BILL TOWNSEND
Our New Voice in Congress

IMMIGRATION

From DACA and DREAMers to illegal aliens and border security, there is a lot of screaming on both sides, but not much resolution and very little common sense. We can be both compassionate and fair while attracting the best and brightest to our shores.

Immigration is a subject that is close to home for my family. **My wife is an immigrant.** Katrina immigrated to the United States from Beijing, China in 1992. She came here legally, via a Green Card, because her mother had taken the legal route and obtained permanent residence status. After arriving in America, she applied for citizenship and, in 1999, after 7 years of waiting, became an American citizen. She describes that moment as *"One of the proudest days of my life"*.

While awaiting citizenship, she earned a college degree in accounting, became a certified public accountant, enrolled and received certifications in information technology and auditing, and worked for a handful of companies, rising to the head of global finance for newegg.com, a $2.8 billion revenue company in Southern California that also has facilities in Tennessee, New Jersey, Canada, China, and Taiwan. By all definitions, she is the kind of person we want to immigrate to America.

Immigration has become a hot button topic in politics. From DACA and DREAMers to illegal aliens and border security, there is a lot of screaming on both sides, but not much resolution and very little common sense.

On one side the Democrats seem to want to allow anyone and everyone into the United States. On the other side, the Republicans seem to want to deport anyone who is here illegally, including the children of illegals who were brought her at a young age. In the middle are people like me and you who understand that fixing the country's immigration problem correctly can have long-term positive effects for America.

The first question we should ask is, *"Is immigration good for America?"* Famous immigrants to our shores include journalist Joseph Pulitzer, guitarist Eddie Van Halen, singer Joni Mitchell, Yahoo! co-founder Jerry Yang, Google co-founder Sergey Brin, YouTube founders Steve Chen and Jawed Karim, baseball great Mariano Rivera, Albert Einstein, the first female Secretary of State Madeleine Albright, fashion icons Liz Claiborne and Oscar de la Renta, and the author of our beloved "God Bless America" Irving Berlin.

Governor (and *"I'll be back"* actor) Arnold Schwarzenegger, musician Dave Matthews, actor Charlize Theron, soccer star Freddy Adu, basketball stars Yao Ming and Dikembe Motumbo, ballet great Mikhail Baryshnikov, and 13th Chairman of the Joints Chief of Staff Ret. Gen. John Shalikashvili were all immigrants.

The founder of Apple, Steve Jobs, may have never started Apple…or even been born if his father hadn't emigrated from Syria before meeting his mother in America.

The facts of the immigration debate are universally acknowledged. Immigration has long supported the growth and dynamism of our economy. Immigrants and refugees are entrepreneurs, job creators, laborers, taxpayers, and consumers. They add trillions of dollars to the US gross domestic product, and their importance will increase in the coming decades as America's largest generation—the baby boomers—retires en masse, spurring labor demand and placing an unprecedented burden on the social safety net. However, additional **benefits to the US economy and society more broadly could be obtained through legislative reforms designed to modernize the US immigration system** and

provide unauthorized immigrants already in the country today (but not future illegal immigrants) with a path to becoming taxpaying members of our society.

Increased immigration enforcement imposes costs on taxpayers and threatens legal immigrants, their families, and their communities across the country. The effect on illegal immigrants is even starker. Stepping up detentions and deportations will not only cost taxpayers billions of dollars but will also break apart families and place vulnerable individuals—such as survivors of domestic violence and sexual assault in the United States, as well as women and children fleeing violence in their homelands—in peril.

For the sake of our country's future, it makes sense to develop a well-rounded strategy to deal with the issue of legal and illegal immigration, and especially on how we deal with those here illegally.

Here are the facts:

42 percent of all undocumented persons in the US came here legally and overstayed.

The first thing we must look at is something that most Americans have little or no knowledge of: A large number of immigrants settling in the US without authorization are first coming to the country legally. Yes, legally. Crossing the border is not the way the large majority of persons now become undocumented, according to the Center for Migration Studies (CMS). Two-thirds of those who joined the undocumented population did so by entering with a valid visa and then overstaying their visa. In fact, overstays have exceeded those entering illegally every year over the past 10 years.

The Department of Homeland Security states that about **739,478 people who are illegally in America came via travel visas in 2016 and have overstayed their visa.** They come from all over the world, but mostly from South America, Canada, Europe, Asia, and Mexico. Contrary to popular opinion that **the most visitors who overstay are from Mexico, DHS reports the nation with the most visitors who failed to leave at the end of their authorized stay was Canada.**

Canadians are the #1 illegal immigrant group via visas. Mexicans made up 49% of unauthorized immigrants in 2014 (including some who arrived decades ago), but they account for only about 9% of foreigners (or 42,000 people) who arrived by air and sea, overstayed and had not left by the end of the next fiscal year. Canadians, meanwhile, account for about 1% of unauthorized immigrants in Pew Research Center's latest estimate, but 19% of overstayers (about 93,000 people), more than double the Mexican overstayers.

