

Senator Britt Legislation to Address the Border Crisis

- Straight forward acknowledgment: This administration needs to acknowledge that there is a crisis on our Southern land border. The Senate can do that with a simple resolution.
- End the Obama/Biden “catch and release” policy which requires the government to release illegal aliens into the United States’ interior after detaining them for six months, if no other country accepts them for deportation. We need to Keep Our Communities Safe by ensuring DHS has the legal authority to retain criminal aliens.
- We need to end asylum abuse and reinstate the “Remain in Mexico” policy of the Trump Administration. We need legislation that requires migrants to declare asylum at our embassies/consulates in Mexico or Canada before entering the United States.
- We must build the Wall, and we can fully fund it by eliminating the entitlement benefits and tax credits that illegal immigrants are using and fining those making illegal entry into the United States.

Resolution Text

The Biden Administration needs to acknowledge that there is a crisis on our Southern land border. Since the beginning of the Biden Administration there have been over **4.5 million** illegal immigrant encounters on our southern border. Since March of 2022, we have seen over **200,000 encounters each month**.

We have to acknowledge the problem before we can solve it, and the Senate can do that with a simple resolution:

Expressing the sense of the Senate that the current influx of migrants is causing a crisis at the Southern border. Now, therefore, be it

Resolved, That it is the sense of the Senate that the current influx of migrants at the Southern land border of the United States constitutes a crisis.

KEEP OUR COMMUNITIES SAFE ACT

Background:

The immigration crisis perpetuated by the Biden administration only continues to get worse – recent [stats](#) show that there have been over **4.5 million** illegal immigrant encounters during Biden’s presidency, with over **251,000** in the month of December 2022. This is almost 2 and half times larger of a “border surge” that in December 2020, the last full month of the Trump Presidency. This is the worst crisis at the border [on record](#). Further, the Biden administration has released over [1 million](#) illegal immigrants into the U.S. and, pending the outcome of ongoing litigation, chose to release more than 1,100 illegal immigrants with criminal records from detention facilities to make room for the anticipated border surge from the lifting of Title 42.

Keep Our Communities Safe Act

This legislation would close the Obama / Biden “catch-and-release” policy that requires the government to release illegal aliens into the United States’ interior after detaining them for six months, if no other country accepts them for deportation.

The Keep Our Communities Safe Act closes the loophole that prevents the Department of Homeland Security (DHS) from detaining illegal immigrants for more than six months when:

- Their release would threaten the safety of the community and the alien either is an aggravated felon or has committed a crime of violence;
- They would be removed in the reasonably foreseeable future;
- They would have been removed if not for the alien’s refusal to make all reasonable efforts to comply and cooperate with DHS efforts to remove them;
- They have a highly contagious disease;
- Their release would have serious adverse foreign policy consequences; or
- Their release would threaten national security.

ASYLUM ABUSE REDUCTION ACT

BACKGROUND:

Previous administrations have operated under a policy of “catch and release,” where many illegal immigrants caught crossing the border illegally are given citations for appearing in court, but then released into the United States.

The asylum process has also been abused in the past, with immigrants entering the country after declaring asylum, but never completing the process by attending court dates or necessary interviews with immigration officials—thereby never receiving proper documentation. We have also experienced a dramatic increase in the number of individuals claiming asylum.

Asylum Abuse Reduction Act

Requires migrants to declare asylum at our embassies/consulates in Mexico or Canada before entering the United States.

- Currently, migrants who cross the border illegally and declare asylum are released pending credible fear screenings and other legal procedures, but rarely show up for proceedings – never completing the asylum process.
- The dramatic increase in asylum claims, as urged by smugglers, creates a huge strain on our resources, a backlog in the immigration process and most migrants don’t show up for their court date.
- **SOLUTION:** The Asylum Abuse Reduction Act requires individuals seeking asylum to have their preliminary credible fear screening with an immigration officer by telephone or in person at an embassy or consulate outside the United States prior to being considered for admittance for asylum purposes.

Creates a criminal bench warrant for immigrants that have failed to appear for immigration court.

- Currently, when illegal immigrants fail to show up for court, their information is not entered into police databases.
- **SOLUTION:** With Sen. Britt’s bill, if migrants don’t appear for court, they will be given a bench warrant so if they are stopped for an unrelated offense, like speeding, there will be a warrant for them in the system for violating immigration law.

