



AMENDMENTS TO S.744 THAT AFFECT CHILDREN AND FAMILIES

June 18, 2013

The First Focus Campaign for Children (FFCC) is committed to advocating for passage of immigration reform that addresses the specific needs and interests of children. As the Senate continues deliberation of the Border Security, Economic Opportunity, and Immigration Modernization Act (S.744), FFCC will be working to defend the provisions in the bill that keep families together and promote children's well-being, defend against attacks on children and families, and support amendments that will improve outcomes for children. The following is a list of amendments that FFCC has determined could benefit or harm children and families.

This list will be updated accordingly as amendments are filed.

POSITIVE AMENDMENTS

Adoption

- **Landrieu 1222:** Applies amendments made in the Child Citizenship Act of 2000 retroactively to all individuals adopted by a U.S. citizen in an international adoption, repeals the pre-adoption parental visitation requirements for automatic citizenship, and amends requirements under section 320 of the Immigration and Nationality Act relating to automatic citizenship for children born outside the U.S. who have a U.S. citizen parent.
- **Klobuchar 1262:** To allow orphans who have established connections with potential adoptive parents in the U.S. and are in humanitarian emergency situations to be admitted to the U.S. under humanitarian parole while their petitions are processed.
- **Klobuchar 1297:** To provide that an adoption processed by the Central Authority of another convention country will permit an alien child adopted abroad through the Hague Convention process to immigrate before the child has been in the legal and physical custody of the adoptive parent for 2 years.

DREAM

- **Blumenthal-Murkowski 1327:** The "Little DREAMers" amendment ensures that the youngest DREAMers have access to the same 5-year path to citizenship as older DREAMers if they are under the age of 18 after completing 5 years of Registered Provisional Immigrant (RPI) status.

Pathway to Citizenship

- **Cardin 1294:** Adds community service to the employment and education requirement for RPI status and adjustment to LPR status, expanding the pathway to citizenship to parents and other immigrants who have a difficult time meeting employment and education requirements.

Health Care and Safety Net

- **Boxer 1282:** Time in RPI or blue card status satisfies the five-year bar on access to the safety net.

Protections for Children

- **Boxer 1199 & 1240:** Requires training of National Guard and Coast Guard personnel pertaining to border protection, immigration law enforcement, and vulnerable populations such as children and victims of crime.
- **Boxer 1257:** Improves access to safety net benefits for victims of domestic abuse, including children, that allow them to escape abuse and exploitation.

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- **Boxer 1260:** Requires DHS to establish standards for short-term custody by CBP.

Taxes

- **Hirono 1317:** Provides that an individual who is lawfully present, employed, and paying their share of Federal taxes that fund federal programs shall not be denied access to those programs on the basis of their immigration status.

Visas and Entry

- **Leahy 1181:** Allows spouses and children of long-term contract (more than 1 year) agricultural workers and W-1 visa holders to be admitted to the United States during the worker's period of employment.

Youth Employment

- **Sanders 1283:** Establishes a youth employment program for low-income youth age 16-24 that are unemployed using a \$10 surcharge on certain employment-based visas.

NEGATIVE AMENDMENTS

Birthright Citizenship

- **Vitter 1292:** Denies citizenship to babies born in the U.S. unless at least one of the child's parents is a citizen, an LPR, or an immigrant in active service in the armed forces. This amendment is extremely harmful for children, likely unconstitutional, and represents a major step backwards on civil rights.

DREAM

- **Manchin 1219:** Requires a degree from an institution of higher learning to be eligible for the DREAM title, delaying the pathway to citizenship for DREAMers.

Health Care & Safety Net

- **Hatch 1246:** Limits the government's ability to waive restrictions on federal means-tested benefits for those in Registered Provisional Immigrant (RPI) status, lawfully present immigrants (LPRs), and to provide nonimmigrants with any benefits. It also prohibits the Secretary of Health and Human Services (HHS) from providing states with waivers for safety net programs.
- **Hatch 1248:** Adds a five-year bar for Affordable Care Act (ACA) subsidies for RPIs, DREAMers, and blue card holders after adjusting to LPR status, forcing aspiring citizens to remain without access to affordable health care for at least 10-15 years.
- **Lee 1215:** Requires annual report on the amounts of federal means-tested benefits provided in each state for households with RPIs, creating a chilling effect to accessing benefits for mixed-legal status families which include U.S. citizen children.
- **Paul 1202:** Restricts refugees, asylees, individuals in RPI status, and other noncitizens from receiving a number of public benefits, including:
 - Earned Income Tax Credit (EITC)
 - Temporary Assistance for Needy Families (TANF) and programs, including child care, under part A of title IV of Social Security Act
 - Medical assistance provided under State Medicaid plan or under waiver of such plan, other than emergency medical assistance
 - Children's Health Insurance Program (CHIP)
 - Supplemental Nutrition Assistance Program (SNAP)
 - Supplemental Security Income (SSI) benefits

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- Federal Pell Grants
- Housing vouchers under Section 8
- Federal Old-Age, Survivors, and Disability Insurance (OSAI & SSDI)
- Health insurance benefits for aged and disabled under Medicare
- Social Services Block Grant services and related funding under subtitle A of title XX of SSA
- **Wicker 1229:** Revokes RPI status if an individual claims a federal means-tested public benefit, is no longer eligible for the status, knowingly used fraudulent documentation, or leaves the country for 180 days.