By the way, Canadians who immigrated to the US and became famous include singer Neil Young and actors Pamela Anderson and Michael J. Fox.

DHS has various record-keeping challenges that make it difficult to match arrival and departure records for the same person. If the government does not match these records because of data errors, a person who actually left the country would be erroneously counted as an overstayer. Similarly, if not all departure records are collected by the airlines and transmitted to DHS, erroneous reports of overstays would result.

Regardless, **if we want to address illegal immigration, we must demand DHS more diligently record and track those that enter the country on visas and overstay and put into place methods to ensure these people return home.** We can begin to fix this by requiring every person who enters the United States have a biometric scan of their face, a photograph, height and weight recorded, copy of their passport and visa, and list of destinations and where they will stay. We can then match them to their expected departure date—searching against airplane and ship records for instance—and if they are "x" numbers of day late, we can have our immigration department track them down. This would be a good place to start.

58% of immigrants came to America illegally.

I often hear people say, *"The majority of illegal aliens aren't criminals."* The fact of the matter is, technically, by the book, by the rule of law, they are. They broke the law when entering America illegally and continue to break the law by staying here. Should we reward this behavior? No. For if we do, we tell the world that it is acceptable to sneak into America and live here illegally. That is wrong. However…there is a way to deal with this issue while telling would be illegal aliens there is no way outside of official channels to move to America.

We have an estimated 11 million illegal aliens in the US. Of this number, a staggering 3.6 million are DREAMers.

The political debate over the fate of undocumented immigrants brought to the US as children, aka DREAMers, has overlooked just how many there are in the country today. DREAMers got their name from the DREAM Act, a bill that has been proposed in Congress since 2001, but never passed, that would protect those here illegally by no fault of their own. (As my son said to me, *"Dad, it's sort of like when you take me to Gilcrease Nature Sanctuary and I don't want to go but you make me go anyway."*)

The 3.6 million number is not widely known, in large part because so much attention has been focused recently

on 800,000 mostly young DREAMers accepted into the Obama-era Deferred Action for Childhood Arrivals (DACA) program. Former President Obama took executive action to allow them to remain in America, bypassing the responsibility and role of Congress. When President Trump took office, he rescinded Obama's ill-conceived order.

US Citizenship and Immigration Services said there were 689,800 active DACA recipients as of Sept. 4, 2017, which means about 110,000 eligible DREAMers have, for one reason or another, failed to apply to the DACA program.

To qualify for DACA, created 6 years ago in 2012, applicants had to undergo a thorough background check, prove they arrived in the US before their 16th birthday, were 30 or younger, were attending school or in the military, and had not committed a felony or serious misdemeanor. The program provided work permits and two-year reprieves from deportation that could be renewed if the applicants continued to meet all the requirements.

There is a lot of debate on DACA, but I believe at this point in time, it is best to leave the DACA program in place for those that meet the current requirements and add two additional criteria of *"if not attending school, is actively employed for at least 20 hours a week"* and *"is fluent in English"*. Then give each person an additional 1 year to apply, during which time they will fulfill the requirements because this will incentivize applicants who are not in school or the military to find employment which will result in taxes being paid. After application, we should give them a pathway to becoming citizens.

Some of you may disagree with me on this last point. You may say, *"They're here illegally. They shouldn't get a chance to become a citizen!"* You're right. They are, by the rule of law, in the United States illegally.

Let me pose a scenario. I want you to imagine this in your mind as you read it. Here goes:

What if a young woman had been living in squalor, abject poverty, or under fear of assault and rape, and decided she would cross the border to another country to escape the hell whence she came? And what if this young woman had a baby boy, perhaps only one year old, strapped to her stomach as she fled? She snuck across the border and ended up in Mesquite, Nevada.

What if this young mother worked two jobs so she could put food on the table and send her son, now 5, to elementary school. What if this mother did this for another 13 years and her son, now 18, was about to graduate with the 5th highest grade point average in his class?

What if this young man attended the University of Nevada to study biology, a subject at which he excelled? What if he gets through 4 years, graduates with honors, and gets accepted into Harvard Medical College?

Imagine if before he leaves for Harvard, armed agents bust through the door of his mother's house at 5am, arrest her and him, and deport them back to a place they hadn't been in nineteen years and that he doesn't even remember?

Now…

…imagine that young mother is your mom and that young man is you.

