

Despite the crisis at the border and out-of-control illegal immigration, Jahana Hayes voted for a plan which would provide amnesty and permanent residency to millions of qualifying illegal immigrants, which could cost taxpayers an additional \$483 billion over twenty years. She even supported legislation to pay certain illegal immigrant families as much as \$6,000 and release prisoners potentially including murderers and rapists.

**The “highest-ever monthly total” of illegal crossings into the US occurred in April 2022, “an unprecedented” 1.7 million illegal immigrants are expected to cross into the US, and gangs and cartels “have established themselves as essential brokers” on the border:**

- **In April 2022 alone, 234,088 illegal immigrants were encountered by ICE at the border – the “highest-ever monthly total.”** “First, the numbers: The report says that 234,088 foreigners were encountered by U.S. Customs and Border Protection at the border attempting to illegally enter the country in April. That’s the highest-ever monthly total.” (Simon Hankinson, “Senate Republicans’ Report Condemns ‘Biden’s Border Crisis,” [Heritage Foundation](#), 6/27/22)
- **1.7 million illegal immigrants are expected to attempt to cross into the United States in 2022 – “an unprecedented number.”** “As 2022 rolls on, we are well on target to exceed the 1.7 million illegal immigrants apprehended on the southern border in 2021, which was itself an unprecedented number. As the report makes clear, this crisis has been brewing for decades. The “push factors” in Latin America (not to mention much of Africa and Asia) get worse: feckless governments, corruption, poverty, and economies hampered by socialism or incompetence, or incapable of harnessing the labor of their burgeoning populations.” (Simon Hankinson, “Senate Republicans’ Report Condemns ‘Biden’s Border Crisis,” [Heritage Foundation](#), 6/27/22)
- **Gangs and cartels “have established themselves as essential brokers” on the border and over half of illegal immigrants that cross the border use smugglers to enter the United States.** “Transnational criminal organizations such as the Tijuana cartel and gangs such as MS-13 have established themselves as essential brokers on the route into the U.S. and are making billions. The report says that “55% of those traveling illegally [use] a smuggler” at rates up to \$10,000 a head. Illegal crossers from the Northern Triangle alone paid out an estimated \$1.7 billion in 2021 to get through Mexico into the U.S.” (Simon Hankinson, “Senate Republicans’ Report Condemns ‘Biden’s Border Crisis,” [Heritage Foundation](#), 6/27/22)

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- **By November 2021, Southwest border encounters in FY21 increased to their highest recorded level ever at 1,659,206, exceeding the previous recorded high from 1986.** “Southwest border encounters increased to their highest recorded level in fiscal 2021. The Border Patrol reported 1,659,206 encounters with migrants at the U.S.-Mexico border last fiscal year, narrowly exceeding the prior highs of 1,643,679 in 2000 and 1,615,844 in 1986.” (John Gramlich and Alissa Scheller, “What’s happening at the U.S. – Mexico border in 7 charts,” [Pew Research Center](#), 11/9/21)

**By November 2021, the large number of encounters in FY21 had “dwarfed the total during the last major wave of migration at the southwest border, which occurred in fiscal 2019”:**

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- By November 2021, in FY21 “Migrant encounters more than doubled in every sector along the U.S.-Mexico border.” “Migrant encounters more than doubled in every sector along the U.S.-Mexico border in fiscal 2021. The largest numerical increase occurred in the Rio Grande Valley sector, where there were 549,077 encounters last fiscal year, up from 90,206 the year before. But the largest proportional increase occurred in the Yuma sector, where encounters increased thirteenfold, from 8,804 in fiscal 2020 to 114,488 in fiscal 2021.” (John Gramlich and Alissa Scheller, “What’s happening at the U.S. – Mexico border in 7 charts,” [Pew Research Center](#), 11/9/21)

**On November 13, 2021, nearly 2,000 illegal immigrants crossed into South Texas through the Rio Grande Valley sector with 262 “known gotaways”:**

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(Bill Melugin, [Twitter](#), 11/13/21)

