



“Immigration Reform” Equals Amnesty for Illegal Aliens and Their Employers

By Ronald W. Mortensen

[am-nes-ty](#) (am-nuh-stee) an act of forgiveness for past offenses, especially to a class of persons as a whole.

Synonym: *[par-don](#) (pah-r-dn) a release from the penalty of an offense; forgiveness of a serious offense or offender; to release (a person) from liability for an offense; to remit the penalty of (an offense)*

Led by Senator Marco Rubio, the “Gang of Eight” is attempting to hide the fact that their “comprehensive immigration reform” bill would provide amnesty for illegal aliens and their employers.

Rubio argues that illegal aliens would not be forgiven of past, harmless infractions, but would be required to pay for them. However, a review of the bill shows that the token penalties, when they do exist, are not commensurate with the employment-related felonies committed by the vast majority of illegal aliens, nor are they commensurate with the benefits received by illegal aliens. The penalties are, therefore, no more than thinly veiled attempts to hide the amnesty provisions of [S. 744](#).

A preliminary analysis of pp. 59 to 150 of S. 744 reveals that, like the failed 2007 amnesty bill, the Gang’s bill contains 11 clear-cut amnesties for both illegal aliens and for their employers, while doing absolutely nothing for the millions of victims of illegal alien, employment-related identity theft and other serious felonies. If you carefully review the bill, however, you will likely find many more amnesties.

Amnesties for Illegal Aliens

While illegal aliens would be granted amnesty for crimes they have committed, government employees (who have [sworn an oath](#) to the Constitution to faithfully discharge their duties) who uncover Social Security fraud, identity theft, or [perjury on I-9 forms](#) while reviewing applications for provisional status would be prohibited from notifying victims, law enforcement, etc. (pp. 92, 120) If government employees do report the crimes, they could be fined \$10,000. This is 10 times more than the \$1,000 penalty paid by an illegal alien who has committed felony identity theft. (pp. 84, 120, 130-134)

- 1. Amnesty for the estimated 75 percent of illegal aliens committing Social Security fraud.** “Our assumption is that about three-quarters of other-than-legal immigrants pay payroll taxes”, said [Stephen C. Goss](#), Social Security’s chief actuary. Since a Social Security number (SSN) is required to pay payroll taxes, 75 percent of illegal aliens commit Social Security fraud because they cannot legally obtain SSNs. Furthermore, since around 50 percent of Social Security numbers have been issued, it is possible that as many as 38 percent (four million) of the 11 million illegal aliens are using numbers that belong to American citizens and legal residents. This is felony identity fraud. (See the CIS *Backgrounder* “[Illegal but Not Undocumented: Identity Theft, Document Fraud, and Illegal Employment](#)” for more details.)

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According to a Department of Justice [press release](#), a person faces a maximum penalty of 10 years in federal prison without parole and a fine up to \$250,000 for using a fraudulently obtained Social Security card or a maximum penalty of five years and a fine up to \$250,000 on the charge of misusing a Social Security number. In spite of this, the amnesty bill:

- a. Would grant amnesty to all illegal aliens applying for Registered Provisional Immigrant status from the [serious penalties](#) associated with the fraudulent use of a Social Security card or number. (pp. 120, 134)
- b. In addition, the \$1,000 penalty covers not only Social Security fraud, but all other crimes committed by the illegal alien. Finally, illegal aliens would receive services paid for by the penalty, thus it is not really a penalty at all, but more akin to pre-paid legal services. (pp. 84, 120, 130-134)

2. **Amnesty from returning to home countries for 10 years before adjusting status.**

- a. S. 744 would grant amnesty from the requirement that individuals residing illegally in the United States return to their home countries and wait for 10 years before applying for readmission. Under S. 744, illegal aliens could continue to live and build their lives in the United States while those going through the legal process would have to remain in their home countries until their requests for admission are granted. This gives those who violate the law a clear benefit over those who follow the law.

3. **Amnesty for illegal aliens committing identity theft.** A high percentage of the Social Security numbers used by illegal aliens belong to American men, women, and children. This is identity theft under [state laws](#) as well as under federal law in certain cases. In spite of this, S. 744:

- a. Would grant amnesty to those committing identity theft when the misuse of a Social Security number is discovered. It also would protect illegal aliens' privacy and prohibit the Social Security Administration from notifying Americans that illegal aliens are using or have used their Social Security numbers. (pp. 92, 120, 130)
- b. Would give illegal aliens new Social Security numbers and a totally fresh start in terms of anything that was attached to the SSN they previously used, such as bad credit and arrest records, while leaving the American citizens who legitimately hold those numbers to recover their good names, which have been destroyed by illegal aliens. (p. 92)
- c. Would not require illegal aliens or the federal government to make restitution for the serious harm done to innocent American citizens and legal residents, many of them children, whose SSNs are being used. These victims have their futures seriously compromised (destroyed credit, arrest records attached to their names, IRS liabilities for unpaid taxes on income earned on their SSNs, medical records corrupted, etc.) and yet nothing would be done for them. (See the CIS *Backgrounder* "[Illegal Aliens: Turning the Dreams of American Children into Nightmares](#)" for more on this.)