All you've ever known is America. All your friends are in America. All you have been taught has been centered on America and what a great land of opportunity she is. Outside of the fact you were born in another country, your entire memorable life has been about being in America.

Kids can remember events before the age of 3 when they're small, but by the time they're a bit older, those early autobiographical memories are lost. Few adults can remember anything that happened to them before the age of 3. A new study from Emory University has documented that it's about age 7 when our earliest memories begin to fade, a phenomenon known as "childhood amnesia." Infants do not have the sophisticated neural architecture needed to form and hold onto more complex forms of memory so by the time they reach 9 or 10, they only remember about 30-35% of the events that occurred in their lives, and this includes birthdays, learning to read and write, who grandma and grandpa are and things that are ingrained in them over and over again, such as how to tie shoes.

We now have scientific proof that a child born in Canada, Mexico, or China, who is brought into the US at a young age, is most likely not going to remember much of anything about being in another country. In their minds, except for being told they were born outside the US, they only know and recognize the US as home.

As a nation that supposedly cares for the weak, can we honestly say it is morally acceptable to put a person who has committed no crime (except being carried over a border), has gone to school, is fluent in English, and contributes to our great nation's prosperity, on a plane to be dumped in a country they don't know? I don't believe so.

Plus, how do we morally accept this if we know that there could be children involved today? Many DREAMers have families and in the majority of cases, their children were born on US soil, automatically earning them citizenship. Imagine if one day you were that small boy, an American citizen, and

you woke to find Mommy and Daddy are missing and you're being dragged off to Child Protective Services?

What good does this do for anyone involved? Nothing. That's why we must find solutions.

How can our elected officials be so callous and morally bereft to imagine that this type of action is good for families? What about each of us who most likely, unless we are ancestors of indigenous tribes of North America, came from immigrants? What benefit does the United States derive from this action? Would we not be better served to ensure the child and mother become assimilated to our culture, pay their fair share of taxes, and get in line to earn their citizenship? Yes, of course, we would.

How can those espousing their strong religious beliefs of compassion and love accept ripping apart a family? Perhaps it would be wise for them to read Leviticus 24:22 ESV where it says, *"You shall have the same rule for the sojourner and for the native."*

The salient point is this: We are a generous and caring nation that has the means to accept those who will benefit our society--and to not accept and deport those that don't.

It's a difficult dilemma to be faced with those that break our laws to get into our country, but who obey the laws once here, and contribute to our society through hard work and paying taxes. Let's help the DREAMers become legal and give them an opportunity to become citizens of the country they have called *"home"* for years and for most, as long as they can remember. Let's let them pay into Social Security, Medicare, school safety, defense, and infrastructure. Let's welcome them to our country just as many thousands were welcomed through Ellis Island, operational from 1892 to 1924 and once America's most active immigration station, where over 12 million immigrants were processed.

What do we do about the 110,000 who didn't apply for DACA?

We should direct the US Citizenship and Immigration Services (USCIS), US Immigration and Customs Enforcement (ICE), and US Customs and Border Protection (CBP) to devise a plan to locate the approximately 110,000 DREAMers who did not apply to DACA and to determine the status of each. It may be that some didn't understand how to apply for DACA. It could be that some are afraid to come forward. It may be that some are criminals. If they are qualified to apply for DACA, they should, and if they do not qualify, they should be deported.

What do we do about the remaining DREAMers?

What about the other 2.8 million illegal immigrants who are not part of DACA? It may be my compassionate nature and sense of empathy for those less fortunate, but I believe **exposing millions of DREAMers to deportations would be a moral and economic calamity.** Our economy is growing and our labor market is very tight. Many DREAMers contribute significantly to society through their work and many more have skills that contribute to this economic growth.

The number of DREAMers is roughly a third of all undocumented immigrants and does not include potentially millions of their immediate family members who were born on US soil and are, therefore, US citizens.

What do we do with two DREAMers who have been in America for 20+ years and how have one or two children, both US citizens? The legal argument is the parents should be deported, but then what becomes of the children? The moral argument is that the parents should be given 1 year to apply to obtain a work permit and apply to become a citizen and start the process through which to become a citizen. If they fail to do so, then deport them. Their minor-aged children would likely have to go with them, but would be allowed to return to America at any time since they are citizens.

In addition, we could enable DREAMers who enroll in the Armed Forces and serve 8 years to earn their citizenship upon the successful completion of service.

The elephant in the room: the 7.4 million illegal immigrants that are not part of the DREAMers classification.

7,400,000 illegal immigrants are equivalent to the populations of Los Angeles, Los Angeles, Chicago, and Houston… combined. I'm a realist and I try to get to the root of all issues to device a solution. Do I believe we can round up 7.4 million people, process them, then deport them? No. How many agents would be required? How much shelter would be required? The costs alone, to each and every one of us, will be staggering.

