



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

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Obama Administration Implementing Phase One of Backdoor Amnesty Plan

The Obama administration's plans for carrying out a backdoor amnesty program for illegal aliens have been on paper for a while. First was a series of policy memos authored by John Morton, director of Immigration and Customs Enforcement (ICE), followed by policy announcements from the Department of Homeland Security (DHS) and the White House.

The implementation phase of the plan to allow millions of illegal aliens to remain in this country — without approval from Congress — began in December with pilot programs in Baltimore and Denver. ICE personnel in those two cities are engaged in a six-week process of reviewing thousands

of pending deportation cases to determine which ones fit the Obama administration's priorities for removal. Those that do not — likely the vast majority — will be dismissed. Once the reviews of an estimated 5,000 cases in Baltimore and 7,800 cases in Denver are completed in mid-January, DHS plans to evaluate the process and turn its attention to reviewing all 300,000 pending deportation cases.

While the reviews are being carried out, ICE has also instructed its attorneys working around the country not to implement any new removal proceedings against aliens who do not meet the administration's definition of "high priority." To further ensure that the administration's political dictates

ICE NO LONGER INTENDS TO DEPORT ILLEGAL ALIENS WHO HAVE BEEN IN THE COUNTRY
FOR MORE THAN THREE YEARS.

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FAIR TV Ads Draw Attention to Failed Legal Immigration Policies

While FAIR has worked to keep politicians and the media focused on the problem of illegal immigration, we also continue to expose the failure of our nation's legal immigration policies to serve any national interest objective. Our television ads examining the impact of excessive legal immigration on American workers have received widespread attention. Airing on CNN and Fox News, the ads have stirred debate about how many legal immigrants we should admit to the United States, and how we should choose them.

While an estimated 23 million Americans are either unemployed or underemployed, the United States continues to admit about 1.1 million new legal immigrants each year. The vast majority of these new immigrants are admitted with no objective assessment of their education level, jobs skills, or how they might impact American work-

ers and taxpayers. Additionally, hundreds of thousands of foreign guest workers are admitted to take U.S. jobs each year.

The timing of the FAIR ad campaign could not have been more propitious. What's more, because the defining feature of our legal immigration process is family chain migration, the system now has 5.8 million people with pending applications to immigrate legally to the U.S. Nearly all of them are in line

merely because they happen to be a relative of someone else who has immigrated to the U.S. Moreover, pressure for increased admission of family members would grow exponentially if Congress were to enact amnesty for millions of illegal aliens.

If you have not caught one of FAIR's ads on CNN or Fox News, they can be viewed on our website at www.fairus.org.

Slow legal immigration until Americans are working again.

Join the FAIR Fight for American Jobs. The Job You Save Could Be Your Own.

We have a job crisis in this country and our national leadership is making it worse every day, every month, every year. If we don't do something, a million more foreign workers will be allowed to come to the U.S. again this year and take good jobs. These are jobs Americans want and can do. It is going to happen if Americans don't hit the STOP button. Take action now. Join us and thousands of others to save American jobs for Americans. Let's make sure the jobs created here tomorrow go to the American workers here today.

QUESTIONS AND ANSWERS

Q: LEGAL immigrants are taking jobs?
 A: Yes. The "LEGAL" immigrants our government admitted over the last two years landed hundreds of thousands of jobs, while Americans lost millions of jobs. [Check out this data from Pew Hispanic Research](#). Yet today our government continues admitting more than a million legal immigrants and temporary foreign workers per year. Even with 14 million Americans unable to find a job.

Q: Whose jobs are they taking?
 A: While the jobs new immigrants are taking cross many categories, lower wage jobs are disproportionately affected. That's translating to higher unemployment rates and downward wage pressure for all lower income Americans, especially African-Americans, Hispanic Americans and first-generation immigrants.

Q: I thought our LEGAL immigration system was designed to bring in the world's smartest people to drive America's economy?
 A: That's a myth. Less than 6% of immigrants are admitted based on economics or job skills. The majority of immigrants admitted to America are admitted based on family relationships.

1 MILLION LEGAL IMMIGRANTS & TEMPORARY FOREIGN WORKERS

WHILE AN ESTIMATED 23 MILLION AMERICANS ARE EITHER UNEMPLOYED OR UNDEREMPLOYED, THE UNITED STATES CONTINUES TO ADMIT ABOUT 1.1 MILLION NEW LEGAL IMMIGRANTS EACH YEAR.

