



An Immigration Reform Agenda  
for the 115<sup>th</sup> Congress

## The Federation for American Immigration Reform (FAIR)

FAIR is the nation's oldest and largest public interest organization of concerned individuals who believe that our immigration laws must be reformed to better serve the needs of current and future generations. Founded in 1979, FAIR works for policies that put the interests of Americans ahead of big business and special interest demands. For over three decades, we have offered and advocated for solutions that help reduce the harmful impact of uncontrolled immigration on the economy, national security, health care, education, the environment, and the rule of law.

Our membership is non-partisan and diverse, representing people from all communities, political persuasions, and socioeconomic levels. FAIR has over 1.3 million members and supporters nationwide.

FAIR is a highly respected voice and a reliable source of information on the issue of immigration. By providing expertise, research, and counsel to lawmakers and their staff, FAIR's government relations team has played a significant role in virtually all major immigration policy changes since its inception. In addition, FAIR spokespersons are routinely interviewed by major news networks, radio talk shows, and the print media about all aspects of the immigration debate.

In all we do, FAIR's goal is to educate and increase public awareness of immigration issues, present solutions, and ensure that the public's voice is heard.

FAIR presents this Immigration Reform Agenda for the 115th Congress as a guide for ending illegal immigration, reducing legal immigration to a more sustainable level, and improving national security—thereby lifting the burden on the American taxpayer and improving our quality of life.

We look forward to working with you through the 115th Congress.



# An Immigration Reform Agenda for the 115th Congress



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Congress and the federal government must restore legitimacy to the U.S. immigration system by ensuring that existing laws are enforced and enacting new legislation that curtails legal immigration, eliminates—to the greatest extent possible— illegal immigration, and protects American workers, taxpayers, and our most vulnerable citizens.





## Introduction

Illegal immigration and unchecked legal immigration are detrimental to the quality of life in the United States. The American family increasingly bears the costs of urban sprawl, environmental degradation, traffic congestion, increased crime, an overburdened health care system, overwhelmed public schools and debt-ridden state and municipal governments—all results of uncontrolled immigration. The fiscal costs of immigration, legal and illegal, have always been substantial, but after eight years of President Obama's open borders agenda, these costs have become even more burdensome. The social, cultural, and political costs are being felt more acutely as we admit over 1 million new immigrants every year—numbers too large to be successfully incorporated into our way of life and assimilated into our communities. Simply, Congress and the federal government must restore legitimacy to the U.S. immigration system by ensuring that existing laws are enforced and enacting new legislation that curtails legal immigration, eliminates—to the greatest extent possible—illegal immigration, and protects American workers, taxpayers, and our most vulnerable citizens.

Unfortunately, for far too long—including the duration of the 114th Congress—lawmakers showed little desire to pursue true immigration reforms or rein in the Obama administration's unprecedented, unrestrained use of executive power. In doing so, Congress further eroded public confidence in the institution, which the Constitution specifically grants plenary power to make immigration laws. This failure to act gave rise to the candidacy of Donald J. Trump who made true immigration reform a cornerstone of his campaign. The American people responded by electing him the 45th President of the United States, establishing a mandate to overhaul our immigration system so that it better serves the national interest.

Soon after President Trump took the oath of office, he signed a series of executive orders to enhance border security, prioritize interior enforcement efforts, and compel sanctuary cities to comply with the law. He also signed an order to temporarily halt the admission of individuals from countries that are hotbeds for terrorism until proper and effective screening procedures can be put in place. However, at the time of this document's publication, an activist judge (and then the Ninth Circuit) temporarily blocked the travel freeze even though Immigration and Nationality Act (INA) Section 212(f) clearly gives the president the authority to act.

Through these orders, President Trump has taken necessary and long overdue steps to begin reversing the damage done by the previous rogue administration. However, Trump cannot fix the entire immigration system on his own. The stage is now set for Congress to act. We hope FAIR's Legislative Agenda for the 115th Congress will provide lawmakers and their staff with a road map for meaningful and lasting immigration reform.

