



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration

REPORT

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2012 Election Results: No Mandate for Illegal Alien Amnesty

Even before the polls closed on November 6, the immigration advocacy network was declaring the elections of 2012 a referendum for amnesty for illegal aliens and for substantial increases in overall immigration to the United States. With the backing of President Obama, they will surely try to push their cause to the top of the 113th Congress's agenda in 2013.

Despite the rhetoric, however, there is little to suggest that voters generally

are in the mood for a massive amnesty and increased levels of immigration, or that it is even a priority for Hispanic voters, who strongly supported President Obama's re-election bid. In fact, another protracted battle over amnesty would likely undermine the ability of Congress and the president to address the core concerns of American voters.

Economy Remains Top Issue

Not surprisingly, the biggest concern on the minds of American voters

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New Census Data Shocker: Mass Immigration Is Fueling Poverty in the U.S.

New data from the U.S. Census Bureau confirm that our current family chain migration policies that admit large numbers of immigrants with limited education and job skills,

coupled with massive illegal immigration, are contributing to an alarming increase in poverty in the U.S.

Under a new method of calculating poverty, a report issued by the Census

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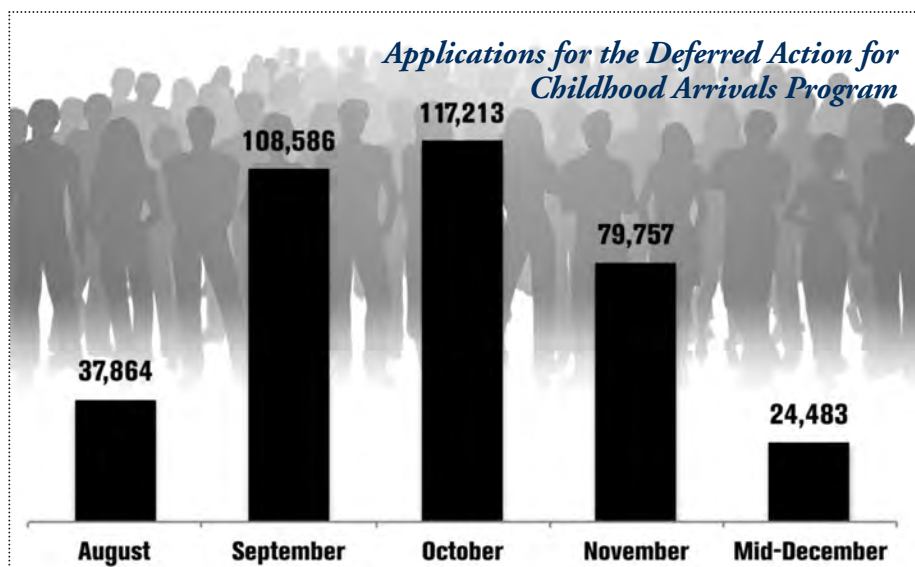


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USCIS Data Show DACA Applications Beginning to Spike

For the first time, the U.S. Citizenship and Immigration Services (USCIS) agency, which is processing applications under the Deferred Action for Childhood Arrivals (DACA) program, released data about the applicants. After a slow start in August, during which 37,864 people applied for deferred action, the numbers rose sharply in September and October to 108,586 and 117,213 applicants respectively. The most likely explanation is that most applicants required additional time to gather the necessary documentation to prove their eligibility, although uncertainty regarding the outcome of the election could also have influenced potential applicants.

Through mid-December, the agency received a total of 367,903 applications for deferred action. Of these, 102,965 were approved, while 12,014 were rejected (for insufficient evidence of eligibility). The remaining 157,151



were still under review. The data also show that, by far, the largest number of applications are being filed by Mexican nationals. The 258,708 Mexican applicants eclipse the next highest total of 15,697, filed by illegal aliens from El Salvador.