Last year, **ICE spent an average of $10,854 per deportee.** This includes all costs necessary to identify, apprehend, detain, process through immigration court, and remove an alien. **With 7.4 million aliens, the cost to deport everyone would exceed $80 billion or about $338 for every American man, woman, and child.**

It gets worse. If the illegal alien is in a city that is considered *"sanctuary cities and counties"* that refuse to cooperate with ICE, the costs associated with deportation can rise to as much as **$27,000 per person**. Beyond breaking federal authority, this is yet another reason sanctuary cities must be eliminated.

A better use of funds would be to go after the illegal aliens who have criminal records, are in gangs that commit crimes, have been arrested for child or spousal abuse, or have drug problems and deport them. ICE estimates this number to be 2 million aliens. Deporting 2 million illegal aliens will cost taxpayers almost $22 billion or $92 for every man, woman and child in America. This is a huge amount of money, but worth spending to remove criminal elements from our communities.

What to do with the other 5.4 million illegal immigrants that do not have criminal records, but did come to America illegally? As you've seen, the cost to deport is astronomical and I have yet to meet someone who has said they'd gladly pay $338 for each member of their family to help cover the cost of deportation. A family of four would pay $1,349.91. I can think of a lot better ways a family could use $1,350, can't you?

Again, we must look at facts and not be swayed by specious arguments from both sides of the political spectrum.

A comprehensive 2015 study by the National Academy of Sciences concluded, **"Immigrants are less likely than the native-born to commit crimes, and neighborhoods with greater concentrations of immigrants have much lower rates of crime and violence than comparable non-immigrant neighborhoods."** That includes lower-skilled immigrants from Mexico and Central America, who are the most likely to be in the United States without documentation, and who are the people most Americans associate with illegal immigration (but we already know the Canadians overstay their visas more than any other visitors and, since 2009, new Asian immigrants have outnumbered new Hispanic immigrants. By 2013, both the new Chinese and Indian immigrants outnumbered new Mexicans immigrants).

In my experience, most of the illegal immigrants I've met are peaceful, hard-working members of their communities who want to provide for their families. They cherish living in the United States because it offers more opportunity and a better way of life than their original countries. Mexico's average hourly wage is $5.10; it's $2.31 in Panama and $1.10 in Honduras. Is it any wonder someone from these countries who can get to America and earn $6-10 an hour to support their families decides to make the trip? People are self-serving and given the chance to earn more than presently earned, most will seek to earn more.

What about all the illegals taking American jobs? The National Bureau for Economic Affairs reports that illegal immigrants, on average, earned only 3.4% less than their legal peers and **most illegal immigrants are not competing with American citizens for jobs, they are competing with other illegals.** Regardless, this is an issue that can be addressed by requiring all employers to utilize the e-Verify system for checking the legality of employing someone. If an employer doesn't use e-Verify and hires someone who is here illegally, then the employer faces fines. As your voice in Congress, I will gladly sponsor or cosponsor legislation calling for a $5,000 per incident fine for not using e-Verify or hiring an illegal even after using e-Verify.

I recently spoke with three strawberry farmers in Southern California. I asked them about the field workers and of the dozens of employees they have, nearly all of them were from Central or South America. Only 1 was Caucasian and 1 was African American. The farmers told me the argument that "*those jobs could go to Americans*" is somewhat invalid as Americans are not pursuing those jobs. Two of the farmers said they have not had a Caucasian apply for a job in the field for as long as they could remember. When I asked how many of the workers were in the United States illegally, all three said over 75%. Mandatory e-Verify compliance and severe fines will go a long way to ending the practice of hiring illegals.

If labor for agriculture were to dry up due to enforcing our nation's immigration laws, we could create worker programs where foreigners could come to the US for a set period of time and work, then must return home. We can also assess a financial transaction fee of, say 20%, whenever these workers wire transfer funds back to their country. Of course, there is always an alternative: we can look at creating prison-to-work programs where low-risk prisoners could earn minimum wage working on farms, construction sites, and other places where low-cost illegal labor has been most used. This would provide companies with a workforce, provide prisoners with a job and an opportunity to earn money while incarcerated, and potentially lead to an easier move from prison to release. This may be a ideal prisoner re-entry program for non-violent offenders such as illicit drug crimes.

Returning to the 5.4 illegal immigrants left over from the DREAMers and criminals, what do we know about them? Most belong to families that include US citizens and citizen children. A majority have lived in the United States for more than five years, a third for a full decade or more. They fill jobs in sectors such as agriculture, hospitality, retail and other services. Pulling them from the workplace would cause those industries to contract, reducing investment, and putting at risk the jobs of managers, accountants, sales representatives and other middle-class US citizens.