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- On November 22, 2021 it was reported that Texas State Troopers in West Texas were “overwhelmed” with rising illegal migration in West Texas. “Texas state troopers deployed to the border in remote West Texas to serve as backup to the overstretched Border Patrol are overwhelmed responding to the increasing number of illegal migrants who try to outrun them. The Texas Department of Public Safety has rerouted more than 1,000 officers from their normal duties to the border since March, when the number of people illegally crossing from Mexico into the United States began to spike across the state. West Texas, normally the quietest place along the state’s 1,250-mile shared border with Mexico, is being inundated with groups of people crossing, all of whom are trying to evade

capture, law enforcement told the Washington Examiner.” (Anna Giaritelli, “State troopers overwhelmed with rising illegal migration in West Texas,” [Washington Examiner](#), 11/22/21)

### **On November 19, 2021, Jahana Hayes voted for H.R. 5378, the Build Back Better Act:**

- **On November 19, 2021, Jahana Hayes voted for H.R. 5376, the Build Back Better Act.** (H.R. 5376, [Roll Call 385](#), Passed 220-213: R 0-212, D 220-1, Hayes Voted Yea, 11/19/21)

### **The Build Back Better Act has been called the “largest mass-legalization program for undocumented immigrants in U.S. history” and would grant amnesty to millions of illegal immigrants:**

- **“If passed into law, President Biden’s Build Back Better bill would create the largest mass-legalization program for undocumented immigrants in U.S. history.”** “If passed into law, President Biden’s Build Back Better bill would create the largest mass-legalization program for undocumented immigrants in U.S. history. Roughly 7 million of the 11 million unauthorized immigrants currently in the U.S. – including “Dreamers,” coronavirus-era essential workers and farmworkers – would be eligible for the new would be eligible for the new immigration protections.” (Carmen Valencia, “Immigration protections in Build Back Better bill bring hope to DACA recipients,” [Yahoo! News](#), 12/3/21)
  - **“The reconciliation bill would create the largest mass-legalization program for undocumented immigrants in U.S. history.”** (Maria Sacchetti, “How the House spending bill sets a path to legalization for undocumented immigrants,” [The Washington Post](#), 11/19/21)
- **The CBO has determined that the Build Back Better Act would grant temporary amnesty to “an estimated 6.5 million non-U.S. nationals.”** “Under President Joe Biden’s current Build Back Better Act (H.R. 5376), an estimated 6.5 million non-U.S. nationals, many of whom are already in the U.S. illegally, would be granted temporary amnesty, according to a report from the Congressional Budget Office (CBO).” (Alek Schemmel, “Build Back Better Act would grant amnesty to millions of people, CBO says,” [KATV](#), 11/29/21)
- **The Build Back Better Act would provide provisions for roughly “seven million undocumented immigrants currently in the United States” which would “offer a ‘parole’ process that would waive immigration requirements for five years” and up to ten years.** “House Democrats’ Plan C immigration provisions do not contain a pathway to citizenship for undocumented immigrants and instead offer a ‘parole’ process that would waive immigration requirements for five years with the chance to extend for another five years for those who immigrated before January 2011. This set of provisions would target roughly seven million undocumented immigrants currently in the United States, including the Dreamers and certain classes of essential workers during the pandemic.” (Isabel Soto, Whitney Appel, Maya Shanahan, “Immigration Provisions in Build Back Better,” [American Action Forum](#), 11/10/21)

### **Per a CBO analysis, under the amnesty provision of the Build Back Better Act, millions of qualifying illegal immigrants “would subsequently receive lawful permanent resident (LPR) status”:**

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**resident (LPR) status.”** “Under President Joe Biden’s current Build Back Better Act (H.R. 5376), an estimated 6.5 million non-U.S. nationals, many of whom are already in the U.S. illegally, would be granted temporary amnesty, according to a report from the Congressional Budget Office (CBO). “Many of those parolees would subsequently receive lawful permanent resident (LPR) status,” the CBO’s review of the bill noted. “A few million other people, most of whom are already in the United States, would gain LPR status through the provisions or as immediate relatives of those who gain LPR status under the bill. The CBO estimated about 2 million non-U.S. citizens who ordinarily would not receive LPR status under current law would be granted the status if Biden’s bill were to be enacted.” (Alec Schemmel, “Build Back Better Act would grant amnesty to millions of people, CBO says,” [ABC 7 KATV – Little Rock](#), 11/29/21)