In a subsequent news conference, USCIS director Alejandro Mayorkas revealed the agency's reluctance to deny DACA applications. According to Mayorkas, before a denial is made final, USCIS issues either a Request for Evidence to back up an applicant's claims, or a Notice of Intent to Deny. In both cases, applicants are provided additional time to provide additional information supporting their claims to remain in the U.S. under DACA.

Even though there is no appeals process for a denial, Mayorkas told reporters that people who have

been denied deferred action can re-apply for the program if they feel their denial was based on an "evidentiary deficiency" rather than an inability to meet the base criteria. And even in cases where the illegal alien's application is ultimately turned down, there is little likelihood that the applicant will be subject to removal merely for illegal presence unless there is an "independent reason" for enforcing the law against the illegal alien.

To further facilitate the ability of illegal aliens to gain relief from deportation, USCIS has developed web tools to help guide applicants through the process. The "tip sheets" help applicants avoid filing errors that might result in unfavorable rulings. USCIS also offers guidance to employers regarding DACA and assures them that beneficiaries are legally eligible to work in the U.S.

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Three in GOP Offer a Version of a “DREAM” Act Amnesty

In a symbolic effort to appease amnesty advocates, Republican legislators rolled out the ACHIEVE Act, legislation that could lead to eventual citizenship for many illegal aliens who entered the country before age 14. The bill, S.3936, which was introduced during the lame duck session of the 112th Congress, is a modified version of the DREAM Act amnesty proposal and presages the sort of bill Republicans are likely to bring up in the 113th Congress. Two of the three lead sponsors, Senators Kay Bailey Hutchison (R-Texas) and Jon Kyl (R-Ariz.) are themselves lame ducks and will not be in Congress in 2013.

The ACHIEVE Act sets out a longer process for gaining amnesty, but still rewards illegal immigrants by placing them in a more advantageous position than those who are

waiting their turns to come here legally. Under the bill, illegal aliens who meet certain qualifications would be allowed to remain legally for up to six years while pursuing an associate, bachelor or graduate degree, a vocational degree, or serving four years in the military. If those requirements were fulfilled, the aliens would be granted permission to remain for an additional four years, during which time they would have to maintain employment, or further their education.

After ten years, ACHIEVE Act beneficiaries could be granted “permanent nonimmigrant” status, which could be renewed indefinitely in four-year increments. While there is no specific guarantee of citizenship for beneficiaries, those with permanent nonimmigrant status would be eligible to adjust to green card hold-

ers under existing provisions in our immigration law.

FAIR is opposed to the ACHIEVE act as an unnecessary and unwarranted reward for violating U.S. immigration laws. Though the process would be longer than under the DREAM Act and impose additional requirements, it would still send a clear message that bringing or sending minors to the U.S. illegally could result in their being allowed to remain.

It is likely that a similar bill will be offered in the new Congress, led by Sen. John McCain (R-Ariz.), who was the ACHIEVE Act’s third sponsor, and Sen. Marco Rubio (R-Fla.). A spokesman for Rubio indicated that the senator is “developing his own alternative to the DREAM Act,” which he expects to introduce in the 113th Congress.

STEM Worker Bill Passes the House, Stalls in the Senate

The House of Representatives used the lame duck session of Congress to pass H.R. 6429, legislation that would eliminate 55,000 visa lottery green cards, and convert them into green cards for foreign graduates of U.S. universities who earn advanced degrees in science, technology, engineering and math (STEM) fields. The Republican House bill was blocked from reaching the floor of the Democrat-controlled Senate.

FAIR has opposed the visa lottery from its inception in 1990, and we also oppose H.R. 6429, which will create unnecessary competition for American





FAIR IN ACTION ACROSS THE COUNTRY

Illinois

The Illinois State Senate overwhelmingly approved legislation, S.B. 957, which would grant driver's licenses to illegal aliens. Even though licenses issued to illegal aliens would not be valid for identification purposes and could not be used for boarding a commercial flight, placing state-issued documents in the hands of illegal aliens poses national security risks and further encourages illegal immigration. If enacted, Illinois would join Utah in issuing special licenses for illegal aliens, and New Mexico and Washington, which issue regular licenses to foreign nationals who cannot demonstrate legal U.S. residency. Applicants would only have to show that they have lived in Illinois for at least one year and prove their identity with a foreign passport or consular card. Consular ID cards are known to lack many security features and are subject to fraud and counterfeiting.

