



## Inside . . .

No Labor Shortage,  
More Guest Workers

**PAGE 2**

Opposition's Amnesty  
Sales Job

**PAGE 4**

Administration Invites  
Asylum Abuse

**PAGE 4**

Claims that Borders Are  
Under Control Exposed by  
Christmas Bomber

**PAGE 5**

Around the Country

**PAGE 6**



## Opening Salvo: Rep. Gutierrez Introduces Massive Illegal Alien Amnesty Bill

**D**uring his 2008 campaign, Barack Obama promised to address amnesty for illegal aliens during his first year in office. President Obama's first year has come and gone with no legislative action on amnesty.

Not satisfied with the administration's systematic dismantling of nearly all aspects of immigration enforcement, the Congressional Hispanic Caucus (CHC) has grown impatient with the failure to gain legal status for millions of illegal aliens. In an effort to force the is-

sue onto the crowded 2010 legislative calendar, Rep. Luis Gutierrez (D-Ill.) introduced legislation on December 15 that would grant amnesty to virtually every illegal alien in the U.S. and vastly expand future immigration. Officially titled the "Comprehensive Immigration Reform for America's Security and Prosperity Act" (CIR ASAP), H.R. 4321 would also scrap existing enforcement provisions including the highly successful 287(g) program for federal-local cooperation and E-Verify.

CONTINUED on page 3

## Illegal Alien Advocates: No Debate on Immigration Will Be Tolerated

**I**n recent years, FAIR and others in the immigration reform movement have come under McCarthyist attacks from the illegal alien lobby. They have repeatedly tried to marginalize FAIR's mainstream views on immigration reform and

exclude us from the debate. They have not succeeded.

It is not just FAIR they are seeking to silence, but anyone who opposes amnesty for illegal aliens and enforcement of U.S. immigration laws. On

CONTINUED on page 7

## H-1B Visa Quota Reached, Despite No Evidence of Worker Shortage

Less than three months into the new fiscal year, the U.S. Citizenship and Immigration Services agency announced that the quota for H-1B guest workers had been filled. With unemployment hovering around the 10 percent mark, 65,000 visa-sponsorship opportunities were snapped up by companies and labor contractors. These potential permanent immigrants are in addition to 20,000 immigrant visas set aside for foreign nationals with advanced degrees,

Most of these 85,000 foreign guest workers are unnecessary. A report issued by the AFL-CIO entitled, *Gaming the System: Guest Worker Visa Programs and Professional and Technical Workers in the U.S.*, refutes the claim that there is a shortage of workers with technology and scientific credentials. The AFL-CIO report is based on research done by such high profile organizations as the National Research Council, the

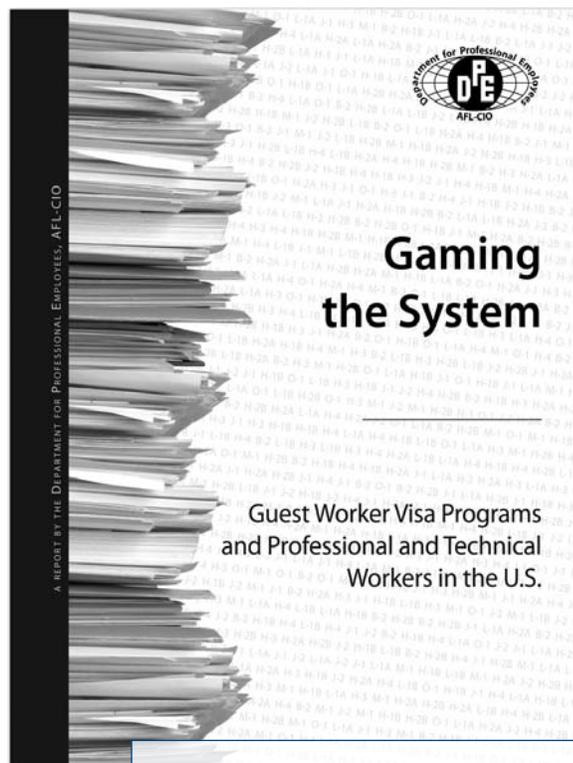
Government Accountability Office, RAND Corporation, the National Academy of Sciences and others.

