

Statement of
The Honorable Chuck Grassley

United States Senator

June 28, 2011

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Before the Committee on the Judiciary
Subcommittee on Immigration, Refugees and Border Security
"The DREAM Act"
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Mr. Chairman, the subject of immigration often divides people, parties and ideologies. Addressing our immigration system has bogged down the Senate in each instance we have tried to amend current law. But, this is a debate that we must have. Much can be done to strengthen our current system, but it cannot happen until we have successfully stopped the flow of undocumented immigrants crossing our borders and overstaying their visas. Real reforms must be enacted to ensure that the problems we face today do not become the problems of future generations.

Iterations of the Dream Act have circulated for a decade, with the first proposal being introduced in 2001. However, this is the first hearing to be called in the Senate on the issue. I'm pleased that we're having this hearing because there are many questions surrounding the Dream Act which need to be asked and answered. The sponsors of the legislation claim only children who came to this country through no fault of their own would benefit. But the legislation would actually set the stage for another mass amnesty by putting millions of individuals, not just young people, on a path to citizenship. It would open the door to massive fraud and abuse of our immigration system. It would greatly disadvantage individuals who are currently standing in line, all around the world, who are following the law and waiting their turn to come here legally. We granted amnesty to 3 million people in 1986, and today we face an undocumented population of 12 to 20 million. We have learned that rewarding illegality creates more of it.

I'm concerned that the repercussions in discussing another amnesty will only create a rush to the border. This is dangerous not only for the men and women who patrol our boundaries, but for the immigrants themselves. It is not unusual for those wanting a better life to justify their illegal behavior, but it is just that: illegal.

There are many flaws with the legislation. The bill fails to require individuals to graduate from college or to complete their military service, even though proponents claim that education is the sole mission. I have always supported educating our youth. Education for children is paramount. It drives us out of poverty and propels better futures. But what this legislation would allow goes beyond what its sponsors intend.

A very troubling aspect of the bill is that it would allow anyone to apply under the Dream Act. No matter how frivolous the claim, anyone can petition for relief. And while his or her application is pending, that alien is provided safe harbor, meaning he or she cannot be removed from the country and will be granted employment authorization. This provision alone will open the floodgates and cause a massive backlog. And why wouldn't someone apply? This legislation

does not have a cap nor does it have a sunset. Encouraging future flows of illegal immigration and rewarding that behavior with green cards does not serve the best interests of this country. Another issue is the ripple effect chain migration will create. I must remind everyone how our family based immigration system works. Legal permanent residents, which is what the Dream Act students would become, can petition to bring in their family members. Once they naturalize, they can then petition for their children, whether they are married or not, and their brothers and sisters. Then those family members can start the cycle all over again.

The legislation would grant "conditional" legal permanent resident status to those who have entered the country before the age of 16 but are under the age of 35 on the date of enactment. The sponsors claim this legislation is needed because of kids currently in the country through no fault of their own. I am not sure who would consider a 35 year old person a child, but I certainly don't. In previous versions of the bill, the age requirement was set at 30. Even a 30 year should not be considered a child. I'm concerned about the language because it will be difficult, if not impossible, for the Department to know how old an alien is. Many of the home countries from which these aliens were born do not keep accurate records of birth. Couple that with the profitable market of fraudulent documents, the Department will have a hard time trying to ascertain when someone actually came into our country.

To remove the "conditional status", one must complete only 2 years towards a bachelor's degree or serve in the Uniformed Services for 2 years. One does not need to actually obtain a degree in a required time frame. But the bill says that the Department of Homeland Security Secretary can waive those requirements if the alien has "compelling circumstance for their inability to satisfy the requirements" and their "removal from the United States would result in extreme hardship". If the sponsors are serious about education, it would be a priority in this bill. The waiver allowed by the Secretary does not promote education and invites fraud and abuse of the system.

I agree that diversity has made this country the greatest in the world. We are a nation of immigrants, and continue to be an incredibly welcoming nation. But we need to be cautious when considering proposals that incentivize and reward illegal behavior.

Another issue which needs to be addressed stems from the Administration's plan to bypass Congress and ignore our immigration laws. Last July and September, Committee Republicans wrote to Secretary Napolitano expressing our concerns over internal amnesty memos that detailed the Department's plans to grant parole or deferred action on undocumented aliens. The Secretary's office responded that "DHS has not and will not grant deferred action or humanitarian parole to the Nation's illegal immigrant population." However, on June 17th, U.S. Immigration and Customs Enforcement released a memo giving ICE officers, agents and attorneys prosecutorial discretion for undocumented immigrants on a case-by-case basis. The list of factors to be considered in whether someone should be apprehended, detained or removed is exhaustive. Factors range from whether the person in question has "ties and contributions to the community" to "the person's age, with particular consideration given to minors and the elderly", and "the agency's civil immigration enforcement priorities". It is clear the agency's immigration enforcement priorities are not in step with the American people. Chris Cane, President of the National ICE Council, stated, "[u]nable to pass its immigration agenda through legislation, the Administration is now implementing it through agency policy." Providing a back-door amnesty, while Congress continues to be side-stepped will not be tolerated.

There is much to discuss with our current immigration situation. I look forward to hearing all sides of the debate today.

I thank our witnesses for being here today.