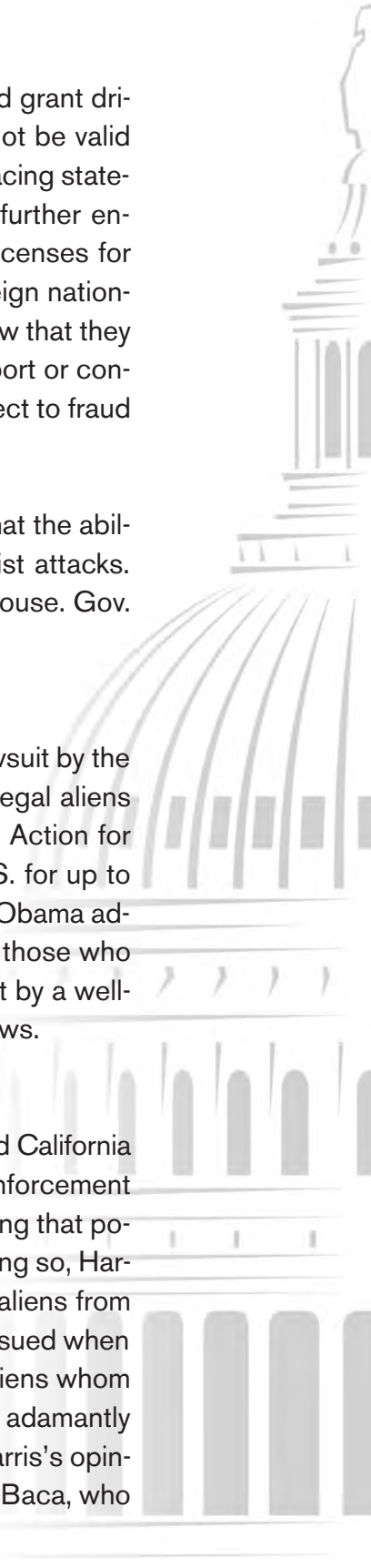
The Illinois Senate ignored explicit warnings in the report of the 9/11 Commission that the ability to access government-issued U.S. documents helped facilitate the 2001 terrorist attacks. As of publication of this newsletter, S.B. 957 had not been voted on by the Illinois House. Gov. Pat Quinn has indicated that he would sign the bill if it reaches his desk.

Arizona

While Illinois prepares to grant driver's licenses to illegal aliens, Arizona is facing a lawsuit by the American Civil Liberties Union (ACLU) for refusing to provide driver's licenses to illegal aliens who benefit from President Obama's backdoor amnesty policy, known as Deferred Action for Childhood Arrivals (DACA). Under DACA, some illegal aliens may remain in the U.S. for up to two years, but the policy does not confer legal status on beneficiaries. Moreover, the Obama administration failed to provide guidance to the states on whether to issue licenses to those who benefit from DACA. Nevertheless, Arizona is once again subject to a lawsuit brought by a well-funded advocacy group whose aim is to prevent enforcement of U.S. immigration laws.

California

Just two months after Gov. Jerry Brown vetoed A.B. 1081, a bill that would have barred California law enforcement from honoring detainer requests from Immigration and Customs Enforcement (ICE), the state's attorney general, Kamala Harris, issued an information bulletin stating that police and sheriffs' departments have no legal obligation to honor those requests. In doing so, Harris effectively gave legal cover to sanctuary cities that would rather protect criminal aliens from deportation than ensure the safety of their own communities. Detainer requests are issued when individuals who have been arrested for other offenses are identified as deportable aliens whom ICE is seeking to remove from the country. Some jurisdictions within California are adamantly opposed to honoring ICE detainer requests, except in very limited circumstances. Harris's opinion was welcomed by these local officials, including Los Angeles County Sheriff Lee Baca, who had been a vocal opponent of AB 1081.



