



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 4, 2006
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S. 2454 – Securing America's Borders Act

(Sen. Frist (R) Tennessee)

The Administration is committed to comprehensive immigration reform that will secure the border, strengthen enforcement of immigration laws in the Nation's interior, and create a temporary worker program that does not provide amnesty.

The immigration debate is a pivotal one for the Nation. America's welcoming society is more than a cultural tradition; it is a fundamental promise of our democracy. At its core, immigration is a sign of a confident and successful nation. At the same time, our society is built on a fundamental respect for the rule of law. As the legislative process moves forward, the Nation has a chance to move beyond the limited choices of the past. It is also important that the debate be conducted with civility that upholds the dignity of the democratic process and does not pit neighbor against neighbor.

The Administration strongly supports Senate passage of comprehensive immigration reform and appreciates the efforts of the Majority Leader and the Senate Judiciary Committee in bringing legislation on this important subject to the floor. The Administration looks forward to working with Congress in making improvements to S. 2454 and the Senate Judiciary Committee bill and in implementing the many necessary reforms that this legislation will provide.

The Administration is committed to securing the border and ensuring that illegal aliens who are caught attempting to enter the United States are returned to their home countries as soon as possible. The Administration looks forward to working with Congress to provide the legal authorities and the proper mix of personnel, technology, and infrastructure for securing the border and improving and enhancing interior enforcement efforts.

The Administration appreciates that S. 2454 supports the Administration's goal to end the longstanding practice of "catch and release" in which illegal aliens from countries other than Mexico are not detained or immediately returned to their countries, but are assigned court dates for immigration hearings at which they often fail to appear. Provisions in both Senate bills would allow the Administration to return these aliens more efficiently to their home countries, which will deter other aliens from attempting to enter the United States illegally. The Administration looks forward to working with Congress to ensure that expedited removal becomes an even more effective enforcement tool and that impediments to its efficient use are addressed. The Administration supports the provision in the Senate Judiciary Committee bill that establishes a requirement that courts consider national security and border security before issuing injunctions that preclude removal. The Administration also looks forward to working with Congress to ensure that detention and removal-related provisions do not undermine operations designed to gain control of the border.

The Administration supports provisions in S. 2454 enhancing the authority of the Secretary of Homeland Security to bar criminals and terrorists from obtaining immigration benefits. These provisions will significantly improve the Secretary's ability to consider national security in determining eligibility for citizenship and other benefits. The Administration is concerned that the Senate Judiciary Committee bill would weaken these provisions by making them inapplicable to criminals and terrorists who committed their acts prior to the bill's enactment. The Administration urges adoption of these provisions as they currently stand in S. 2454. The Administration further supports criminal provisions in both bills to reduce document and immigration fraud, but opposes statutory carveouts that will invite exploitation by terrorists, counterfeiters, and other criminals.

The Nation is stronger and more dynamic when it welcomes new citizens. With that in mind, the Administration strongly supports the provisions that raise the annual statutory limits on legal immigrants. Raising these limits will reduce the current waiting time for those subject to the annual caps. These increases will accelerate processing for those currently in line, benefiting those who follow the lawful path to permanent residency and citizenship. In addition, the Administration strongly supports the provisions of the bills, including raising the cap on H-1B visas, intended to attract and retain high-skilled workers from around the world while maintaining national security priorities and protecting U.S. workers. These provisions will enable some of the world's most talented individuals to put their skills to work for America, will increase the Nation's productivity, and will help to create many high-paying jobs for Americans.

The Administration supports the Senate's desire to leverage State and local law enforcement efforts, but wants to ensure that the mechanisms for doing so meet Federal law enforcement objectives and make the most effective use of the Nation's homeland security resources. The Administration looks forward to working with Congress to ensure that increased State and local activity is coordinated to enhance, and not hinder, ongoing Federal law enforcement programs and to do so without diverting resources needed to improve State and local counter-terrorism capabilities.