Within FAIR's Legislative Agenda, there are four major areas of true immigration reform: (1) national security and border control, (2) immigration enforcement, (3) taxpayer benefits accessed by illegal aliens, and (4) legal immigration. These reforms often overlap, and many of the suggested policy solutions for one area will address other areas of reform. While the recommendations are by no means exhaustive, they do represent major reforms FAIR considers to be top priorities and the most effective solutions for solving the immigration crisis in the United States.



## National Security and Border Control

The ability of the 9/11 hijackers to enter and remain in the U.S. undetected will forever underscore that immigration law—the regulation of who enters our country, under what conditions, and for what length of time—is an integral part of national security policy. The events of 9/11 affirmed what FAIR had been warning for years: the U.S. will not be secure from terrorist attacks unless federal law enforcement agents are able to quickly and accurately ascertain which aliens are in the country legally. The threat to national security from foreign nationals has only increased, as unrest in the Middle East has resulted in a massive and unregulated wave of migration that is sweeping across the West. The evidence strongly suggests that, as warned, Islamic extremists exploit the situation to infiltrate the United States and conduct attacks similar to those carried out in Paris and Brussels. Further, drug cartels along the U.S.-Mexico border have become increasingly violent, and as a result, have expanded their monopoly on the smuggling of illicit goods and people. Therefore, it is imperative that the 115th Congress work with the administration to develop and implement the infrastructure and technology that will further secure U.S. borders, along with new methods for screening and admitting aliens to the country.

## **SECURE THE BORDERS AND PORTS OF ENTRY**

In 2006, Congress overwhelmingly passed the Secure Fence Act, which called for double-layered fencing along not fewer than 700 miles of the southern border, augmented by manpower and technology. Unfortunately, the mandate to complete the fencing was stripped in a subsequent government funding bill. Now, much of the border wall/fence lies in disrepair or is built to subpar standards. With illegal immigration, drug trafficking, and human smuggling an ongoing problem, and the threat of terrorism ever increasing, it is critical that a proper barrier be constructed.

President Trump has consistently noted that a wall on the southwest border is a necessity if our government wishes to meet its obligation to protect the sovereignty and security of the United States. Besides helping stem the tide of illegal immigration, a wall also limits the ability of drug cartels, human traffickers, terrorists and other national security threats to access the United States from our southern border. Furthermore, a secure border sends the message that prospective immigrants are expected to follow the rule of law. FAIR advocates the following measures to secure the border once and for all:

- Appropriate sufficient funds for border infrastructure as requested by the administration
- Complete 700 miles of double-layered fencing
- Dispatch additional National Guard troops to assist in border security efforts and supplement the work of the Border Patrol
- Increase the number of Border Patrol agents
- Provide resources—such as surplus military equipmenta—to border states and local law enforcement to address border-related issues
- Increase manpower at all ports of entry to provide for thorough screening of all entrants
- Significantly increase detention space
- Amend the Trafficking Victims Protection Reauthorization Act (TVPRA) to allow all unaccompanied alien children (UACs) to be quickly returned to their home countries