*Gaming the System* accuses companies of using the H-1B program to suppress wages by giving guest workers job titles and wages that are below the level of work they are actually performing, and by misclassifying workers with significant experience as entry-level employees. Citing the National Research Council, the report states, “the current size of the H-1B workforce relative to the overall number of IT professionals is large enough to keep wages from rising as fast as might be expected in a tight labor market. ... If a genuine labor shortage existed, wages in these fields would have risen dramatically in ways they have not.” The report further notes that unemployment rates in the high tech sector have risen to their highest levels since 1972.

*Gaming the System* also disputes the assertion that the U.S. is failing to graduate a sufficient number of new workers with degrees in technology and the sciences. Rather, the report finds, outsourcing of jobs and the availability of foreign labor is convincing trained U.S. workers to seek opportunities in other fields.

The findings of the AFL-CIO

report strengthen FAIR’s long-standing criticism of the H-1B program and our opposition to increasing the number of guest workers admitted to the U.S. As far



THE FINDINGS OF THE AFL-CIO REPORT STRENGTHEN FAIR’S LONG-STANDING CRITICISM OF THE H-1B PROGRAM AND OUR OPPOSITION TO INCREASING THE NUMBER OF GUEST WORKERS ADMITTED TO THE U.S.

back as 2000, in a report entitled *Digital Addiction: Why the Information Technology Industry Doesn’t Need More Temporary Foreign Workers*, FAIR argued that many employers were using the program to undermine American workers, rather than to find qualified workers with unique skills.

## Immigration REPORT

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## GUTIERREZ'S AMNESTY *continued*

### No Job, No Problem

All individuals who were in the country as of the day H.R. 4321 was introduced, December 15, 2009, would be eligible for amnesty, except for violent criminals and terrorists. Amnesty applicants would be required to pay a \$500 fine, although CIR ASAP includes many exemptions from the penalty. (The defeated 2007 McCain-Kennedy amnesty bill would have imposed a \$2,000 fine.) The bill does not require that amnesty applicants be employed. Seeking employment or doing volunteer work is sufficient under CIR ASAP to qualify for legalization. H.R. 4321 also provides illegal aliens numerous opportunities to appeal denials of their amnesty petitions.

### Big Increases in Immigration

In addition to amnesty for illegal aliens, CIR ASAP includes a broad expansion of family- and employment-based immigration. The legislation would make about 550,000 additional family visas available by “recapturing” unused visas dating back to 1992. Further increasing the numbers, H.R. 4321 would exempt spouses and children of legal permanent residents from annual immigration caps. Based on 2008 data, that provision would free up an additional 100,000 annual immigrant visas. In addition, workers loosely defined as “highly skilled” — currently also more than 100,000 per year — would similarly be exempt from visa caps. The result would be to increase overall im-

migration by those amounts.

Future employment-based immigration would be determined by a new Commission on Immigration and Labor Markets, which would make its recommendations to Congress and the president.

### Little Enforcement, Even Less Detention

Under CIR ASAP, border enforcement would focus on criminals and smugglers while limiting the ability of the Border Patrol to halt or deter illegal immigrants. Numerous locations inside the United States would be made off-limits to minimize ICE's ability to carry out interior enforce-

ment operations. H.R. 4321 would also limit the number of illegal aliens who could be detained, and would vastly expand illegal aliens' access to legal representation, making it even more difficult to remove people who are in the country illegally.

CIR ASAP is the first, but probably not the last, amnesty bill to be introduced in this session of Congress. The bill has 92 co-sponsors and strong backing from the CHC. However, most observers expect that the Senate will have to act first. An amnesty bill

authored by Sen. Charles Schumer (D-N.Y.), originally promised for Labor Day, is now expected to be introduced in late January or early February.

The prospect of addressing amnesty for millions of illegal aliens in an election year does not seem all that appealing to many House Democrats. After meeting with many members who face tough elections this November, Speaker Nancy Pelosi (D-Calif.) stated that she would not ask her vulnerable members to risk angering voters unless the Senate acted first.