Codifies the Trump Administration’s Third Country Asylum Rule.

- **SOLUTION:** Prohibits migrants from claiming asylum unless he or she has applied for protection from persecution or torture in at least one country outside the alien’s country of citizenship and was denied asylum by that country.
- **HUMAN TRAFFICKING EXCEPTION:** for migrants that are victims of human trafficking.

Establishes Fix to Flores Settlement Agreement:

- The 1997 Flores agreement says that we can’t detain children who illegally enter the country for more than 20 days. Currently, that usually means that illegal immigrants travelling as family units with children are released pending trial – who then fail to appear. The current alternative to releasing the entire family unit is to release only the children, therefore separating them from their families.
- **SOLUTION:** This bill aims to prevent family separation (and catch and release) by ensuring the Flores agreement does not apply to children who are travelling in family units.

WALL ACT

Summary:

- Sen. Britt's bill makes \$25 billion of mandatory funds available until expended to build a wall at the southern border between the United States and Mexico.
- To pay for the wall, at least \$25 billion of federal funds currently expended for entitlement benefits and tax credits for illegal immigrants are eliminated, a \$3,000 minimum fine is placed on every illegal entry into the United States, and a \$300 fee is placed on every illegal immigrant working and filing taxes in the US.
- This bill makes five major changes to social welfare and tax policy:
 1. To require Earned Income Tax Credit (EITC), Child Tax Credit (CTC), American Opportunity Tax Credit (AOTC), and Lifetime Learning Credit (LLC) recipients to have a Social Security Number that is valid for employment.
 2. To require the Internal Revenue Service (IRS) to verify Social Security Numbers (SSNs) with the Social Security Administration (SSA) to ensure filer's SSNs are valid and match the identity of the filer.
 3. To require the appropriate agencies overseeing entitlement programs and public housing assistance programs to apply E-Verify to the respective entitlement and housing programs.
 4. To establish a minimum penalty of \$3,000 and \$10,000 maximum for every illegal entry into the United States.
 5. To establish a \$300 fee for each instance in which an individual files taxes using an Individual Taxpayer Identification Number (ITIN).
 6. To increase the minimum penalty for visa overstay to \$50 for every month overstayed.

WALL ACT

Background:

- Despite well-intentioned laws in place requiring applicants to present a standard SSN to receive entitlement benefits like Medicaid, SNAP, TANF, etc., illegal immigrants with outdated or invalid SSN's and other identification means still receive entitlement and tax benefits intended for American citizens and lawful immigrants.
- Prior to 2003, the SSA did not have to cross reference noncitizens' identity documents with records kept by immigration officials at the newly established Department of Homeland Security (DHS). This created opportunities for unlawful immigrants to obtain SSNs to be eligible for a number of programs intended for citizens and lawful immigrants.
- Under current law, a standard SSN is required to receive the EITC; however, individuals who received their SSN prior to 2003 may have an SSN without being eligible for work. On the other hand, the AOTC, and LLC, allow anyone with either a standard SSN *or* an Individual Taxpayer Identification Number (ITIN) to be eligible to receive these credits (note: the IRS issues ITINs to anyone, including illegal immigrants, who are required to file a tax return but are not able to receive an SSN). This bill requires applicants of the EITC, AOTC and LLC to have work-authorized SSNs.
- Currently, in order to receive the CTC, children must have a SSN, but the claimant only needs an ITIN. This bill requires both the child and the claimant to have a work-authorized SSN.
- Under current law, an SSN is required to receive entitlement benefits and in most cases, public housing assistance, but you do not have to be “work eligible” to receive those benefits or assistance.
- As stated, illegal immigrants may receive ITINs, regardless of their eligibility to work in the US; a \$300 fee for each tax return filed with an ITIN will target immigrants working unlawfully in the US.

Considerations:

- This bill is not intended to affect the eligibility of any United States citizens, lawful residents or other lawful immigrants; it simply aims to remove from eligibility those in this country unlawfully.
- **In 2018, the Joint Committee on Taxation (JCT) estimated the tax components of the bill alone would save over \$33 billion over 10 years.**