Immigration REPORT

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Obama Administration Sues Utah, Revealing Political Motives

When Utah became the fourth state subject to a Department of Justice (DOJ) lawsuit for adopting state immigration enforcement laws, all pretense that the administration was defending the federal government's constitutional authority over immigration policy went out the window. Unlike Arizona, Alabama and South Carolina, all of which have been sued by DOJ for attempting to enforce federal immigration laws, Utah enacted two additional laws that defy federal immigration authority, but support the Obama administration's political objective of amnesty for illegal aliens and increased immigration. DOJ announced that it had decided **not** to sue Utah over those measures despite openly acknowledging that they "clearly" preempt federal authority over immigration policy.

Like the DOJ lawsuits targeting other states, the suit against Utah seeks to prevent the state from implementing provisions of the law that would require police to check the immigration status of people when, during the course of a legal stop, the officer develops reasonable suspicion that the individual is in the country illegally. DOJ is also seeking injunctions against two other provisions of Utah's law. The first makes it a crime for an individual to harbor, encourage the entry of, or transport an illegal alien into or within the state, for financial gain. The second allows law

UTAH ENACTED TWO ADDITIONAL LAWS THAT DEFY FEDERAL IMMIGRATION AUTHORITY, BUT SUPPORT OBAMA ADMINISTRATION'S POLITICAL OBJECTIVE OF AMNESTY FOR ILLEGAL ALIENS AND INCREASED IMMIGRATION.



ATTORNEY GENERAL ERIC HOLDER

DESPITE THE FACT THAT DOJ DOES NOT DISPUTE THAT UTAH'S GUEST WORKER LAW PREEMPTS FEDERAL AUTHORITY, THE OBAMA ADMINISTRATION ITSELF IS SEEKING TO CIRCUMVENT CONGRESSIONAL AUTHORITY AND GRANT GUEST WORKER STATUS TO MILLIONS OF ILLEGAL ALIENS.

enforcement officers to arrest, without a warrant, aliens who have a deportation order or who have been charged or convicted in another state with one or more aggravated felonies.

Demonstrating its true political motives, DOJ declined to sue the state over two other laws that would:

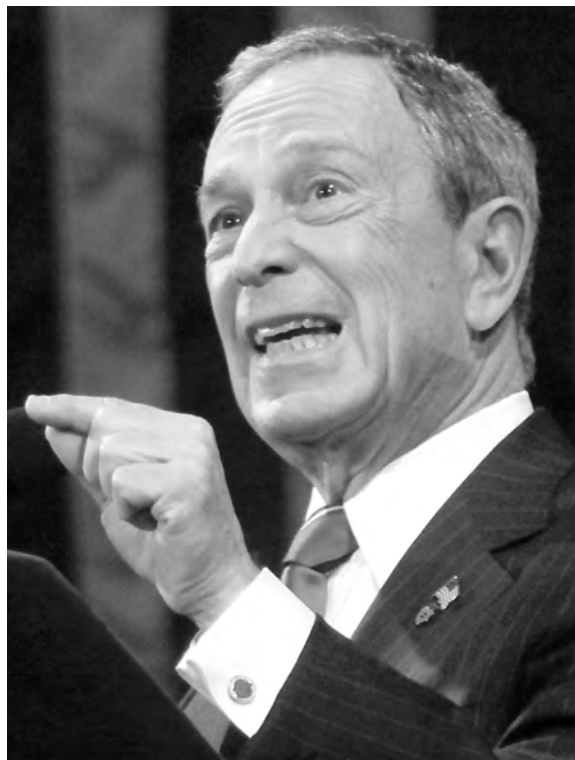
- result in the state granting guest worker status to most illegal aliens beginning in 2013, and
- allow Utahans to sponsor immigrants to settle in Utah, outside of federal procedures or limits.

In explaining the reason for not suing the state over the guest worker law, DOJ lamely argued that the law is not set to take effect until 2013 and that the department is currently engaged in "constructive" conversation with state authorities.

Among the many obvious flaws in DOJ's reason for not challenging Utah's guest worker law is that the Executive Branch has no authority to enter into conversation, constructive or otherwise, about granting waivers to a law enacted by Congress which prohibits the employment of illegal aliens anywhere in the United States. Despite the fact that DOJ does not dispute that Utah's guest worker law preempts federal authority, the Obama administration itself is seeking to circumvent congressional authority and grant guest worker status to millions of illegal aliens.

