



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration

REPORT

JUNE 2017

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Congressional Republicans Cave on Schumer-Pelosi Demands for “NO Wall.” Will They Fight Harder in FY 2018?

From the perspective of enforcement and the sort of true immigration reform President Trump promised during his campaign, the budget deal struck to fund the federal government for the remainder of FY 2017 (which ends on Sept. 30) can only be described as a disappointment. Congressional Democrats, who again threatened to shutdown the government in order to block the presi-

dent’s border wall and other security measures, and to protect sanctuary jurisdictions, bear most of the blame. But the Republican congressional leadership, which has consistently failed to put up much of a fight on immigration matters, and the White House, which signed off on the deal, also bear responsibility for letting down the voters who elected them.

Glaringly absent from the \$1.1 trillion

BUDGET *continued on page 3*

FAIR’s Hold Their Feet to the Fire Radio Row Brings Together Nearly 70 Radio Talk Hosts

Each year, for the past 11 years, FAIR has brought together talk radio hosts from across the country to hold a virtual national town hall on immigration policy, known as Hold Their Feet to the Fire. This year’s radio row, on June 28 and 29 will be the biggest to-date, with 60 talk radio hosts scheduled to take over several ballrooms of a Capitol Hill hotel, where they will broadcast their programs back to their home markets.

Besides being the biggest Hold Their Feet to the Fire, this year’s event will also



RADIO ROW *continued on page 2*

RADIO ROW *continued from page 1*

be very different from those of years past. Previous events were focused on stopping harmful amnesty legislation disguised as “comprehensive immigration reform.” Hold Their Feet to the Fire 2017 will focus on building on the momentum of the most recent election cycle in which voters made it clear that immigration reform starts with protecting the interests of the American people. And, yes, there will be feet held to the fire – mainly those of members of Congress who seem to have quickly forgotten the message the voters sent last year.

In addition to the 60 talk radio hosts, Hold Their Feet to the Fire 2017 will feature dozens of members of Congress, senior Trump administration officials, immigration policy experts, victims of crimes committed by deportable aliens, border residents, and others who have a stake in lighting a fire under the feet of the congressional leadership to act on President Trump’s immigration reform agenda.



DHS Finds Huge Security Holes in Visa Tracking System

The good news is that the number of people entering the United States illegally across the southern border has declined significantly since Donald Trump became president. The bad news is that our virtual borders – the ones that can be found at every international airport in the country – remain a mess. A recent audit conducted by the Inspector General (IG) of the Department of Homeland Security’s (DHS) information technology system revealed that antiquated recordkeeping hamper’s the department’s ability to identify and locate illegal aliens who overstay visas.

The percentage of illegal aliens who enter the country legally on a valid visa has grown steadily in recent years. By some estimates, visa overstays now constitute about 40 percent of our illegal alien population. According to the IG report, Immigration and Customs Enforcement (ICE) employees charged with the investigation of individuals overstaying their visas had to piece together information from up to 27 unintegrated internal systems that did not share information as well as several external systems. The cumbersome searches for information on visa overstays resulted in only 3,402 arrests (less than 0.4 percent) of the 1.6 million foreign nationals that overstayed the authorized duration of their visas.

The IG report faults the government’s failure to fully implement biometric entry-exit screening at all ports-of-entry for the growing problem. Despite Congress mandating implementation an entry-exit system since 1996 and, requiring it to be biometrically based since 2004, it remains only partially completed. While the entry segment has been in place for nearly a decade, the exit portion of the system has been neglected and there is no biometric system currently in place for any port of exit out of the U.S. by land, air, or sea. As a result, we don’t have accurate information about whether foreign visitors depart the country when they are supposed to.

While a lot of attention is being paid to the border wall – a necessary component of the effort to deter illegal immigration – we also need to bring ICE’s visa tracking technology into the 21st century so that it can effectively enforce the law against aliens who abuse their visas.

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BUDGET *continued from page 1*

omnibus spending bill was funding for the border security wall that was promised in President Trump's campaign. In fact, it actually rescinds \$21.15 million from "U.S. Customs and Border Protection –Border Security, Fencing, Infrastructure, and Technology" – money that Congress had previously authorized but had not yet been spent.

Instead of funding the wall, the bill allots \$91 million for "border security technology deployment" and \$22.4 million for "border road maintenance." Even though Congress passed the Secure Fence Act a decade ago (authorizing 700 miles of border wall), the appropriations bill merely instructs the DHS secretary to come up with a "risk-based plan for improving security along the border."

Funding for border security technology is certainly welcome and needed, but it is not a substitute for physical barriers and manpower. Attempts under the Obama administration to rely on technology to secure the border turned out to be an expensive failure.