Is 2013 Shaping Up as 2007 Redux?

In 2007 a bipartisan group of legislators went behind closed doors and hashed out an immigration bill they termed the “grand bargain,” with a massive illegal alien amnesty as its centerpiece. The bill was presented as a take-it-or-leave-it proposition, with little opportunity for members of Congress to offer amendments (and very little time to even read and analyze the lengthy bill). With overwhelming opposition to amnesty by the American people, they opted to leave it.

The battle over immigration in 2013 is shaping up as a replay of 2007. Even before the 113th Congress convened, a bipartisan group of eight senators began negotiations over the framework of an immigration bill. The group of eight includes some familiar players — Chuck Schumer (D-N.Y.), Dick Durbin (D-Ill.), Bob Menendez (D-N.J.), John McCain (R-Ariz.), Lindsey Graham (R-S.C.), and Senator-elect Jeff Flake (R-Ariz.) — as well as some new faces, Michael Bennett (D-Colo.) and Mike Lee (R-Utah).

Based on the long-held positions of these eight legislators, there is every reason to believe that the immigration overhaul plan that emerges will look much like the “grand bargain” of 2007. There is also strong reason to believe that any legislation that looks like the 2007 bill will encounter the same stiff opposition from many members of Congress and from the American people.

FAIR WILL BE WATCHING DEVELOPMENTS CLOSELY AS THE LEGISLATIVE BATTLE HEATS UP TO MAKE SURE THAT THE VOICES AND CONCERNS OF THE AMERICAN PEOPLE ARE HEARD.

EVEN BEFORE THE 113TH CONGRESS CONVENED, A BIPARTISAN GROUP OF EIGHT SENATORS BEGAN NEGOTIATIONS OVER THE FRAMEWORK OF AN IMMIGRATION BILL.



AMNESTY AND THE 2012 ELECTION *continued*

AS THE NEW YEAR UNFOLDS, FAIR WILL WORK TO EDUCATE AMERICANS ABOUT THE DISASTROUS CONSEQUENCES OF AN AMNESTY, AND TO MOBILIZE PUBLIC OPPOSITION AS WE DID IN 2007. THE RENEWED DEBATE WILL ALSO GIVE US AN OPPORTUNITY TO MAKE THE CASE FOR TRUE IMMIGRATION REFORM THAT SETS THE INTERESTS OF THE AMERICAN PEOPLE AS THE MOST IMPORTANT CONSIDERATION IN FIXING OUR BROKEN IMMIGRATION SYSTEM.

was the state of our economy. Fifty-nine percent of those who cast a ballot identified the economy and jobs as having the greatest influence on who they voted for, according to an Associated Press exit poll.

These same priorities held true among Hispanic voters. In numerous opinion surveys leading up to the elections, Hispanic voters consistently ranked the economy and jobs as their most pressing concerns, followed by health care, education and even vaguely described “social issues.” In all of these Hispanic opinion polls, immigration ranked no higher than fifth on their list of priorities. A Fox News Latino poll conducted in September found that only 6 percent of Latino voters considered immigration to be their most important issue.

Obama Won Latino Vote on Economic Issues

The Associated Press exit poll revealed that about 75 percent of voters believed President Obama’s policies would be more likely to help the middle class and the poor. This perception was clearly evident in Hispanic voters’ overwhelming support for the president, who received 71 percent of their votes.

Prior to the election, President Obama stated that if re-elected, he would owe his political victory to the votes of Hispanics. The Hispanic advocacy network clearly aims to collect on this perceived debt in the form of a massive amnesty and still higher levels of immigration. Amnesty may be the reward the advocacy groups are seeking, but it is clearly not near the top of the list most Hispanic voters want the president to accomplish in his second administration. What they, like most Americans,

want the president and Congress to focus on is getting our economy back on track and dealing with chronic high levels of unemployment – priorities that can only be undermined by a mass amnesty.