Immigration Enforcement Policies

- **Grassley 1301:** Replaces sections 3704 to 3707 to increase penalties, including prison sentences, and fines on individuals who enter the country as undocumented immigrants, who reenter after an order of deportation, or who use fraudulent documents. Increasing these onerous fines would be especially difficult for children, who could face up to 10 years in prison after multiple attempts at reentry under this amendment.
- **Inhofe 1203:** Allows individuals, including children, to spend an unlimited time in detention prior to removal proceedings.

Path to Citizenship

- **Lee 1210:** Prohibits individuals who have left or attempted to reenter the U.S. following a deportation order from being eligible for RPI status, threatening family unity and the ability of previously removed parents and DREAMers from obtaining RPI status.
- **Lee 1213:** Prohibits the waiver or reduction of fees for applicants seeking RPI status, making adjustment of status more difficult for low-income families.
- **Lee 1214:** Restricts the use of sworn affidavits or other unspecified documents to verify employment or education of an RPI applying for LPR status which would increase the burden of proof for DREAMers and domestic workers and other non-traditional workers.
- **Rubio 1225:** Requires those who adjust to RPI who are 16 years of older to read, write, and speak the English language, creating an additional barrier to accessing RPI status and further delaying access to the path to citizenship.
- **Wicker 1230:** Prohibits application for RPI status if an individual had previously filed and been denied an asylum application or failed to leave the US following the granting of a voluntary departure.
- **Wicker 1232:** Doubles penalties on both RPI applicants and adjustment to LPR status from \$1000 to \$2000 each, increasing the burden for low-income parents to access path to citizenship.

Protections for Children

- **Grassley 1306:** Weakens provisions that grant legal representation to unaccompanied immigrant minors, and only requires counsel to represent an unaccompanied immigrant child with a serious mental disability.

Taxes and Income Supports

- **Hatch 1247:** Prohibits application for RPI status, or adjustment to LPR status, unless new tax payment documentation requirements to require RPI applicants to provide proof to the Department of Treasury that they have no owed federal tax liability from an individual's original date of entry into the U.S. are satisfied. This requirement would be unworkable for families, employers, and the IRS, with the overall effect of creating a barrier against immigrant parents adjusting to and maintaining RPI status.
- **Lee 1212:** Prohibits application for RPI status unless applicants document, in cooperation with the Internal Revenue Service, the payment of owed Federal back tax liability, interest, and penalties. This requirement creates an application barrier and financial hurdles for immigrant parents.

- **Vitter 1289:** Denies the child tax credit (CTC) to anyone in temporary legal status who files taxes with an individual taxpayer identification number (ITIN). This denies an important tax credit that lifts millions of children out of poverty every year to immigrant families who are paying taxes.

Triggers/Barriers to Legalization

The following amendments threaten to delay the path to citizenship for children and families:

- **Coats 1277:** Before processing applications to adjust status from RPI to LPR status, the Southern Border Security Strategy must be 100 percent deployed and 100 percent operational.
- **Coats 1287:** Prohibits the granting of RPI status to any individual until the Secretary of Homeland Security has maintained effective control of “high-risk sectors” along the Southern borders for at least 6 months.
- **Cornyn 1251:** Bars adjustment of status for individuals convicted of certain misdemeanors, such as domestic violence, and provides approximately 5,000 more border patrol agents. Also requires DHS to meet a number of requirements before those in RPI status can adjust to LPR status, including:
 - 100 percent monitoring capacity on the Southern border
 - 90 percent apprehension rate on the Southern border
 - Biometric exit system for all air and sea ports
- **Grassley 1195:** Prohibits the granting of RPI status to any individual until the Secretary of Homeland Security has maintained effective control on the borders for at least 6 months, further delaying access to the path to citizenship.
- **Thune 1196:** Restricts granting of RPI status to any alien prior to the governors of the States of the southern border (CA, TX, NM, and AZ) approving the Secretary of Homeland Security’s southern border strategy and the successful implementation of such strategy.
- **Thune 1197:** Requires the completion of 350 miles of reinforced, double-layered fencing prior to the granting of RPI status. Also requires completion of 700 miles of the same fencing prior to the adjustment of RPI status to LPR status.
- **Thune 1270:** Requires the exit data system to be operational at ten airports before processing applications for RPI status.
- **Thune 1271:** Requires employers with more than 500 employees to be participating in the E-Verify system before processing applications for RPI status.
- **Vitter 1201:** Prohibits adjustment to LPR status or naturalization for any individual unlawfully present in the US until the Secretary of Homeland Security is certain that the biometric border system is established at every land, sea and air point of entry.
- **Vitter 1228:** Prohibits granting LPR status or adjustment to citizenship status for any individual unlawfully present in the US until the Secretary of Homeland Security verifies that the biometric border system is established at every land, sea and air point of entry and Congress passes a joint resolution acknowledging that this system is sufficiently established.
- **Vitter 1254:** Restricts Secretary from processing RPI applications prior to meeting the triggers such as those in Cornyn 1251.