Whether it is CIR ASAP, the Schumer bill, or some other piece of legislation, FAIR is actively working to

FAIR IS ACTIVELY WORKING TO BUILD THE CASE AGAINST AMNESTY FOR ILLEGAL ALIENS. AS NEW AMNESTY BILLS EMERGE, WE WILL CONTINUE TO PROVIDE THE AMERICAN PEOPLE WITH THE TIMELY INFORMATION THEY NEED TO MAKE THEIR VOICES HEARD.

build the case against amnesty for illegal aliens. In the weeks following the introduction of H.R. 4321, FAIR thoroughly analyzed the legislation and launched a full-scale effort to inform the American public about Rep. Gutierrez's radical amnesty and open immigration bill. As new amnesty bills emerge, FAIR will continue to provide the American people with the timely information they need to make their voices heard.

## Illegal Alien Lobby Tries to Sell the “Economic Benefits” of Amnesty

The illegal alien lobby has become acutely aware that the window of opportunity to push for enactment of a sweeping amnesty in this session of Congress is quickly closing. In addition to the calendar working against them, they also recognize that the severe recession, double-digit unemployment and massive government deficits will make it very difficult to sell the American public on the idea of amnesty.

In recent months, illegal alien advocates have attempted to frame amnesty as a cure-all for the nation’s economic woes. At the hub of the campaign to sell the American people on the benefits of amnesty is the Center for American Progress (CAP). In recent months, three Obama cabinet secretaries — Janet Napolitano of Homeland Security, Hilda Solis of Labor, and Gary

Locke of Commerce — have spoken at the Center extolling the economic benefits of mass immigration.

In early January, CAP added an academic component to the effort. A report entitled, *Raising the Floor: The Economic Benefits of Comprehensive Immigration Reform*, authored by Raul Hinojosa-Ojeda of the University of California at Los Angeles, argues that amnesty would increase wages for all workers in the U.S. and increase the ability of the government to collect taxes from current illegal aliens. (This claim by Hinojosa, who is a Chicano studies professor — not an economics professor — contradicts assertions made by other amnesty advocates that illegal aliens already pay more in taxes than they receive in benefits.) The key claim of *Raising the Floor* is that amnesty would add \$1.5 trillion to the gross domestic product of the United States over ten years.

CONTINUED on page 7

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## Administration Invites Asylum Abuse

Reversing a policy instituted during the Clinton administration, the Obama administration will no longer detain asylum seekers. The detention policy adopted in the 1990s was a response to massive abuse of the asylum system. Individuals arriving in the U.S. without documentation and requesting political asylum were routinely released from custody and rarely appeared for scheduled asylum hearings. Among those who abused the system was Ramzi Yousef, who requested political asylum when he arrived at New York’s JFK Airport without documents. He was released from custody and went on to organize the 1993 bombing of the World Trade Center.

In an effort to end the abuse, asylum seekers were detained until immigration officials could determine if a claim was legitimate. Under the new policy implemented

on January 4, individuals seeking political asylum will be released on parole as long as they are not considered dangerous or a flight risk. Based on past history, the change in policy is likely to trigger a new wave of bogus asylum claims as would-be illegal aliens recognize that saying the words “political asylum” will give them a free pass into the country.

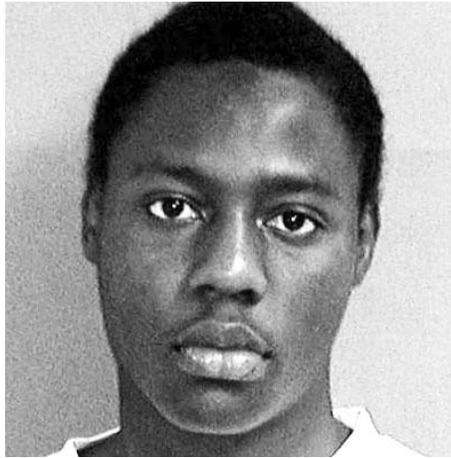
The relaxation of detention for asylum seekers is consistent with the Obama administration’s handling of other deportable aliens. In October, the administration announced policy changes that limit the ability of immigration authorities to detain illegal aliens pending their deportation (see FAIR *Immigration Report*, Nov. 2009). Without the ability to detain illegal aliens or people abusing the asylum system, it becomes nearly impossible to re-

CONTINUED on page 8

## From 9/11 to Christmas 2009: Not Much Has Changed

The failed attempt by Umar Farouk Abdulmutallab to blow-up a Northwest Airline jet over Detroit on Christmas day was a sobering reminder that more than eight years after 9/11, political expediency still trumps homeland security.

