

## **Coburn Amendment 1349 – To Eliminate the Waiver Allowing Illegal Aliens Living Outside the U.S. Who Have Previously Absconded, or Been Deported or Removed from the U.S. from Applying for RPI Status**

This amendment would eliminate the section in the bill that provides the Secretary the ability to waive the requirement that illegal aliens ***living outside the U.S.*** who have previously absconded, been deported or removed from the U.S. or entered the U.S. illegally after December 31, 2011 cannot apply for RPI status.

### **The Bill Rewards Criminals Living Outside the U.S. and Punishes Law Enforcement**

The bill specifically states that ***illegal aliens living outside the U.S.*** who have previously violated current immigration law by absconding from their immigration hearing or being deported or removed from the U.S. or have reentered the U.S. illegally after December 31, 2011 cannot apply for RPI status.

However, in one of its many grants of waiver authority, the bill allows the Secretary to waive that provision for ***aliens living outside the U.S.*** if they are:

- 1) a qualifying relative (the spouse, child or parent of a citizen or legal permanent resident (LPR);
- 2) entered the U.S. when he was younger than 16, but only has to show he has a high school diploma; or
- 3) entered the U.S. when he was younger than 16, but is now over age 16 and just has to show he was physically present for at least 3 years of the 6 years preceding enactment of the bill.

As a result, the bill rewards absconders and deportees with legalization by granting RPI status to illegal aliens who ***do not even live in the U.S.***, who have previously broken our immigration laws, and who have been required to leave the U.S.

## **The Bill Also Rewards Aliens Who Have Violated Current Immigration Law**

Furthermore, the bill not only rewards those who have entered the U.S. illegally with RPI status, but also with exemption from other immigration laws.

Current law<sup>1</sup> actually prohibits those who have entered the U.S. illegally from benefits under the Immigration and Nationality Act, but this bill, through the Secretary's waiver, would allow those aliens to apply for RPI status and receive the accompanying benefits.

Thus, we are essentially inviting foreigners who have already broken our immigration laws to come back into our country for another bite at the apple without acknowledging their failure to adhere to our laws.

This provision even prioritizes ***law-breaking illegal aliens over law-abiding illegal aliens*** in the RPI application process by allowing those living outside the U.S. to apply for RPI status.

In fact, the very first requirement for RPI status is physical presence in the U.S. on the date of application.

## **This Legislation Ignores the Rule of Law**

One of the primary principles setting the U.S. apart from all other nations is our adherence to the rule of law. It is important to remember that liberty is dependent upon the rule of law.

When our rule of law is undermined, the defining values of our nation are jeopardized.

We cannot have a government that guarantees freedom, without a government that guarantees the rule of law.

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<sup>1</sup> INA § 241(a)(5)

Granting citizenship to those who broke our laws ahead of others who are pursuing citizenship through legal channels is fundamentally unfair and undermines the legal immigration process.

Unfortunately, this and many other provisions of the bill fly in the face of that principle.

The bill discourages enforcement of current immigration law and hamstringing our law enforcement officers by actually suspending ongoing removal proceedings for illegal aliens applying for RPI status without requiring any proof from the alien that he qualifies to apply.

This would allow those ***outside the U.S.*** who have applied for RPI to enter the U.S. under certain circumstances before such status is granted, and protecting from detention or removal those illegal aliens granted RPI status.

As a nation, we have an obligation to our citizens—***and to legal immigrants***—to uphold the rule of law and ensure the process is fair to all.

While this is a small step toward restoring the rule of law to this legislation, it is a necessary one.

As a result, I urge adoption of my amendment which would prohibit any alien ***living outside the U.S.*** who has absconded or previously been ordered deported or removed from the U.S. from applying for RPI status and eliminate the Secretary's ability to waive that requirement.