- **Per a CBO analysis, under the amnesty provision of the Build Back Better Act, three million qualifying illegal aliens “would obtain LPR [Lawful Permanent Resident status] as an ‘immediate relative’ of a US citizen.** “Regarding the immigration provisions, the CBO estimates that 6.5 million aliens would receive parole (“amnesty lite”, if you will), making them eligible for various tax credits and welfare. Within this population, the CBO projects that 3 million aliens will obtain LPR status (amnesty premium) and a path to U.S. citizenship by virtue of first obtaining parole. These aliens are able to accomplish this because under section 245(a) of the INA, an “alien who was inspected and admitted or paroled into the United States” is eligible to adjust status to LPR if he qualifies under one of the existing legal immigration categories. Essentially, the grant of parole to aliens already in the country launders an illegal alien’s unlawful presence which normally serves as a bar to obtaining a green card. The CBO specifies that these paroled aliens would obtain LPR as an “immediate relative” of a U.S. citizen, meaning the parent, spouse, or unmarried child (under age 21). David North also picked up on the CBO estimating that this “non-amnesty amnesty” will cost American taxpayers \$111 billion.” (Robert Law, “CBO: House-Passed ‘Reconciliation’ Bill Will Amnesty 6.5 Million Illegal Aliens,” [Center for Immigration Studies](#), 11/29/21)

### **The Build Back Better Act will “expand eligibility for federal student aid” to illegal immigrants:**

- **If the Build Back Better Act passes as it stood in November of 2021, “the federal government will invest in a particular group of students that it hasn’t supported before—those who are undocumented.”** “If the legislation passes as it is currently written, the federal government will invest in a particular group of students that it hasn’t supported before—those who are undocumented.” (Alexis Gravely, “How the Build Back Better Act Would Help Dreamers in College,” [Inside Higher Ed](#), 11/15/21)
- **The text of the Build Back Better Act includes a provision “that would expand eligibility for federal student aid to students with Temporary Protected Status or who are recipients of Deferred Action for Childhood Arrivals (DACA).”** “The current text of Democrats’ \$1.75 trillion social spending bill includes a provision that would expand eligibility for federal student aid to students with Temporary Protected Status or who are recipients of Deferred Action for Childhood Arrivals (DACA), a program that provides protection against deportation to immigrants often known as Dreamers who were brought to the United States without documentation as children. About 427,000 undocumented students are in higher education, but none of them are able to finance their education using federal financial aid, even though most would be eligible based on income.” (Alexis Gravely, “How the Build Back Better Act Would Help Dreamers in College,” [Inside Higher Ed](#), 11/15/21)

**The Congressional Budget Office estimates that the Build Back Better Act's amnesty provisions would cost \$483 billion over 20 years:**

- **The Congressional Budget Office estimates that the Build Back Better Act's amnesty provisions would cost \$483 billion over 20 years.** “As the Senate debates the Build Back Better Act (H.R. 5376), a little-noticed part of the Congressional Budget Office’s (CBO) cost estimates shows that the bill’s amnesty provisions will create enormous fiscal costs for taxpayers. Like its prior fiscal cost estimate for a larger-scale amnesty, or its estimates for smaller amnesties, CBO’s most recent fiscal estimate (new revenue minus new expenditures) for H.R. 5376 shows a large negative fiscal impact – \$124 billion in the first 10 years. But what is most striking about the CBO’s newest estimate is that the amnesty would create an additional \$359 billion in net costs in the second decade after passage. The total net fiscal cost of the bill’s amnesty provisions over 20 years is \$483 billion. Perhaps equally important, CBO states that the bill would increase the deficit “by larger amounts in the subsequent decade”. (Steven A Camarota, “20-Year Cost of ‘Build Back Better’ Amnesty: \$483 billion,” [Center for Immigration Studies](#), 12/6/21)