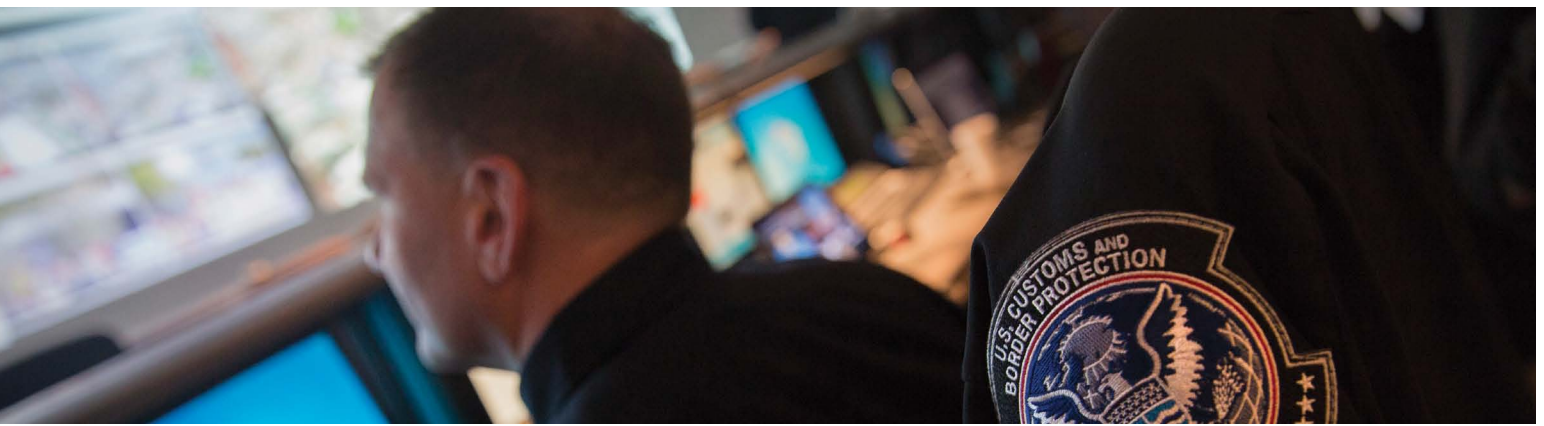
## **IMPLEMENT A SECURE AND EFFICIENT ADMISSION AND REMOVAL PROCESS**

Despite advances in obtaining, checking, and retaining biometric and other information on arriving foreign travelers, the U.S. still does not have a comprehensive, functioning biometric entry-exit system. Moreover, the process for admissions and removals is inefficient and contains many loopholes and safety risks. To help create a secure admissions and removal system, FAIR advocates the following measures:

- Fully implement the comprehensive entry-exit system, including the biometric exit component, known as the Office of Biometric Identity Management (formerly US-VISIT)
- Prohibit DHS from granting immigration benefits until all background checks of applicants are completed to the satisfaction of DHS
- Repeal the Visa Waiver Program
- Require all immigrant visa applicants to go through complete background checks
- Require the State Department to enforce the law that requires them to deny visas to nationals of countries that refuse to repatriate their citizens



- Streamline processes for immigration litigation, including increasing the number of immigration judges
- Reduce the size of the refugee population admitted to the U.S. each year
- Give State and local officials more control over the refugee resettlement process
- Restrict Temporary Protected Status (TPS) to aliens legally present in the U.S. when an event that triggers TPS designation occurs
- Reform the TPS, asylum, and refugee programs to prohibit granting such status to gang members
- Provide new definitions for the five categories of persecution that serve as the basis for refugee status and political asylum
- Authorize the continued detention of dangerous aliens



## Immigration Enforcement

The illegal alien population in the U.S., estimated at 13 million, is comprised of those who either illegally cross the border or overstay their visas. As this number has expanded over the past few decades, a central component of the immigration reform debate has been the enforcement—or lack thereof—of existing immigration laws within the United States.

After eight years of an administration that chose not to enforce existing immigration laws and exempted most illegal aliens from the threat of removal, the Trump administration took decisive action within its first 100 days to restore the rule of law. However, the policies instituted by the Trump administration could easily be ignored by future administrations. Therefore, Congress must prioritize immigration enforcement by enacting legislation that holds those who violate our immigration laws accountable—whether they are employers who hire aliens without work authorization, state and local jurisdictions with sanctuary policies, individuals who overstay their visas, or illegal migrants.

### Davis-Oliver Act

The Davis-Oliver Act would provide local law enforcement the resources they need to be part of the solution to unchecked illegal immigration, while imposing meaningful penalties against local governments that persist in obstructing immigration enforcement. The bill is named after two California law enforcement officers whose cold-blooded murders were a direct consequence of the sorts of policies it seeks to end.