After a nearly yearlong campaign aimed at convincing the American people that all systems intended to protect our nation from another foreign terrorist attack are working, the foiled Christmas attack demonstrated that they are not. Even more disheartening is the fact that Homeland Security Secretary Janet Napolitano stepped before the microphones after the attempted bombing and did not even acknowledge that the system had failed. Had it not been for the vigilance and the bravery of passengers



NIGERIAN TERROR SUSPECT  
UMAR FAROUK ABDULMUTALLAB

massive illegal alien amnesty would be reckless, irresponsible and a threat to homeland security.

Vital information that might have kept the 23-year-old Nigerian off the Northwest flight was not shared and not acted upon. In spite of the fact that he was a known security risk, Ab-

prevent an individual who was already on their watch list from getting on a flight to the U.S., how can the American people have any confidence that these same bureaucracies would be able to sort through millions of amnesty applications and identify the terrorists and the criminals?

The Christmas event also demonstrates the irresponsibility of maintaining the Visa Waiver Program (VWP), which allows millions of people to enter the U.S. each year without prior consular screening. The evidence suggests that Abdulmutallab became radicalized while studying in Britain — a country covered under VWP. Although Abdulmutallab was traveling on a Nigerian passport, other potential terrorists bent on attacking the U.S. hold passports from VWP countries

IF THE GOVERNMENT WAS UNABLE TO PREVENT AN INDIVIDUAL WHO WAS ALREADY ON THEIR WATCH LIST FROM GETTING ON A FLIGHT TO THE U.S., HOW CAN THE AMERICAN PEOPLE HAVE ANY CONFIDENCE THAT THESE SAME BUREAUCRACIES WOULD BE ABLE TO SORT THROUGH MILLIONS OF AMNESTY APPLICATIONS AND IDENTIFY THE TERRORISTS AND THE CRIMINALS?

on that flight, hundreds of people would have lost their lives on the plane and on the ground.

It will probably take authorities months to unravel all of the system-wide failures that allowed Abdulmutallab to board a U.S.-bound plane with explosives in his underwear, but the nearly tragic event makes one thing very clear: any effort to enact a

dulmutallab's visa was never revoked. The failure to revoke the visas of known security threats is not a new problem. Problems detailed in a July 2004 report by the Government Accountability Office, entitled *Additional Actions Needed to Eliminate Weaknesses in the Visa Revocation Process*, have clearly not been rectified.

If the government was unable to

and could easily reach this country without being stopped.

America was lucky on Christmas day, but we also got an important reminder that we still have a long way to go before we can feel confident that we can effectively identify and prevent potential terrorists from entering our country.



## NEW JERSEY

Supporters of legislation that would have allowed illegal aliens to attend public colleges and universities at taxpayer-subsidized in-state tuition rates withdrew the bill before it could be voted on by the State Senate. “We just don’t have enough votes,” said State Sen. Ronald Rice (D-Essex), the sponsor of the bill. Without a vote in the Senate, the bill’s Assembly sponsors decided not to put it to a vote in that chamber. Illegal alien advocates attempted to rush the bill through the legislature before defeated Governor Jon Corzine left office on January 19. Supporters of in-state tuition for illegal aliens hoped to enact the bill in spite of the New Jersey’s \$8 billion budget deficit. In recent years, FAIR has worked with immigration reform activists in New Jersey, building a strong political coalition opposed to granting nonessential benefits and services to illegal aliens.

## GEORGIA

Under a newly implemented Georgia law, all government agencies in the state and their contractors are required to use the federal E-Verify system to check the eligibility of their workers. The enhanced Georgia law also mandates that all state and local government agencies that administer public benefits use the Systematic Alien Verification for Entitlements (SAVE) database to verify that applicants are eligible to receive those benefits. This bill goes a long way to strengthen state policies aimed at protecting workers and taxpayers from burdens imposed by illegal immigration.