New York

New York City has a longstanding policy of offering sanctuary and generous benefits to illegal aliens. In a municipal ordinance signed by Mayor Michael Bloomberg shortly before Thanksgiving, the city extended sanctuary protections to many criminal aliens who have been arrested by New York police. Under Ordinance 656, New York City will refuse to honor detainer requests from Immigration and Customs Enforcement (ICE) for aliens who are in police custody, except in limited circumstances. Aliens arrested by the NYPD, who (1) have no prior criminal convictions, (2) are not defendants in pending criminal cases, (3) have no outstanding warrants or final deportation orders, and (4) are not suspected terrorists, will be released back onto the streets without notification to ICE. Even aliens who have juvenile convictions (up to age 19 in New York) or who have gang affiliations will be released from custody if they can post bond.



NEW YORK CITY MAYOR MICHAEL BLOOMBERG

Connecticut

The city of New Haven already offers illegal aliens special identification documents that make it easier for them to live, work and bank in the city. Now, Mayor John DeStefano Jr. wants to allow them to vote in municipal elections. Under a proposal by the mayor, non-citizens, including illegal aliens, would have an equal voice with U.S. citizens in city elections. Connecticut's constitution clearly establishes U.S. citizenship as a requirement to vote in the state. However, Mayor DeStefano is asking the Connecticut Legislature to approve special legislation that would allow non-citizen voting in local elections. The idea was met by less than enthusiastic support from Gov. Dannel Malloy, who signed a bill in 2011 granting in-state tuition benefits to illegal aliens. While the governor said he "is not inclined to support" the idea, he nevertheless expressed willingness to "hear the mayor out on it."



NEW HAVEN MAYOR JOHN DESTAFANO JR.

BACKDOOR AMNESTY: PHASE ONE *continued*

are enforced, other agencies, including U.S. Citizenship and Immigration Services (USCIS) and Customs and Border Patrol (CBP), have been ordered to refer all potential deportation cases to ICE for review. High level officials from throughout DHS have been ordered to go through a “re-education” process on the “appropriate use” of the Morton memos so that they can “personally instruct enforcement officers and attorneys” on how to implement the backdoor amnesty initiative.

Those who will be considered priorities for removal include aliens who: (1) are suspected terrorists; (2) have been convicted of a felony or multiple misdemeanors; (3) are gang members or human rights violators; or (4) entered the country illegally or violated the terms of their admission within the last three years. The last of these appears to be an express admission that ICE no longer intends to deport illegal aliens who have been in the country for more than three years.

Cases that are not enforcement priorities, and therefore eligible for administrative amnesty, include aliens who meet the criteria of the

failed DREAM Act. These include aliens who came to the U.S. under the age of 16, who have been in the country for over five years, and who have completed high school or a GED program. Other deportation cases eligible for administrative amnesty include those in which

THOSE WHO BENEFIT FROM THE ADMINISTRATION'S AMNESTY PROGRAM WILL LIKELY RECEIVE AUTHORIZATION TO WORK IN THE UNITED STATES AND WILL END UP COMPETING WITH THE 23 MILLION UNEMPLOYED OR UNDEREMPLOYED AMERICANS FOR SCARCE JOBS.

aliens have a “very long-term presence” in the U.S. (apparently more than three years), have an immediate family member who is a U.S. citizen (e.g., an “anchor baby”), or have made “compelling” ties and contributions to the U.S. to remain in the country.

Those who benefit from the administration’s amnesty program will likely receive authorization to work in the United States and will

“WE KNOW THAT WHEN THIS ADMINISTRATION ISSUES DEFERRED ACTION TO ILLEGAL IMMIGRANTS, IT ROUTINELY GRANTS 90% OF THEM WORK AUTHORIZATION.”

end up competing with the 23 million unemployed or underemployed Americans for scarce jobs. As House Judiciary Committee Chairman Lamar Smith (R-Tex.) noted, “We know that when this administration issues deferred action to illegal immigrants, it routinely grants 90% of them work authorization.”

In addition to ignoring the laws adopted by Congress, the administration’s amnesty plan ignores the authority of Congress to determine how federal monies are spent. In order to carry out its backdoor amnesty plan, the administration has diverted resources, lawyers and judges from enforcement priorities set by Congress and reassigned them to identifying illegal aliens whose cases are to be dismissed.