Perhaps the most morally acceptable and practical solution to illegal immigration is *"earned legalization"* for those who are already living and working here. Earned legalization of immigrants already here would not be blanket amnesty.

Newly legalized immigrants should be required to pay fines (perhaps $5,000 per person, automatically deducted from their paychecks over three years prior to earning citizenship) and back taxes and submit to background vetting. The fines could be allocated to enforcement and border security. These illegals wouldn't necessarily qualify for an automatic path to citizenship, either. They'd need to show that during the citizenship process they remain enrolled in school, have a job, enroll in the Armed Forces, or are mothers of elementary or middle school aged children. They would need to be felony and serious misdemeanor free and should undergo random drug testing during the citizenship process. If they commit a crime or are found with non-prescribed opiates, cocaine, heroin, or other banned drugs in their system, they should be deported and warned that any illegal re-entry would result in incarceration. Any illegal alien who is deported and then returns to America illegally should receive an automatic 5 year jail term which ends with their deportation. If they return a third time, they would receive a 20-year jail term.

To slow down trafficking, let's enact a minimum 20-year jail term for human traffickers who bring illegal aliens into the United States.

Only with a **very strong sentencing law can we begin to halt future illegal immigration.** If those thinking they can sneak into America and live here undetected understood that 1) all employers have to comply with e-Verify, including those who hire housekeepers, nannies, cooks, etc., 2) getting caught would lead to immediate deportation, and 3) any subsequent illegal reentry could result in 5 years or 20 years in jail, the number of illegals entering America would decrease.

These are the benefits of "earned legalization". First, it will enhance our security by bringing people out of the shadows. We would know who is here, and the legalized immigrants would have more incentive to cooperate with law enforcement. Those with real criminal records or any connection to terrorism could be more likely to stand out and would be subject to prosecution and deportation.

The Immigration Reform and Control Act of 1986 failed to end illegal immigration because it did nothing to expand future opportunities for legal entry. Our economy continues to create demand for low-skilled workers at a time when the number of American workers willing to fill those jobs continues to shrink. The problem is we lack a workable temporary visa program for low-skilled workers that can respond to the needs of dynamic labor markets, such as agriculture and construction.

If workers are allowed to enter the United States legally to fill jobs, they will be far less likely to enter illegally.

They will most likely be seasonal workers, coming in for planting or harvesting season and returning home at other times. **That was our national experience in the mid-1950s, when Congress dramatically expanded the number of temporary-worker visas. The result was a 95 percent drop in apprehensions at the southern border.**

An expanded temporary-visa program would free US Border Patrol agents to concentrate on intercepting real criminals: felons, repeat offenders, MS-13 gang members, and people who commit serious crimes like:

- The Mexican illegal alien who fatally shoot Kathryn "Kate" Steinle on a San Francisco pier.

- The illegal alien who had been previously deported who shot Ronald da Silver as he was standing with a friend in his driveway.

- The illegal alien from Russia, who murdered Shayley Estes in Phoenix, just 10 days after obtaining an order of protection. This killer entered the US legally, but overstayed his visa.

The effect of visitor labor programs, new laws on illegal border crossings and smugglers, and comprehensive enforcement on criminal activities, would send a clear message to would-be illegals that they are not welcome to come to America in any manner except through legal means.

By reducing pressure on the US-Mexico border, expanded legal migration would eliminate most rationale for building an expensive wall simply for the benefit of keeping illegals out. The wall should still be built in areas where US Border Patrol suggests, but with an additional focus of stopping the flow of opieates and illegal drugs coming over the border. We should also enlist the US military and our helicopter and drone divisions to patrol and terminate drug traffickers.

1 out of 3 illegals came into the US legally.

A third or more of illegal immigrants in the United States entered legally but then overstayed their visas, so a wall would do nothing to keep them out. With far fewer people trying to cross the border illegally, the US Border Patrol would be able to keep bad people out without the building of a wall across the entire border, instead relying on additional hires (which increase employment and contribute to growth in the economy), technology (such as sound and movement sensors and drones), and the US military. We can build some wall, where needed, but stopping illegal immigration through a physical barrier is prone to defeat via tunnel or other means and unless a concerted effort along the wall will result in a dramatic reduction in illegal drugs, there isn't much call to build along the entire US-Mexico border.

What can we do in 2019's session of Congress to address and fix the immigration issue facing America?

1. Enact a law that prohibits, form the day it is passed forward, people who have entered the United States illegally from applying for citizenship.

If you ever have entered the United States illegally, you give up your right to ever apply for citizenship.