## INDIANA

Despite pockets of unemployment in the state that are among the highest in the nation, the Indiana legislature refused to act on legislation in 2009 that would have prevented jobs from being filled by illegal aliens. The author of the 2009 legislation, State Senator Mike Delph (R-Carmel) is back in 2010 with a new bill that would require government agencies and their contractors to verify work eligibility using the E-Verify system. The legislation would also require that the immigration status of people seeking unemployment benefits be verified. FAIR and the Immigration Reform Law Institute worked closely with Sen. Delph during his 2009 effort to enact legislation to protect Indiana workers and taxpayers.

## SELLING AMNESTY *continued*

Rather than supporting the case for amnesty, the CAP report actually bolsters FAIR's arguments that illegal immigration is a drag on the U.S. economy and amnesty would only exacerbate the situation:

- The long-range assertion of \$1.5 trillion in additional GDP *over ten years* works out to about \$150 billion a year. They base this projection on the assumption that an amnesty will raise wages, create

jobs, and increase tax revenues — an implausible scenario.

- Even if this modest increase in GDP were to come about, federal, state and local taxpayers would likely pay out as much as \$700 billion a year in additional benefits to amnestied aliens and their families. Because of low levels of education and jobs skills among illegal aliens, they are likely to continue to earn low

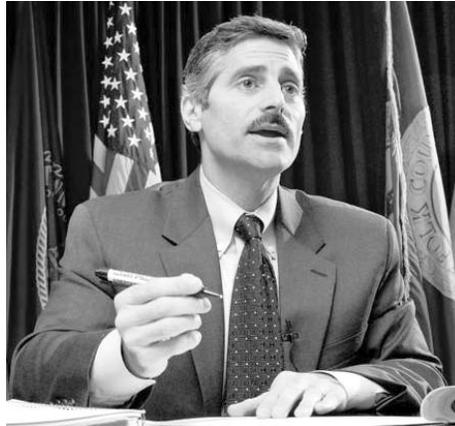
wages and would become eligible for numerous means-tested assistance programs.

The increasingly desperate attempts to portray amnesty as an economic benefit is evidence that the illegal alien lobby recognizes their vulnerability in this area. FAIR will continue to make a strong case that enforcement, not amnesty, would best serve the interests of American workers and taxpayers.

## NO DEBATE *continued*

Long Island, Democratic Suffolk County Executive Steve Levy has taken steps to prevent day laborers from congregating on street corners and has enforced housing codes. As a result, he has drawn the ire of illegal alien advocates and the Obama Justice Department, and won the approval of his constituents, who re-elected him with 96 percent of the vote.

But nothing prepared him for the reaction he received when he made it known that he was thinking of running for governor of New York. A coalition of New York lawmakers held a news conference threatening to withhold state funding from any individual or institution supporting his candidacy. Assemblyman Peter Rivera (D-Bronx) charged that, "Steve Levy



SUFFOLK COUNTY EXECUTIVE STEVE LEVY HAS TAKEN STEPS TO PREVENT DAY LABORERS FROM CONGREGATING ON STREET CORNERS AND HAS ENFORCED HOUSING CODES. AS A RESULT, HE HAS DRAWN THE IRE OF ILLEGAL ALIEN ADVOCATES.

is not the enemy solely of the Latino community and the Latino voter, he is the enemy of every immigrant community that exists in the state." In a written statement, Assemblyman Adam Clayton Powell, IV (D-Manhattan) said, "Steve Levy is a racist, white supremacist. He is crazy, and so are those who stand by him."

The vitriol of the attacks against anyone who opposes the agenda of the open borders and illegal alien amnesty lobby makes it clear that an honest and open debate about immigration policy is the last thing they want. These shrill attacks provide further evidence that it is FAIR and others that support enforcement of U.S. immigration laws who represent the views of mainstream Americans.

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## ASYLUM ABUSE *continued*

move them from the country, which appears to be exactly what the administration wants.

A report issued by FAIR in December, entitled *Paving the Road to Amnesty*, details how the Obama administration has systematically dismantled effective strategies for enforcing U.S. immigration laws during its first year in office. Among the administration's actions is placing constraints on detaining illegal aliens, except under extenuating circumstances. Under the guise of promoting more humanitarian treatment, policies that allow people making specious claims for asylum to be released into American society represent the latest action by the administration to weaken enforcement of U.S. immigration laws and to accommodate illegal immigration.



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