The Administration strongly supports both bills' provisions that would increase the penalties for alien smuggling and unlawful entry into the United States. The Administration also strongly supports efforts to make clear that simply providing humanitarian assistance is not, and should not be, a criminal act. The Administration looks forward to working with Congress to ensure that statutory language allows for appropriate humanitarian assistance.

The Administration supports both bills' provisions ensuring that the Federal government can detain dangerous criminal aliens and aliens who present security risks until they are removed. The Administration looks forward to working with the Congress to ensure the language of these provisions will accomplish their important purpose and will apply to all dangerous aliens, including those who have already been ordered removed.

The Administration is concerned about provisions in both bills that require increased use of military surveillance assets in controlling the U.S. border to prevent illegal immigration. The Administration already makes substantial use of Department of Defense assets to help provide situational awareness along the border and looks forward to working with Congress to ensure military resources are appropriately deployed in defense of the homeland and in the War on Terror.

S. 2454 contains much-needed provisions supported by the Administration that will ensure that lawsuits and red tape do not stand in the way of securing the Nation's borders and protecting the American people. The Administration looks forward to working with Congress to ensure that these provisions include meaningful standards and additional provisions for screening out unnecessary litigation and limiting overbroad and out-of-date injunctions. The Administration is pleased that S. 2454 does not contain provisions that would insulate key officials in the Executive Office of Immigration Review from Department of Justice supervision.

Worksite enforcement is a critical component of comprehensive immigration reform, and the Administration supports mandating an employment eligibility verification system in a manner that is not overly burdensome for American employers. The Administration looks forward to working with Congress to ensure that implementation of such a system makes efficient use of technology, is operationally effective, and gives employers the tools they need to verify work eligibility quickly and accurately, rather than forcing them to act as detectives when trying to hire employees. Accordingly, the Administration strongly supports provisions that strengthen the document-verification requirements and that provide a safe harbor for those employers who in good faith comply with the law. The Administration also strongly supports the compliance system set forth to investigate and fairly enforce the worksite enforcement requirements. To make this system more effective, the Administration strongly believes that the legislation should include provisions to grant the Department of Homeland Security limited access to Social Security no-match data that indicates possible employment of unlawful aliens.

Finally, the Administration appreciates that the Senate Judiciary Committee bill provides a comprehensive approach to immigration reform, including a temporary worker program. A temporary worker program goes hand-in-hand with efforts to secure the border. The Administration strongly believes that comprehensive reform should include a temporary worker program that provides a legal way to match willing foreign workers with willing American employers to fill jobs that no American is available to do, but that does not provide amnesty. The Administration firmly opposes amnesty, because rewarding those who break the law would compromise the rule of law, encourage more illegal entrants, and increase pressure on the border. The Administration looks forward to working with Congress to ensure that the final legislation does not create an automatic path to permanent residency or citizenship. Providing such a path was one of the fundamental flaws of the Immigration Reform and Control Act of 1986, which granted amnesty to certain illegal immigrants.

A temporary worker program is vital to securing the border. By creating a legal channel for those entering America to do an honest day's labor, a temporary worker program that provides a legal workforce to key sectors of the economy, including the agricultural sector, would dramatically reduce the number of people illegally crossing the border. Such a program would free up law enforcement to focus on the greatest threats on the border to the Nation's security – terrorists, drug dealers, and other criminals. The program would also improve security by creating tamper-proof identification cards that would allow authorities to identify temporary workers who are in America legally. A temporary worker program cannot succeed without a sustained commitment to enforcing the Nation's immigration laws, and the Administration is committed to both of these objectives.

Immigrants have enriched the Nation's history, and they continue to shape American society. Each generation of immigrants brings renewal to the Nation's character and adds vitality to American culture. Newcomers have a special way of appreciating the opportunities of America, and when they seize those opportunities, the entire Nation benefits. The Administration looks forward to working with Congress to enact comprehensive immigration reform that upholds our tradition as a Nation of laws that welcomes legal immigrants.

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