2. Enact a law that prohibits people who have entered the United States illegally from applying for a work permit.

If you enter the United States illegally, you don't ever get a work permit.

3. Work-place enforcement through mandatory e-Verify must be codified.

Redefine the legal responsibilities of employers: Rather than facing civil and criminal penalties for knowingly hiring an illegal, they should face civil and criminal penalties for failing to verify the legal status of an employee. If Carl's Landscaping or Mario's Mexican Cantina or another company gets fined every time it gets busted using illegal labor, Carl, Mario and the other owners are going to be more inclined to obey our laws.

4. We should require certain regulated businesses — especially banks, check-cashing companies, and those offering electronic fund transfers — to require non-citizens to document their legal status when making certain transactions that routinely require a photo ID.

Identification is required for everyday tasks such as cashing a check, sending a wire transfer, boarding a domestic flight, renting a hotel room, etc. Those wishing to conduct such activities while on a business or tourist visa would be required to present evidence of their legal status (e.g., they are still in their visa's window). Those overstaying their visa would be quickly be identified and reported to ICE. This places no new burdens on citizens, minimal burdens on businesses, and very light burdens on legally present aliens. This won't prevent visa overstays entirely, but it will make overstaying a much less attractive proposition.

5. Enact legislation that states any illegal alien who is deported and then returns to America illegally will receive an automatic five year jail term.

After their sentence, they would be deported to their home country within 7 days. If they return a third time, they would receive a 20-year jail term and subsequent deportation. This may sound harsh, but penalties like this will prevent a lot of new illegal immigration occurrences from happening because of the risk of long-term incarceration.

6. Complete the Congressionally-mandated biometric entry/exit system to track non-immigrant visitors.

We should immediately deploy 2- or 3-factor biometric identification systems that require, at a minimum, a facial biometric scan and a scan of the visitor's passport. These systems require the person to present a) something they are, b) something they have, or c)something they know. In this case it could be a facial scan, a passport or programmed key card like you get at work or when checking into a hotel, and something the know such as birth date and place. Along with these identification records should be a detailed recording of where the visitor will be traveling to, the purpose, and where he/she will stay.

A 2- or 3-factor biometric identification system can be placed at all points of entry and in federal buildings nation-wide where work visa, vacation visa, and other travelers can check in occasionally. In addition, prior to their scheduled departure, the facial scan would determine if the visitor is indeed the same one that came into the country and record them as successfully exiting once confirmation from the air-line, boat or other exit transportation company has occurred. If a key card was employed in this scenario, the card could be turned over to the boarding agent upon entering the vessel and then turned over to immigration control to read the card and match it to the user who has already been identified in the system. This last step simply ensures the visitor did indeed get on the plane or boat.

This system would immediately identify visitors who overstayed their permit, notify ICE and law enforcement, providing where the visitor reported staying, their passport and key card numbers and enable ICE or law enforcement to conduct a biometric scan of the person's face, which can be done from a few feet away.

7. Require state and local law enforcement to report affirmatively all non-citizens in custody to ICE, make ICE detainers mandatory, and require ICE to pick up and remove deportable aliens.

This should already be happening but in the case of "sanctuary cities" it doesn't. We must crack down on states and cities that refuse to assist in the enforcement of US laws.

8. Expand expedited removal to include all illegal aliens with criminal convictions.

820,000 of the approximately 11 million people living in the country illegally had criminal convictions.

After several reports pointing toward an increasing trend of Immigrations and Customs Enforcement targeting undocumented immigrants with no criminal background or low-level offenses we now have the statistics needed to assess

the effectiveness of this program. According to ICE, while border arrests have slowed, arrests of undocumented immigrants within the US have soared since President Trump took office. The number of arrests of immigrants for civil violations increased by 30 percent, and the number of immigrants without criminal records arrested more than doubled. Overall removal numbers declined, however, by about 6 percent.

Instead of wasting precious law enforcement resources on illegal aliens with no criminal records, we need to focus on getting the 820,000 illegals with criminal convictions out of the country.

9. End catch-and-release of illegal aliens by requiring that they be detained until removal.

A de facto catch-and-release policy for illegal immigrants nabbed crossing the border in Texas was reinstated last November, with Border Patrol agents being told not to even bother turning them over for deportation because there was no bed space. Brandon Judd, an agent and president of the National Border Patrol Council, said the problem is that illegal immigration has surged once again after dipping during the early months of President Trump's term. That has left the deportation agency, ICE, struggling to find places to hold the illegal immigrants. As a result, Border Patrol agents who brought apprehended people to ICE were turned away.

This is shockingly stupid and akin to your local police capturing the neighborhood burglar, but because they don't have a cell available, they turn him loose. We must find the means to house those crossing the border illegally so that their deportation can be processed in a speedy manner.

