

Coburn Amendment 1447: To clarify the national security and law enforcement clearances required for an alien to be granted registered provisional immigrant (RPI) status and to require such clearances to be paid for with the processing fees collected from applicants for registered provisional immigrant status.

According to various experts, it remains unclear as to whether an extensive criminal and national security background check for receiving registered provisional immigrant status is explicitly mandated under the current text of S. 744.

This amendment would require a national security and criminal background check and prohibit the Secretary of the Department of Homeland Security from waiving such checks for any purpose prior to the granting of registered provisional immigrant status. The background checks would be paid for by fees collected from the RPI applicants.

The Bill Does Not Explicitly Require A Biometric Criminal and National Security Background Check Prior to Granting RPI Status

Under the bill, the Secretary of Homeland Security is required to collect the biometric, biographic, and other data that the Secretary determines to be appropriate to conduct national security and law enforcement clearances of those applying for registered provisional immigrant status.

However, the bill does not explicitly mandate that a biometric criminal and national security background check occur prior to the granting of RPI status.

Rather, S. 744 mandates full background checks occur **only** at the **renewal** of RPI status or permanent legalization status.

The Bill Does Not Explicitly Define What Qualifies As a Background Check, Leaving Too Much Discretion in the Hands of the Secretary

The bill also leaves the “national security and law enforcement clearances” for RPI applicants undefined.

This amendment seeks to clarify the language in the bill to ensure illegal aliens must pass all necessary background checks and security clearances before being initially granted RPI status.

This amendment specifies that such clearances shall include:

A State and local criminal background check through the National Law Enforcement Telecommunication System (NLETS), including the exchange of interstate driver license photos if available;

A fingerprint check by the FBI;

Verification that the alien is not listed on the consolidated terrorist watchlist of the Federal Government;

Screening by the Office of Biometric and Identity Management (formerly known as "US-VISIT"); and

A check against the TECS system (formerly known as the Treasury Enforcement Communication System).

This Amendment Would Ensure The Background Checks Are Paid For By the Application Fees Charged to RPI Applicants

The amendment would mandate that the Secretary of Homeland Security pay for the background checks through fees collected from RPI applicants.

Without Defined Background Checks, the Bill Allows Criminal Aliens Immediate Legal Status at the Expense of American Citizens

This amendment will improve the bill and help protect the American people from criminal illegal aliens.

The American people demand that those we allow into our nation are not criminals and are not threats to our communities.

It is vital that all those who have come to our nation illegally be screened for a criminal background prior to being granted registered provisional immigrant status.

The American people should not be forced to wait for the RPI alien to renew his status up to 6 years from now to determine whether the federal government has given legal status to criminal illegal immigrants, such as sex offenders, armed robbers and murderers, who may be a threat to their families and communities.

Our Current Immigration System Is Woefully Inadequate To Ensure Criminal Aliens Are Not Threats to American Citizens

It is clear that our immigration system needs to improve current background check procedures.

Currently, the “Secure Communities” program, which helps to identify when illegal immigrants are being booked into local jails, and prioritize those who should be further detained or deported because they pose the biggest threat to public safety, is woefully inadequate.

In addition, this program is often selectively enforced.

According to the non-partisan Congressional Research Service, 159,286 individuals were flagged under the Secure Communities program between October 2008 and July 2011, but no action was taken against them (such as being taken into custody or deported).

Of these individuals, 17 percent (26,412) were re-arrested on criminal charges.

Granting illegal immigrants RPI status prior to conducting a background check complicates deportation procedures, gives criminal illegal aliens access to a taxpayer-funded defense attorney, and allows potential criminal illegal aliens access to any sensitive or classified information in their file.

The Current Immigration Bill Must Improve Our System of Deporting Criminal Illegal Aliens.

An important first step to protecting our citizens and deporting criminal aliens is ensuring that background checks are conducted prior to any form of legal status being granted.

The American people and the people of Oklahoma's top priority remains securing our nation's border.

A key component of securing our border and establishing the rule of law is ensuring that convicted criminals are not granted legal status by this bill.

This legislation does not mandate that meaningful background checks occur prior to offering legal status to illegal immigrants.

My amendment takes an important step in mandating that criminal and national security background checks occur and are paid for prior to any form of legalization.