

Opening Statement of Chairman Ron Johnson
“Deferred Action on Immigration: Implications and Unanswered Questions”
Wednesday, February 4, 2015

As prepared for delivery:

Good morning and welcome.

On November 20, 2014, the President announced several executive actions, including plans to expand the Deferred Action for Childhood Arrivals Program (DACA) and to extend Deferred Action to Parents of Americans and Lawful Permanent Residents (DAPA). Today’s hearing is aimed at obtaining a more complete understanding of the logistical, financial, and national security implications of these policies.

The Department of Homeland Security (DHS) has stated it will grant legal presence and immigration benefits for individuals who entered this country illegally provided that they:

- Have continuous residence in the United States since January 1, 2010;
- Pass a criminal background check; and
- Pay taxes.

On my first day as Chairman, I sent DHS Secretary Jeh Johnson a letter outlining many unanswered questions associated with these policies. Last week, I received a response to my letter from the Department. While I thank Secretary Johnson for being responsive and answering a number of important questions, still others remain unanswered.

The witnesses we have invited today will help detail some of the specific implications of the Administrations executive policies.

Mr. Stephen Goss, Chief Actuary for the Social Security Administration, will outline the implications of providing Social Security Numbers (SSNs) to deferred action recipients, including the impact of such policies on our long-term Trust Fund liabilities. DHS has confirmed that “if USCIS approves the request for deferred action and the request for work authorization, the requestor may be eligible for a Social Security number.” SSNs are permanent identifiers that enable individuals to receive Social Security and Medicare benefits. This raises the obvious question: Why are we providing a permanent benefit to those eligible for temporary relief?

Ms. Eileen O’Connor is a tax expert who has first-hand experience prosecuting tax fraud for the Department of Justice. She will testify regarding the tax policy implications of providing SSNs to deferred action recipients. CBO has confirmed that those who receive deferred action are considered lawfully present and eligible to receive Medicare and Social Security benefits. This raises another question: what other financial (including tax) benefits will flow to non U.S. citizens?

We are also interested to learn how agencies within DHS will implement these controversial policies. United States Citizenship and Immigration Services (USCIS) is the primary agency tasked with their implementation. Mr. Bellocchi, a former Deputy Ombudsman for USCIS, will provide his perspective on how prepared USCIS is to implement these types of mass enrollments. For instance, how will the agency determine five-year continuous residency and how susceptible to fraud are the documents USCIS will be examining? How will USCIS conduct background checks, how thorough will these checks be, and what crimes will result in a denial of deferred action? Most importantly, we now know that despite the validity of a document or result of a background check, this is a highly discretionary program and the decision to grant deferred action will be entirely in the hands of a newly hired USCIS adjudicator. How will this approach affect the overall policies?

While USCIS will largely be charged with implementing the deferred action policies, documents reveal that Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) agents have received training on how these policies will affect their day-to-day activities. Since a priority for this Committee is to pass a border security and enforcement bill, it is important to understand how the President's executive actions will put more pressure at the borders and affect the work of front line patrol agents charged with securing them. We look forward to hearing from Mr. Shawn Moran, Vice President of the National Border Patrol Council, on this matter.

Building on lessons learned from the Administration's 2012 DACA order, we are concerned that the President's actions in November will result in a new surge at our borders, similar to the surge of Unaccompanied Children from Central America we saw last summer. While we know that DACA was not meant to apply to the unaccompanied minors who arrived last summer, it certainly appears to have affected their decision to make that terrible and dangerous journey on a train known as La Bestia (*The Beast*). In 2014 the number of unaccompanied children apprehended rose from approximately 16,000 in 2011 to 68,631 in 2014.

Finally we are pleased to welcome Mr. Bo Cooper, previously General Counsel for INS. We are interested to learn what you believe will be the implications of the President's executive policies.

Let me conclude by saying that this hearing has been purposefully structured to focus on informing the Committee. This hearing is *not* about the legality or the constitutionality of the President's policies. I have my own opinion on those issues, but will reserve that examination for future hearings, either by this Committee or other committees of jurisdiction.

We all share the mission of this Committee: "To enhance the economic and national security of America." In furtherance of that mission, it is important to examine whether the Administration's executive actions on immigration enhances or reduces the security of our nation. Hopefully, this hearing will help answer that important question.