**In 2020, Hayes voted for the HEROES Act, \$3 trillion coronavirus relief bill:**

- **On May 15, 2020, Hayes voted for the HEROES Act.** (HR. 6800, The HEROES Act, [Roll Call 109](#), Passed 208-199: R 1-184; D 207-14; I 0-1, Hayes voted Yea, 5/15/20)
- **The HEROES Act cost \$3 trillion.** “The Democrats' new \$3 trillion coronavirus relief legislation expands direct payment eligibility to many more people than last time, including undocumented immigrants who pay taxes.” (Marisa Schultz, “Democrats' \$3T coronavirus relief bill extends stimulus checks to certain undocumented immigrants,” [Fox News](#), 5/13/20)

**Some families of illegal immigrants would be protected from deportation and eligible for direct payments of up to \$6,000 under the HEROES Act.**

- **The HEROES Act would protect some illegal immigrants from deportation and allow them to work in the U.S.** “Under the bill, essential workers would be shielded from deportation and offered employment authorization during the pandemic, and employers in critical industries would not be penalized for hiring unauthorized immigrants.” (Nicole Narea, “Immigrants were largely overlooked in the US's coronavirus response. The latest relief bill aims to fix that,” [Vox](#), 5/15/20)
- **Illegal immigrant families would be eligible for direct payments of up to \$6,000 under the HEROES Act.** “The Democrats’ new \$3 trillion coronavirus relief legislation expands direct payment eligibility to many more people than last time, including undocumented immigrants who pay taxes. Each eligible person would receive \$1,200 stimulus checks, up to \$6,000 per household, according to the newly released legislation. For example, a married couple filing taxes jointly would receive \$2,400. They would get an additional \$1,200 for each of their dependents, up to three, for a maximum benefit of \$6,000. Under the first round of checks, eligible individuals got a one-time payment of up to \$1,200, or \$2,400 per couple, plus \$500 for each child up to age 16.” (Marisa Schultz, “Democrats’ 3T coronavirus bill extends stimulus checks to certain undocumented immigrants,” [Fox News](#), 5/13/20)

- **All that is needed to qualify for direct payments of up to \$1,200 under the HEROES Act is an Individual Taxpayer Identification Number (ITIN), most commonly filed by illegal immigrants who do not possess a social security number.** “Undocumented immigrants without a social security number can still file taxes with an Individual Taxpayer Identification Number (ITIN). These ITIN filers could receive the full \$1,200 under the Democrats' new plan. ITIN filers are commonly undocumented immigrants. Legal immigrants working in the United States typically need to get Social Security numbers to get paid, just like American citizens. The IRS created the ITIN, a tax processing number, in 1996 as a way for individuals not eligible to receive benefits like Social Security to pay federal taxes on the wages they earn.” (Marisa Schultz, “Democrats’ 3T coronavirus bill extends stimulus checks to certain undocumented immigrants,” [Fox News](#), 5/13/20)

**The HEROES Act would allocate \$250 million to release potentially-violent prisoners – including murderers and rapists – into the public:**

- **The HEROES Act would release prisoners who are juveniles, over 50 years old, have less than one year left on their sentences, or have a serious health condition.** “In a 44-page section called the ‘Pandemic Justice Response Act,’ the bill would require the release of prisoners and those in the custody of U.S. Marshals Service who are within a year of being released, or those who are juveniles, over 50 years old or have a health condition such as diabetes, heart disease, HIV, cancer or are pregnant.” (Todd Ruger, “House pitches justice system changes in new COVID-19 relief bill,” [Roll Call](#), 5/12/20)
- **The HEROES Act would allocate \$250 million to reintroduce these prisoners back into society.** “The bill would also spend an additional \$250 million on Second Chance Act grants, which help ease the transition of prisoners back into society and to prevent them from committing another crime and returning to the criminal justice system.” (Todd Ruger, “House pitches justice system changes in new COVID-19 relief bill,” [Roll Call](#), 5/12/20)

*Editor’s Note: The vague language of H.R. 6800 does not rule out the release of violent prisoners such as murderers or rapists.*