## WORKSITE AND INTERIOR ENFORCEMENT

There is an overwhelming consensus that most illegal aliens come to the U.S. for economic reasons, which makes worksite and interior enforcement programs a vital step toward true immigration reform. Under the Obama administration, ICE abandoned traditional worksite enforcement actions and refused to deport illegal workers. Further, the administration let rogue state and local jurisdictions with dangerous sanctuary policies shield aliens from enforcement, needlessly endangering American lives and resulting in preventable tragedies. The Trump administration has signaled that it will renew and expand worksite and interior enforcement operations in order to guarantee a legal workforce, keep Americans safe, and restore the rule of law. To help ensure this, Congress should:

- Permanently authorize the E-Verify program and provide adequate funding to guarantee the future of the program
- Make the E-Verify program mandatory for all existing workers and new hires
- Bar illegal aliens from receiving work authorization
- Eliminate the discretion of DHS to grant work authorization to illegal aliens
- Support ICE worksite enforcement operations with more agents
- Increase funding to allow for more detention beds
- Permit U.S. citizens and legal permanent residents to file complaints for unfair employment practices under the INA
- Permit civil actions by employers against other employers who intentionally fail to verify work eligibility of their employees
- Increase and consistently apply civil and criminal penalties against employers of illegal aliens
- Prohibit employers from deducting wages paid to illegal workers
- Reinstate or codify the Social Security Administration's "no-match" rule
- Require DHS to issue detainers for aliens in the custody of state and local officials
- Impose a five year mandatory minimum sentence for illegal re-entry
- Require DHS to operate and maintain Secure Communities

### Legal Workforce Act

The Legal Workforce Act, authored by Rep. Lamar Smith (R-TX), would require that all U.S. employers use the federal E-Verify system to check that the workers they hire are legally eligible to be employed in the United States.

## ENSURE IDENTIFICATION DOCUMENTS ARE SECURE

Document fraud is one of the primary ways illegal aliens manipulate the system to stay in the U.S. and gain employment. Fraudulent birth certificates, driver's licenses, and immigration documents enable illegal aliens to obtain employment and, in some instances, claim benefits for which they would otherwise be ineligible. Hundreds of thousands of fraudulent or stolen Social Security Numbers (SSN) are submitted to the Social Security Administration (SSA) every year, severely impacting the lives of the U.S. citizens and legal aliens whose numbers are stolen. To create secure and tamper proof identification documents, FAIR advocates the following measures:

- Secure the Social Security card by making it counterfeit proof and tamper-resistant
- Appropriate sufficient funds and enforce state deadlines for the implementation of REAL ID

- Encourage states to require proof of lawful status for the issuance of driver's licenses by denying federal transportation dollars to states that fail to do so
- Authorize and fund increased training for federal, state, and local law enforcement officers on the detection of fraudulent documents
- Bar the use of matricula consular cards for purposes of establishing identity, especially for illegal aliens opening bank accounts and applying for access to government benefits
- Bar state and local governments from issuing identification documents to illegal aliens

## SUPPORT STATE AND LOCAL ENFORCEMENT EFFORTS

State and local law enforcement and government agencies play a crucial role in ending illegal immigration. Thus, it is important they have the proper support from the federal government to arrest, detain, and transfer illegal aliens to federal custody. To improve the enforcement of immigration laws at the state and local level, FAIR advocates the following measures:

- Expressly require that DHS operate the Secure Communities and 287(g) programs. Ensure adequate funding and training for all local law enforcement agencies that want to participate in the program
- Clarify that state and local law enforcement officers may enforce federal immigration laws
- Fully reimburse state and local law enforcement expenses directly related to illegal immigration
- Deny certain federal funds to cities that have sanctuary policies, which include jurisdictions that:
  - Have official policies or laws that prohibit the collection of immigration data and/or
  - Have official policies or laws that prohibit officials from honoring detainers issued by ICE
- Amend the INA to clarify that Congress has not preempted local immigration enforcement laws and address other issues raised by the Supreme Court ruling in *Arizona v. United States*, 132 S. Ct. 2492 (2012)

### Stop Dangerous Sanctuary Cities Act

The Stop-Dangerous Sanctuary Cities Act, introduced by Sen. Pat Toomey (R-PA) and Rep. Diane Black (R-TN) denies certain non-law enforcement federal grants to sanctuary cities and clarifies that state and local authorities are permitted by law to carry out detainer requests.