10. Deny immigrant and non-immigrant visas to nations that refuse to repatriate their citizens.

Under President Trump, Homeland Security has managed to drastically cut the number of countries that habitually refuse to take back immigrants whom the US is trying to deport. Before taking office, there were 20+ countries and now there are 12; the shortest list in a decade.

Even longtime offenders including Iraq and Somalia have earned their way off the list.

There are approximately 110,000 immigrants currently in the US that our government wants to deport as a result of criminal activities. Their home countries need to take them back.

In August 2017, the Trump administration decided to impose visa sanctions on four countries that refuse to take back foreign nationals deemed to be in the US illegally: Cambodia, Eritrea, Guinea and Sierra Leone. As a result, more than 1,900 Cambodians, approximately 700 Eritreans, 2,137 Guineans, and 831 nationals of Sierra Leone—all convicted

criminals—are now residing in the US while subject to final deportation orders. Over five thousand five hundred convicted criminals sounds like a lot, but it pales in comparison to the criminals from the other 8 who have roughly 104,000 convicted criminals stuck in America because they refuse to take back their own citizens. Leading the list? China with over 39,500 people. Then comes Cuba with 26,200; Vietnam with 8,500; Laos with 4,500, and Iran with 2,800.

We need to protect long term foreign relationships, but more pressure must be put on countries to take back their own people and immigrant and non-immigrant visa sanctions are a good place to start. Even if immigrants are unable to be returned to the home country due to a well-founded fear of persecution (race, religion, nationality, membership in a particular social group, or political opinion), we need to push for their return. They committed crimes in America or were found to have committed crimes elsewhere and they need to be sent home.

11. Reign in the practice of birthright citizenship for illegal aliens and foreign visitors.

From the LA Times: *"Chinese citizen Xiaoyan Zhang made it clear that she had one objective for traveling to the US from China: to give birth so her child would automatically be an American citizen."*

"Rest assured, a representative of You Win USA, a company advertising "maternity tourism" services, told Zhang. For fees starting at $38,000, the firm guides pregnant women through the process, and she would soon be in the US on a tourist visa to await the birth of her child at a luxury Irvine apartment complex."

"The company instructed Zhang and her cousin to book tickets to a popular tourist destination, such as Hawaii or Las Vegas, purchase a tour package she had no intention of using and fabricate an employment history to convince immigration officials that she would not overstay her visa."

"If the story is convincing and she's good looking then the success rate will be pretty high when she goes for the visa interview," a company representative told Zhang's cousin.

"In fact, the woman and her cousin were undercover Homeland Security Investigations agents, according to the affidavit, which documented their discussions with You Win USA officials. In a coincidence, the operators of You Win USA set up their operation in an apartment complex across the street from the federal agency's Irvine field office."

"You Win USA was one of three operations raided in 2015 by federal agents targeting "maternity tourism" schemes in which pregnant Chinese women travel to the United States, usually on tourist visas, so that their children will be born US citizens."

Birth tourism is an increasingly popular option for foreigners who seek a way around our immigration laws. By travelling to America, giving birth, then having their kids automatically become US citizens, the parents generally hope for two things to occur: 1) their children will qualify to attend college in America, and 2) after age 18, the children will sponsor the immigration of their parents.

Efforts to outlaw or regulate the practice has so far been unsuccessful. A bill in the 2013 Congress to limit birthright citizenship to babies with at least one American parent was never voted on. A California Assembly proposal that would have made it a misdemeanor to operate hotels outside areas where they are allowed by zoning codes died in a legislative committee. Los Angeles County assembled a task force in 2013 to field related complaints and cited 28 maternity hotels, but never passed an ordinance specifically barring birth tourism.

The fact is, birth tourism takes advantage of our US Constitution in ways that the Founders never imagined.

Under United States law, US citizenship is automatically granted to any person born within and subject to the jurisdiction of the United States. This includes the territories of Puerto Rico, the Marianas (Guam and the Northern Mariana Islands), and the US Virgin Islands, and also applies to children born elsewhere in the world to US citizens (with certain exceptions). The policy stems from the Citizenship Clause of the Fourteenth Amendment to the United States Constitution.

The 1868 text states, "*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.*"

The original intent of the Clause was that if people came to America, they came legally and they intended to stay in America, becoming citizens. The Clause ensured that their children would be granted citizenship at birth. It was not intended to give those who came to America to give birth and then return to their home countries, citizenship.