During 2012, FAIR will work to inform the American public about the administration’s subversion of the law, and to pressure Congress to prevent funds from being used to carry out an amnesty program that it has not authorized.

Arizona Gets Its Day in Court – The Supreme Court

Over the strong objections of the White House, the U.S. Supreme Court announced on Dec. 12 that it would review a lower court's ruling which blocked significant portions of Arizona's immigration enforcement law, SB 1070, from being implemented. In April 2011, the 9th Circuit Court of Appeals enjoined key provisions from taking effect, including one that requires police to check the immigration status of people they reasonably suspect are in the country illegally. Even with partial implementation, SB 1070 has effectively discouraged many illegal aliens from settling or remaining in Arizona.



sources to enforce federal immigration standards without the express blessing of the federal executive goes to the heart of our nation's system of dual sovereignty and cooperative federalism," said attorneys representing Arizona before the Supreme Court.

FAIR, which worked closely with Arizona lawmakers in drafting SB 1070, is cautiously optimistic that the high court will uphold Arizona's law and provide definitive guidelines for other state and local governments that wish to protect the interests of their citizens against mass illegal immigration. Ruling in another immigration case involving Arizona in 2011, the Supreme Court affirmed that states have a legitimate and constitutional role to play in carrying out federal immigration laws. Moreover, it is state and local governments that are burdened with the lion's share of fiscal and social costs associated with illegal immigration.

Filing of legal briefs before the Supreme Court will begin in late January. Among those likely to file friend of the court briefs in support of SB 1070 are FAIR and its legal affiliate, the Immigration Reform Law Institute (IRLI). Arguments before the Court are expected to take

IN SEEKING A REVIEW BY THE SUPREME COURT, ARIZONA GOVERNOR JAN BREWER ARGUED THAT THE FEDERAL GOVERNMENT'S REFUSAL TO ENFORCE MANY IMMIGRATION LAWS, AND ITS AGGRESSIVE LAWSUITS AGAINST HER STATE AND OTHERS THAT TRY TO ENFORCE IMMIGRATION LAWS THEMSELVES, PLACES THESE STATES IN AN UNTENABLE POSITION.

In seeking a review by the Supreme Court, Arizona Governor Jan Brewer argued that the federal government's refusal to enforce many immigration laws, and its aggressive lawsuits against her state and others that try to enforce immigration laws themselves, places these states in an untenable position. The administration's argument that states "are powerless to use their own re-

place during the Spring with a ruling handed down before the November elections. Because of her prominent role in the Obama administration's lawsuit against Arizona, newly appointed Justice Elena Kagan has recused herself, meaning that the case will be decided by the eight remaining justices as was the case in the Arizona decision last year.

WHY ILLEGAL ALIEN ADVOCATES WANT STATE ENFORCEMENT STOPPED: IT WORKS

There's a reason why illegal alien advocates, including the Obama administration, are so determined to prevent states from implementing immigration enforcement policies: **They work.** According to a new report from FAIR, since Arizona began implementing state-based policies designed to discourage illegal immigration, the number of people living there illegally has declined sharply. Between 2005 and 2010 – after voters approved Proposition 200 denying illegal aliens most nonessential, nonemergency benefits and services – Arizona's foreign-born population fell by 13.6 percent, while the rest of the nation saw a 5 percent increase.

Most of the decline in Arizona's foreign-born population was a result of illegal aliens leaving the state, with fewer new ones replacing them. The report, *Recent Demographic Change in Arizona: Anatomy of Effective Immigration Reform Legislation*, provides persuasive data indicating that illegal immigration is a controllable phenomenon, undermining arguments that amnesty is the only viable option for dealing with mass illegal immigration. The report can be found on our website, www.fairus.org.

Did you know...

Immigration is the primary driver of U.S. population growth. The 2010 Census found that 13.9 million of the nearly 40 million foreign-born residents had arrived since 2000. Over the past decade immigration accounted for nearly 86% of the nation's population increase.



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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."

Recognizing FAIR and its mission in your estate planning is a fine way to honor your concern for the nation's future while helping ensure the cause of true immigration reform.

Establishment of your gift is all that is required to recognize you as an honoree of this distinguished group.

Please contact our planned giving officer for information about how we can help you with your estate planning. We welcome the opportunity to tell you more about how your gift will ensure that our work survives long into the future.

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