## FEDERAL AGENCY REFORM

The federal agencies responsible for overseeing immigration programs and enforcement efforts do not have sufficient authorization or resources to share information and cooperate with each other, which substantially hinders their ability to perform their respective tasks. To improve their effectiveness, FAIR advocates the following reforms:

- Require the SSA to share information with DHS on issuance of no-match letters to employers and suspicious employment use of legitimate SSNs
- Restrict use of ITINs to tax-related purposes only. Prohibit the use of ITINs to claim the Additional Child Tax Credit. Doing so, will save billions of taxpayer dollars
- Require the IRS to investigate and sanction employers and aliens who submit fraudulent tax documents

- Prohibit employers from deducting wages and benefits paid to illegal aliens from their taxes
- Prohibit the SSA from crediting work performed by illegal aliens towards Social Security benefits, regardless of future changes in the aliens' immigration status
- Increase the number of immigration judges employed by the Department of Justice (DOJ)
- Increase the number of asylum officers employed by DHS and set standards for training that specifically include identity fraud



## Taxpayer Benefits Accessed by Illegal Aliens

Granting benefits to illegal aliens does nothing more than use taxpayer dollars to reward illegal behavior and encourage more illegal immigration. With the exception of emergency medical care, illegal aliens are ineligible for most federally administered benefits. However, by granting large classes of illegal aliens deferred action and parole, the Obama administration exploited a loophole that made these illegal aliens eligible for taxpayer-funded benefits. In addition, many states have not adopted provisions barring illegal aliens from state and local benefits. The 115th Congress must clarify that only aliens with lawful status may be eligible for benefits and refuse to allow federal taxpayer dollars to subsidize state and local policies that encourage illegal immigration. To limit taxpayer-funded benefits to illegal aliens, FAIR advocates enacting the following measures:

- Support efforts to eliminate sanctuary cities by withholding certain federal funds from localities that adopt such policies or practices
- Bar illegal aliens with deferred action and parole from eligibility for Social Security, Medicare, the Affordable Care Act, and other federal benefits programs
- Revise federal law to clarify that states may not, under any circumstances, offer in-state tuition to illegal aliens. Deny certain federal funds to states that pass measures in violation of such federal law
- Help lawmakers better understand the impact of illegal immigration by requiring schools and hospitals to collect non-identifiable data regarding the immigration status of students and patients. Deny certain federal funds to institutions that do not comply

- Require employers to reimburse states and local governments for health care and other services used by the legal temporary workers they employ or sponsor
- Oppose “pathways to citizenship,” temporary or permanent visas, or other forms of amnesty for illegal aliens



## Legal Immigration

The population of the United States has dramatically increased over the past few decades, accompanied by increases in urban sprawl and traffic congestion, as well as shortages of natural resources such as clean air and water. This problem will only get worse, as new Pew Research Center projections show that the population of the United States is projected to grow to 441 million by 2065 and that 88% of this increase will be due to immigration.<sup>1</sup> If Congress does not fundamentally change U.S. immigration policies, the country will continue on this trajectory of unsustainable population growth.

These drastic population increases not only impact the environment, they affect the quality of life for every American and raise serious concerns about the capacity of our school systems, physical infrastructure, state budgets, and health care system. Fortunately, it is not too late to curb population growth and prevent irreparable damage. To help stem population growth, the 115th Congress should limit guest worker programs, end the chain migration policies that give preferential treatment to extended family members, and categorically oppose efforts to give amnesty to illegal aliens.

### Reforming American Immigration for Strong Employment (RAISE) Act

The RAISE Act, introduced by Sens. Tom Cotton (R-AR) and David Perdue (R-GA), seeks to significantly reduce legal immigration by ending chain migration, eliminating the visa lottery, and limiting the number of refugees admitted annually into the U.S. The bill also creates a new non-immigrant visa for the parents of adult U.S. citizens in need of caretaking.

