



## Committee on Appropriations – Democrats

NO MONEY SHALL BE DRAWN FROM THE TREASURY BUT IN CONSEQUENCE OF APPROPRIATIONS MADE BY LAW AS CONSTITUTION AND ACTS OF CONGRESS



Congresswoman Nita Lowey,  
Ranking Democratic Member

### Republican amendments to FY2015 Homeland Security Appropriations Act targeting President Obama's executive actions on immigration:

**Aderholt/Mulvaney/Barletta:** The amendment would deny use of any funds or fees to implement the President's November executive action on immigration and a host of DHS and ICE memos concerned with civil immigration enforcement priorities, prosecutorial discretion, and deferred action. Further, no funds could be used to carry out any substantially similar policies. These policies were established by executive action because House Republicans refuse to consider comprehensive immigration reform.

**Blackburn:** The amendment would prohibit the use of funds to continue the Deferred Action for Childhood Arrivals program, preventing the consideration of any new applications and denying renewals for hundreds of thousands of young people who already have come forward, passed background checks, obtained temporary protection through DACA, and have since led law-abiding lives.

**DeSantis/Roby:** The amendment would deny use of funds or fees to implement any immigration enforcement policy that does not make anyone convicted of domestic violence, sexual abuse or child molestation the highest priority for deportation.

- Immigration law currently defines sexual abuse of a minor as an aggravated felony even if it is considered a misdemeanor in the jurisdiction that it is prosecuted. As a result, a conviction for such an offense is currently among the highest enforcement priorities.
- Making all domestic violence convictions the highest priority for deportation will have unintended consequences for immigrant victims. Immigrant victims are particularly vulnerable to being arrested and prosecuted for domestic violence, even when they are not the primary perpetrator of violence in the relationship. Because of language and cultural barriers – combined with poor legal counsel, particularly about the immigration consequences of criminal pleas and convictions – wrongly accused immigrant victims are more likely to plead guilty, in an effort to be quickly reunited with their children, or to be unfairly convicted of domestic violence charges. The November executive action that the amendment would stop specifically states: "In evaluating whether the offense is a significant misdemeanor involving "domestic violence," careful consideration should be given to whether the convicted alien was also the victim of domestic violence; if so, this should be a mitigating factor."
- In effect, the amendment eliminates sensible civil immigration enforcement priorities in place. A vote for the amendment is a vote to deny that national security threats and dangerous felons are a top priority.

**Salmon/Thompson of PA:** The amendment finds that, under the Affordable Care Act, employers do not have to provide health insurance or face a penalty if they hire employees who have been granted deferred action and work authorization. The amendment would express the sense of Congress that this discourages employing citizens and so the executive branch should not grant deferred action and work authorization.

- Executive actions on immigration have NOT created an incentive to hire deferred action recipients instead of American workers.
- Under the Affordable Care Act, employers with fewer than 50 full-time workers generally are not subject to the employer responsibility provision. Roughly 95 percent of businesses are small businesses.
- A business with 50 or more full time workers either has to provide affordable, adequate health insurance to its full-time workforce and contribute the same amount toward this coverage for all its employees, regardless of their immigration status, or face a penalty if one or more full-time workers receive a premium tax credit for the purchase of insurance in the Health Insurance Marketplace.
- There are two types of penalties, neither of which create an incentive to hire those granted deferred action over citizens or green-card holders:
  - If the large employer covers substantially all (at least 95 percent) of its full-time employees but the coverage is either unaffordable or does not provide adequate coverage, the business will generally make a payment of \$3,000 times the number of full-time employees that receive the tax credit. Immigration status does not play a role.
  - A large employer that does not offer coverage to at least 95 percent of its full-time employees will owe a payment of \$2,000 per worker if at least one of its full-time employees gets a premium tax credit. Its payment is based on the total number of full-time employees the employer has, regardless of their immigration status or whether the employees are even eligible for a tax credit.

**Schock:** The amendment would express the sense of Congress that adjudicating deferred action applications takes time and resources from U.S. Citizenship and Immigration Services that should be used “for aliens abroad or who are lawfully present in the United States.”

- When DACA was initially implemented the wait times for some legal immigration categories increased because adjudicators were working on DACA applications. DACA was implemented very quickly, before a sufficient number of new adjudicators could be hired.
- However, the implementation of expanded DACA and DAPA should go more smoothly. The new adjudicators are now on board and USCIS has continued to hire more people. USCIS also gave itself 180 days after November 20 before DAPA applications will be accepted so the agency will be much better positioned to process everything in a timely manner.
- USCIS estimates that work authorization fees and fingerprint processing fees for background checks paid by DACA and DAPA applicants will be sufficient to fully cover the costs of those programs.