony or submitted a false annual statement.

The false statement requirement is limited to the spouse so as to prevent the spouse's fate from being controlled by the citizen threatening to submit a false declaration. There should be exceptions: for a spouse in military service, if the citizen spouse is incarcerated (the non-citizen spouse should not be punished for crimes of the citizen spouse), for long-term hospitalization or disability.

- Biological and a limited number of adopted children under 16 of a new citizen parent eligible for citizenship. To prevent or deter fraud, the number of adopted foreign national children should be limited to no more than two adopted children.
  - Biological and adopted children of the non-citizen spouse under age 16 should receive provisional legal status subject to revocation as follows:
  - the non-citizen parent ceases to be eligible to remain in the United States before the children have spent 10 years in the United States, or
  - the spouse of the non-citizen parent declines to be financially responsible during for their minor child.
  - the children fail to be enrolled in, or attend a full time school in the United States until the earlier of the age of 18 or graduation from high school, or
  - any minor child resides outside the United States for more than 90 days during any calendar year.



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**2. The Immigration Lottery – 8 USC §1153(c)**

IMAC recommends that 8 USC §1153(c), §1153(e)(2), §1151(a)(3), 1151(e) and all related regulations which ostensibly provide for “diversity” be repealed and rescinded in their entirety as antiquated and no longer desirable.

**3. Nondiscrimination – 8 USC §1152(a)(1)(A)**

IMAC recommends that 8 USC §1152(a)(1)(A) be amended to permit the President or Attorney General to suspend, for a period of not more than 180 days, the operation of this Section upon making a designation that certain the groups or nations in question are deemed hostile to the United States.

**4. E-Verify – 8 USC §1324a(d)**

8 USC §1324a(d) appears to be the statutory basis for E-Verify which was established as a temporary pilot project and made voluntary with States being permitted to opt out of its use. E-Verify must be made permanent by amending 8 USC §1324a to require its use by all employers, including State and local government officials. 8 CFR §22.1802 should be extended and made applicable to all governmental agencies, including States and their political sub-divisions. The requirement must be accompanied by some enforcement mechanism consisting of fines against non-governmental employers and a withholding of federal funds from governmental employers.

**5. Elimination of Sanctuary Governmental Entities – 8 USC §1252c**

8 USC §1252c(a) appears to be the statutory basis on which the so-called Sanctuary States, Cities and other political subdivisions exist. IMAC recommends that 8 USC §1252c(a) be amended to “sanction State and local law officials who refuse to hold for the benefit of federal immigration officials those who are in the United States illegally.

A new subsection should be enacted which references 6 USC §237, 8 USC §§1360, 1365a and 1365b and authorizes any State or local law enforcement agency to access



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federal databases for purposes of determining, at federal government expense, the immigration status of those in custody of such law enforcement agencies.

A new subsection should be enacted which authorizes the President to withhold federal funds from any entity which fails to comply with the section, as modified, a fixed sum, perhaps \$10,000 per person with such sum to be withheld from any sums otherwise payable to the offending entity or any entity with jurisdiction over the non-compliant entity.

**6. State and Local Public Benefits for Illegal Aliens – 8 USC §1621**

8 USC §1621(a) creates a presumption that illegal aliens are not eligible for public benefits. Yet 8 USC §1621 (d) apparently does empower the states to give benefits to illegal aliens as long as it is consistent with state law after August 22, 1996.

8 USC §1621 (d) seems to recognize the sovereignty of the state relative to the 10<sup>th</sup> of amendment to the Constitution. Consequently, states may provide benefits as they wish. However, funds made available by the federal government for social benefits that are used in contravention by federal law should be aggressively prohibited.

A mechanism needs to be created where the federal government can withhold funds to defray increased costs due to increased illegal immigration populations in magnet states with large social benefits paid to illegal aliens.

**7. Restriction on Child Tax Credits – 26 USC §24(e)**

Child Tax Credits, along with all other benefits afforded by the American taxpayer, should be granted to American citizens and those lawfully in our country. Tax identification numbers are issued indiscriminately to entities, foreigners, non-citizens and others as well as those entitled to be in the United States. 26 USC §24 (e) should be amended to replace each instance of the phrase “taxpayer identification number” with the phrase “social security number”.