<sup>1</sup> Pew Research Center, September 28, 2015, <http://www.pewhispanic.org/2015/09/28/chapter-2-immigrations-impact-on-past-and-future-u-s-population-change/>



## CUT THE NUMBERS

The U.S. currently admits over one million legal permanent residents (green card holders) annually—the equivalent of adding the entire population of a city the size of San Jose, California, every year.<sup>2</sup> Because unregulated immigration has such a significant impact on our lives, experts have long urged the federal government to adopt reasonable limits on immigration. In 1981, the Select Commission on Immigration and Refugee Policy (SCIRP) concluded that immigration to the U.S. was “out of control” and recommended to Congress that it pursue a “cautious approach” that recognizes “the reality of limitations.”<sup>3</sup>

In the mid-1990s the Clinton Administration established the U.S. Commission on Immigration Reform, headed by the well-known civil rights advocate, Rep. Barbara Jordan (D-TX). In a series of reports,<sup>4</sup> the Jordan Commission also recommended that the federal government:

- Reduce legal immigration and implement an overall annual cap of 550,000
- Prioritize skilled workers over unskilled workers
- Prioritize nuclear family members over extended family members

FAIR believes that a sustainable level of immigration is no more than 300,000 annually. To cut the numbers while allowing for the maintenance of nuclear families, FAIR advocates the following measures:

- Eliminate birthright citizenship legislatively
- Repeal the visa lottery
- Grant immigrant visas to skilled workers over unskilled workers
- Restrict family preference visas to nuclear family members (spouse and minor children)
- Oppose any efforts to reauthorize INA § 245(i)

## STOP LEGAL IMMIGRATION FRAUD

The U.S. has a rich history of immigration that is unfortunately undermined by high levels of fraud within the refugee, asylum, and visa systems. The U.S. must maintain the credibility of its immigration laws by exercising greater scrutiny over the admissions process and ensuring that the asylum/refugee programs serve the population for which they were intended. To restore integrity to the immigration system, FAIR recommends the following measures:

- Impose stricter standards for the admission of guest workers
- Reform or eliminate immigration programs with notably high rates of fraud and abuse (i.e. TPS and asylum, H-1B visas, EB-5, religious worker visa program, etc.)

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<sup>1</sup> U.S. Yearbook of Immigration Statistics 2015, <https://www.dhs.gov/immigration-statistics/yearbook/2015>

<sup>2</sup> Vernon Briggs, Testimony Before the U.S. Commission on Immigration Reform, February 23, 1995, located at <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1014&context=briggstestimonies>

<sup>3</sup> The Jordan Commission Reports to Congress, <http://www.utexas.edu/lbj/uscir/reports.html>

## **PROTECT THE AMERICAN WORKER**

U.S. immigration laws already contain a multitude of guest worker programs, including programs for unskilled workers, agricultural workers, high-tech workers, and nurses. Given the extremely competitive job market, the 115th Congress should take special care to protect the American worker by restricting the amount of cheap foreign labor that is allowed to compete with U.S. workers. To ensure a legal workforce, FAIR advocates the following measures:

- Require that U.S. workers be given absolute preference in hiring and during layoffs
- Oppose all efforts to expand guest worker programs
- Reform existing guest worker programs by eliminating fraud, cutting the numbers to a level that reflects the true need for labor, and opposing the creation of new programs

For more information , contact FAIR's Government Relations Staff.

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FAIR, the Federation for American Immigration Reform is a national, nonprofit, public-interest, membership organization of concerned citizens who share a common belief that our nation's immigration policies must be reformed to serve the national interest. FAIR seeks to improve border security, to stop illegal immigration, and to promote immigration levels consistent with the national interest—more traditional rates of about 300,000 a year.

With over 1.3 million members and supporters nationwide, fair is a nonpartisan group whose membership runs the gamut from liberal to conservative. Our grassroots networks help concerned citizens use their voices to speak up for effective, sensible immigration policies that work for America's best interests.

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