4. **Amnesty for illegal aliens by officially authorizing them to continue committing identity theft by using fraudulently obtained Social Security numbers belonging to American citizens.**

- a. S. 477 would allow illegal aliens to continue working, committing identity theft, and doing damage to the true owners of the SSNs they are using until such time as they are granted Registered Provisional Immigrant status and new SSNs, which may take many years. During that time the illegal aliens' earnings, credit, arrest, and medical records would continue to be linked to the Social Security numbers of their American victims. (pp. 69, 78, 92, 120, 130)

5. **Amnesty for illegal aliens who have committed perjury on I-9 forms.** The I-9 form was implemented following the last amnesty to help employers ensure that they are hiring legal workers. However, illegal aliens quickly learned that they could obtain fraudulent Social Security numbers, green cards, drivers' licenses, etc. in order to provide employers with the documents they needed to complete the I-9 form and that employers would turn a blind eye to the false documents. When illegal aliens use these documents, they sign the form certifying, under penalty of perjury, that all of their statements are true. (See the CIS *Backgrounder* "[Federal Employment Verification Requirements: Don't Ask, Don't Tell](#)" for more on this.)

- 6. De-Facto amnesty from the token \$1,000 penalty, which effectively pre-pays services provided to illegal aliens.** Illegal aliens would have to pay \$500 up-front and be allowed to pay the remaining \$500 of the penalty in installments over six years. This money would go into the Comprehensive Immigration Reform Trust Fund and then be used to provide benefits for illegal aliens, which means that they would not really be paying a penalty, but prepaying for services that would help them gain citizenship.
- a. The bill would provide \$50 million in grants to organizations to assist eligible applicants complete their applications for provisional immigrant status, apply for waivers, meet language and civics requirements, etc. Funding for this assistance would come from the Comprehensive Immigration Reform Trust Fund, so the \$1,000 penalty is little more than a prepayment of future services, which is akin to a pre-paid legal services plan. (p. 133)
 - b. Absolutely *no* assistance would be provided to the millions of victims of illegal alien identity theft who would be left to clean up their records and those of their children without any help from their government, even though it is the government's failure to carry out its duties that resulted in their being victimized. However, government assistance would be provided to illegal aliens in regularizing their status. (pp. 130-134)
 - c. *No* assistance would be provided to legal immigrants with their applications to immigrate lawfully to the United States.
- 7. Amnesty from existing exclusion, deportation, and removal orders.**
- a. Illegal aliens who are subject to a prior order of exclusion, deportation, or removal but who have failed to comply with the legal order (which can be a felony) would be granted amnesty, allowed to file an application for provisional status, and to remain in the United States. (pp. 72, 73-74)

Amnesties for the Employers of Illegal Aliens

While employers would be held harmless, again government employees who find that employers violated the law while reviewing applications for temporary status would be prohibited from notifying the appropriate law enforcement authorities. If government employees do report tax violations, they could face a fine of \$10,000 while the employers would pay no penalty at all. (pp. 120, 130)

- 1. Amnesty for employers found to have employed illegal aliens or who are currently employing illegal aliens.**
- a. No charges would be brought against employers who have hired or who are currently employing illegal aliens. (pp. 92, 120, 130)
 - b. Employers would be allowed to continue knowingly employing illegal aliens who apply for provisional status even though they know that their employees are unlawfully in the United States. (pp. 78, 120)
 - c. Employers would be allowed to continue to accepting fraudulently obtained Social Security numbers used by illegal aliens who apply for provisional status, even when the numbers belong to American citizens. (pp. 78, 92, 120, 130)
 - d. Employers would be allowed to maintain and renew I-9 forms that they know have been falsified by illegal aliens. (pp. 78, 92, 120, 130)
- 2. Amnesty for employers who did not withhold and/or submit payroll taxes for individuals illegally in the United States.**
- a. When employers submit information in support of illegal aliens' applications for provisional immigrant status that show they paid illegal aliens "under the table", they would be held harmless. Employers who obeyed the law, used E-Verify, hired legal workers, and who paid payroll taxes would receive no refund of their taxes. (pp. 120, 130)

3. **Amnesty for employers who violated labor laws by paying unfair wages, who failed to pay wages, etc.**
 - a. When employers submit information in support of illegal aliens' applications for provisional immigrant status that shows that they failed to comply with wage and labor laws, they would not be held accountable. (pp. 120, 130)
4. **Amnesty for employers who facilitated Social Security fraud and identity theft by providing or accepting false Social Security numbers.**
 - a. Employers who hired multiple illegal aliens using the same Social Security number, who accepted Social Security numbers when told that they belonged to someone else, who provided stolen or made-up Social Security numbers to their employees, who had employees give them multiple SSNs, or who continued to employ illegal aliens after they were advised that the name and Social Security number did not match would be granted total amnesty from their actions. (pp. 120, 130)