Immigration Was a Mixed Bag in Congress

The new Congress isn’t very different from the old Congress. In the 113th Congress, Democrats will still control the Senate, while Republicans will maintain a majority in the House. Our analysis of the election results found that winners were evenly split between those who favor amnesty and those who favor enforcement. In most races, immigration was not a significant factor in the outcome. In the few key Senate races where immigration was a big issue — Nevada, Texas and Arizona — the pro-enforcement candidate prevailed.

What’s Ahead

Americans can expect another bruising battle over immigration policy in the 113th Congress, similar to the one that took place in 2007 supported by President Bush. President Obama and the Democratic leadership appear intent on pressing ahead with an amnesty attempt in 2013 — although any number of issues may derail their plans.

Some Republicans have been led to believe that opposing amnesty will further damage their party’s brand with Hispanic voters. However, amnesty and increased levels of immigration remain unpopular with the American public, especially as the nation struggles with a sluggish economy and high unemployment.

IMMIGRATION AND POVERTY *continued*

Bureau in November reveals that 32 percent of non-citizens in the U.S. in 2011 were living in poverty. This exceptionally high poverty rate is at least seven percentage points higher than previously thought. Consistent with the report's findings, California, which has the highest concentrations of legal and illegal immigrants, has the dubious distinction of having the highest poverty rate in the nation. Almost 8.8 million people, or 23.5 percent of the state's population, are mired in poverty, according to the Census Bureau. Nationally, about 15.8 percent of the population is considered poor, under the bureau's methodology. The high rates of poverty for non-citizens would be even higher if their U.S.-born children living with them in poverty were added to the calculation of immigrant poverty.



These sad realities are hardly a surprise to FAIR and to others who have been studying our nation's immigration policies. Over the years, FAIR has released numerous studies and reports detailing evidence of high levels of poverty among immigrants and their dependents. In addition, the influx of low-wage immigrants often results in displacement or downward pressure on the wages of native workers. The Census Bureau's findings confirm the need to dramatically overhaul and reduce overall immigration to the U.S. and to enforce laws against illegal immigration.

DACA APPLICATIONS SPIKE *continued*

The information revealed in USCIS data and in Director Mayorkas's statements is not surprising. Last year, FAIR publicized a DHS Inspector General's report which charged that USCIS personnel are under pressure from their superiors to "get to yes" on applications for immigration benefits, even if they have reasonable suspicions of fraud or other abuse. At the start of the DACA process, FAIR warned that similar pressures are likely to be applied as the Obama administration's backdoor amnesty is carried out.

STEM WORKER BILL *continued*

STEM workers in an already depressed labor market. The bill was opposed by Senate Democrats and business and ethnic advocacy groups for very different reasons. Immigration Subcommittee Chairman Chuck Schumer (D-N.Y.) objected in principle to offsetting increases in one area of immigration with reductions in others. "[Republicans] could not pass a plain bill that just added STEM visas. They had to take away other visas that [they do] not like, but many people do." The White House also opposed the bill on grounds that it might take away a bargaining chip in their efforts to pass amnesty in 2013.

Similar sentiments were expressed by business-oriented interest groups. The libertarian Competitive Enterprise Institute feared that H.R. 6429 might actually result in a reduction in overall immigration levels if there were not enough foreign STEM graduates with advanced degrees to fill the slots. High-tech firms that want additional STEM employees supported the bill in the House but reportedly did not engage in strong advocacy for it in the Senate.

Thus, as leaders of both parties claim to support a skills-based immigration system, this early battle indicates that many want to add visas for more skilled immigrants but oppose ending family chain migration, or even the visa lottery.

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The name Seventh Generation Legacy Society is taken from the great law of the Iroquois Confederacy: "In our every deliberation, we must consider the impact of our decision on the next seven generations."

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