

110TH CONGRESS
1ST SESSION

H. RES. 499

Expressing the sense of the House of Representatives that the Administration should rigorously enforce the laws of the United States to substantially reduce illegal immigration and greatly improve border security.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2007

Mr. SMITH of Texas (for himself and Mr. KING of New York) submitted the following resolution; which was referred to the Committee on the Judiciary, and in addition to the Committees on Financial Services and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Expressing the sense of the House of Representatives that the Administration should rigorously enforce the laws of the United States to substantially reduce illegal immigration and greatly improve border security.

Whereas the President of the United States has the primary authority to employ Federal Government resources to enforce immigration laws;

Whereas forty percent of the estimated twelve to twenty million illegal immigrants currently in the United States have overstayed their non-immigrant visas;

Whereas the implementation of the United States Visitor and Immigrant Status Indicator Technology (U.S.–VISIT) program would ensure that the Federal Government knows whether people who entered the country on a short-term visa return home;

Whereas the U.S. Treasury Department decision to allow financial institutions to accept the Mexican matricula consular card as valid identification for the purpose of opening bank accounts encourages illegal immigrants to stay in the United States;

Whereas Federal Bureau of Investigation officials have testified under oath that the matricula consular card “is not a reliable form of identification, due to the non-existence of any means of verifying the true identity of the card holder” and because the card is so vulnerable to fraud and forgery “there are two major criminal threats posed by the cards, and one potential terrorist threat”;

Whereas this and previous Administrations have failed to enforce the legally binding affidavits of support that sponsors of immigrants sign;

Whereas the lack of such enforcement lets immigrants know they can wrongfully take advantage of government benefits paid for by American taxpayers;

Whereas ninety-eight percent of illegal immigrants arrested along the U.S.-Mexico border between 2000 and 2005 were simply released across the border without prosecution, and many were caught and released multiple times;

Whereas such a catch and return without prosecution policy encourages illegal immigrants to keep trying to enter illegally and creates a revolving door of illegal immigration;

Whereas this and previous Administrations have largely ignored laws enacted as part of the Immigration Reform and Control Act of 1986 that impose fines on businesses that employ illegal workers;

Whereas in 2004, the Administration did not issue any final orders to employers for hiring illegal immigrants;

Whereas in 2005, the Administration issued only 10 such final orders;

Whereas not enforcing employer sanctions encourages the hiring of illegal immigrants and the easy availability of jobs acts as a magnet that attracts illegal immigrants;

Whereas neither the United States Department of Homeland Security nor the United States Department of Justice has filed suit to stop any of the ten states that allow colleges and universities to offer in-state tuition rates to illegal immigrants in violation of section 505 of the “Illegal Immigration Reform and Immigrant Responsibility Act of 1996”;

Whereas such a policy unfairly burdens U.S. citizens because there are fewer places for legal residents in those colleges or universities and out-of-state students pay more than illegal immigrants;

Whereas in some judicial jurisdictions alien smugglers must be caught smuggling at least twelve illegal immigrants before they will be prosecuted by the U.S. Attorney’s Office;

Whereas such a policy acts as an incentive for smugglers to continue their trade as long as they do not breach the arbitrary threshold for prosecution;

Whereas there are currently only 13,500 Border Patrol agents, which is 1,306 less than the number Congress re-

quired be in place by the end of FY 2007 in the “Intelligence Reform and Terrorism Prevention Act of 2004”;

Whereas more Border Patrol agents will help ensure effective control of the U.S.-Mexico border;

Whereas there are currently only 27,500 detention beds for holding illegal immigrants which is 15,944 less than the number Congress required be in use by the end of FY 2007 in the “Intelligence Reform and Terrorism Prevention Act of 2004”;

Whereas additional detention beds will help ensure that all criminal aliens and individuals apprehended while crossing the border illegally are detained prior to prosecution and deportation;

Whereas there are currently only 5,571 Immigration and Customs Enforcement investigators, which is less than the number Congress required be in place by the end of FY 2007 in the “Intelligence Reform and Terrorism Prevention Act of 2004”;

Whereas additional investigators will help ensure that sufficient worksite enforcement is performed to impose employer sanctions on those who hire illegal immigrants;

Whereas Congress passed and the President signed the “Secure Fence Act of 2006” requiring more than 700 miles of fencing to be built along the U.S.-Mexico border;

Whereas as of June 5, 2007, only 87 miles of fencing exists even though such fencing helps deter illegal border crossing;

Whereas the Department of Homeland Security may use expedited removal procedures for any illegal immigrants who have not been admitted or paroled into the United

States and who have not affirmatively shown that they have been inside the United States for two years;

Whereas the Department of Homeland Security only uses expedited removal procedures for illegal immigrants who are apprehended within 100 miles of the U.S. border and within 14 days of entry to the United States even though wider use of expedited removal would help decrease the number of appeals of removal orders which clog the Federal court system; and

Whereas the current illegal immigration crisis is a direct result of this and previous Administrations failing to enforce or adequately enforce at least eight immigration laws passed by Congress and enacted by the current and former Administrations: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) the Administration should—

4 (A) implement the entry and exit portions
5 of the United States Visitor and Immigrant
6 Status Indicator Technology program (U.S.–
7 VISIT), as required by the Illegal Immigration
8 Reform and Immigrant Responsibility Act of
9 1996;

10 (B) reverse the Treasury Department’s de-
11 cision to allow financial institutions to accept
12 the Mexican matricula consular cards as valid
13 identification for the purpose of opening bank
14 accounts;

1 (C) enforce legally binding affidavits of
2 support that sponsors of immigrants sign;

3 (D) end the practice of catching illegal im-
4 migrants at the border and returning them
5 without prosecution;

6 (E) enforce the employer sanctions enacted
7 as part of the Immigration Reform and Control
8 Act of 1986;

9 (F) enforce section 505 of the Illegal Im-
10 migration Reform and Immigrant Responsibility
11 Act of 1996, which prohibits in-State college
12 tuition for illegal immigrants;

13 (G) require prosecution of anyone caught
14 smuggling immigrants across the border ille-
15 gally irrespective of how many immigrants are
16 being smuggled;

17 (H) increase the number of full-time Bor-
18 der Patrol agents by at least 1,306 by the end
19 of fiscal year 2007, as authorized by the Intel-
20 ligence Reform and Terrorism Prevention Act
21 of 2004;

22 (I) increase the number of detention beds
23 for illegal immigrants by at least 15,944 by the
24 end of fiscal year 2007, as authorized by the

1 Intelligence Reform and Terrorism Prevention
2 Act of 2004;

3 (J) increase the number of full-time immi-
4 gration investigators by at least 1,600 by the
5 end of fiscal year 2007, as authorized by the
6 Intelligence Reform and Terrorism Prevention
7 Act of 2004;

8 (K) comply with the Secure Fence Act of
9 2006 by building over 700 miles of fencing
10 along the U.S.-Mexico border; and

11 (L) increase the use of expedited removal
12 procedures for all illegal immigrants eligible for
13 expedited removal under United States immi-
14 gration laws; and

15 (2) taking the steps described in paragraph (1)
16 will lead to a substantial reduction in illegal immi-
17 gration and will greatly improve the border security
18 of the United States.

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