I believe that a valid legal argument can be made that someone who came to the US with the purpose of giving birth and then returning to their country, is not "subject to the jurisdiction thereof" because of their leaving the US. If Congress determined that this is an accurate representation, legislation could be written to declare American-born children of foreign nationals who return home within a set number of days, months, or years, would not to be "subject to the jurisdiction of the United States", and thus not entitled to citizenship via the 14th Amendment, unless at least one parent was an American citizen or a lawful permanent resident.

Another approach would be to require that both parents are present if a child is born in the US. A third approach may be to require that the parents are legally allowed to remain in the US while the child is a minor, meaning they would have to establish they are legally allowed in America for 18 years, an almost impossible thing to do if you are entering the US as a visitor, but possible for parents who enter as immigrants seeking citizenship.

I believe the case for denying automatic citizenship for children for illegal immigrants is even stronger. The illegal immigrants did not enter the country legally, have not been issued permission to be in the US, and thus, are not, at the time of the birth of their child, are not *subject to the jurisdiction thereof.*

We need to end the practice of birth tourism where pregnant women, mostly from Asia, come to America during their last trimester and give birth here in order to have citizenship conferred on their child. We know the primary reasons they do this is so when the child is older they can attend a US university and then sponsor their parent's visa and citizenship.

As your voice in Congress, I will introduce legislation that states "any non-citizen, non-immigrant visa holder, or illegal immigrant giving birth in the United States within 12 months of entering the country, and not remaining in the country until the child is no longer a minor, foregoes automatic citizenship for the birth baby(s), until such time as one or more of the parents become citizens."

12. Reform legal immigration laws to include skills and education requirements so America may attract the best and brightest from around the world.

America needs to attract the best and brightest from around the world. These people add to the productivity of our nation through unique skills they possess. These skills may center on the areas of science, technology, engineering, mathematics, medicine, languages and the arts. The more highly skilled people we attract, the higher likelihood of successful integration into our culture and long-term success of the immigrants.

13. End the often corrupt EB-5 visa program.

Citizenship is a long process for those who come to America legally. For a wealthy few, it's up for sale, thanks to a little-known product of America's insane immigration system.

The culprit here is the EB-5 Immigrant Investment Program, or EB-5 for short. EB-5 is a government-sanctioned cash-for-visa scheme. The program often hurts local economies and puts our national security at risk.

Created by the Immigration Act of 1990, and renewed over a dozen times since, the goal of the program is to incentivize foreign direct investment in troubled economic areas in the U.S. More Americans get jobs, foreign cash flows into American bank accounts, and the investors get a green card to show for it.

The EB-5 visa program grants citizenship to a foreigner who invests $500,000 in a US company based in a Targeted Economic Area (TEA) or $1,000,000 in a company in other areas. These investments are supposed to be done with risk capital—meaning the investment is at risk and payback is not guaranteed—however, many cons are taking place where EB-5 programs don't put the capital at risk.

Part of the requirement is that for every investor, 10 jobs must be created. Thus, if you raise $15 million for a hotel in a TEA, 300 jobs should be created. There problem is the program includes part-time or seasonal jobs, including construction jobs which may last only 8-15 months. In 2 years, the total new jobs created could be only 30-40 and not the expected 300. Finally, there is the issue of buying or investing in a company in an economically disadvantaged zone, having two people invest $500,000 each and creating 20 jobs. Most companies in TEA cannot support 20 jobs with a total investment of only $1 million.

US citizenship therefore becomes available to someone who buys something as basic as a burger franchise that employs two shifts of people, allowing foreigners to get around the residency/naturalization process that everyone else has to go through. No learning the language, learning US history, assimilating to our culture and customs—one needs only be able to write a check. Canada had a similar program it cancelled in 2014 after the government realized it *"undervalued Canadian permanent residence"* and provided *"little evidence that immigrant investors as a class are maintaining ties to Canada or making a positive economic contribution to the country."*

One of the easy ways EB-5 is manipulated is when a foreigner invests in a company that is owned by a friend or relative and then is paid back the investment after receiving citizenship. This is illegal, yet happens often; and it is increasingly difficult to catch. Another way is to buy a business, such as a hair salon, move it 2 miles down the road and employ the same people, thus *"creating"* jobs for the new location.

Many projects such as hotels, real estate, and strip malls, lure foreign capital with the promise of returns of 2-6%, devaluing the benefits of US citizenship. Still others raise millions from foreign investors and the people behind the project then disappear with the money and the dashed hopes of the investors.

As the US economy improves and capital for business growth and expansion becomes available the need for the EB-5 program disappears. Given the history of the program and the opportunities for manipulating the visa process, EB-5 should be ended completely.

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What else can we do to address immigration? E-mail me at **Bill@TownsendForNevada.com**

To learn more about Bill Townsend's policies and our "12 Big Ideas for Nevada," please visit **www.TownsendForNevada.com**