The border wall is not the only area where the omnibus budget bill falls short of expectations in terms of immigration. Congress, again, failed to exercise its power of the purse to rein in jurisdictions that maintain sanctuary policies that impede federal immigration enforcement and endanger public safety. Sanctuary policies are also illegal under federal law and Congress has the authority to withhold targeted funding from states, counties and cities that bar local officials from cooperating with federal immigration authorities.

Another area in which the budget agreement fails to protect the interests of the American public is in the area of guest worker programs. A core issue in the president's campaign was the need to protect American workers from bad trade policies and bad immigration policies. Nevertheless, under pressure from business lobbyists and legislators the White House agreed to a provision that vastly increases the number of lower skilled guest workers admitted under the H-2B visa program. Congress originally set the H-2B cap at 66,000 low skilled workers per year. However, the om-

EB-5 investors is President Trump's son-in-law Jared Kushner.

The positive immigration enforcement provisions are of minimal impact by comparison. The omnibus allocates \$65.4 million for "improving hiring processes" for Border Patrol agents and \$48.2 million for "surge operations." Regarding interior enforcement, the bill allots approximately \$148 million for "custody operations" with \$57 million going toward alternatives to detention and \$31.6 million to fund "transportation and removal operations." The bill also allocates \$440 million for "immigration-related activities" to the



Our country needs a good "shutdown" in September to fix mess!

@realDonaldTrump

nibus authorizes the secretaries of Labor and DHS to ignore this limit and increase the number of low skilled foreign workers admitted by "the highest number" of H-2B non-immigrants who participated in the H-2B returning worker exemption.

Additionally, the failed and fraud-ridden EB-5 "investor visa" program remains in tact, which allows wealthy foreigners to gain admission to the U.S. in exchange for making a minimal investment (that they might have made anyway). Rather than a mechanism to create jobs for American workers, the EB-5 program has turned into a source of interest-free capital for some U.S. businesses to finance existing projects. Among the American businesspeople who have benefited from

Executive Office for Immigration Review of the Justice Department.

The other potentially positive news is that the FY 2018 budgeting process is already underway and President Trump and congressional Republicans have the opportunity to redeem themselves. Immediately following House approval of the omnibus bill, the president tweeted, "Our country needs a good 'shutdown' in September to fix mess!", at least hinting that he will not back down from implementing his immigration agenda in the face of Democratic threats to hold the federal government hostage.

Legal Immigrants Led Effort to Stop Sanctuary in Maryland. The Elite Need to Pay Attention

The last issue of the FAIR newsletter reported on the brutal rape of a 14-year-old high school girl by two illegal aliens who had surged across the border in the closing days of the Obama administration. The outrage of that event was only heightened by the Maryland legislature's response: an effort to strengthen the state's sanctuary policies. That effort failed. Bowing to public pressure, the State Senate killed the bill before Gov. Larry Hogan had a chance to veto it.

Besides representing an important victory for true immigration enforcement advocates, the episode offered an important political lesson: The political and social elite need to stop listening to the mass illegal immigration advocacy network and to amnesty supporters, because they do not represent the views of the communities they purport to represent.

The political and social elite in this country inhabit friendly echo chambers in which their own opinions are approvingly fed back to them by the people they live, work and associate with – namely, other political and social elites. This self-affirming sound loop is why the pronouncements of the mass immigration advocacy network have convinced Republican and Democratic establishment that Hispanic Americans, in particular, and other recent immigrant groups in general support more immigration and amnesty for illegal aliens.

After analyzing how the sanctuary bill in deep blue Maryland was derailed, *The New York Times*, the most elite of the elite media (and among the shrillest critics of even the most modest immigration enforcement efforts), discovered that the effort to stop the legislation was backed by legal immigrants. The *Times* looked at what happened in Howard County, “a stretch of suburbia between Washington and Baltimore,” when the idea of sanctuary was proposed.

What the *Times* discovered is that legal immigrants deeply resent people who flout the laws they worked hard to comply with. They worry about crime that comes with unscreened migration, which disproportionately affects their communities. They worry that illegal immigration will “cripple the public schools” their own children attend. In other words, their concerns mirror exactly those of most Americans who are not part of the political and social class that is effectively insulated from all of the negative consequences of mass illegal immigration.

The phenomenon reported by *The New York Times* is reinforced by a national poll of likely voters conducted by Zogby Analytics. On the occasion of President Trump's hundredth day in office, the Zogby poll found that the president received higher approval ratings from Hispanic voters than he did from the electorate generally, despite his efforts to enforce immigration laws. Forty-five percent of Hispanic voters approved of the president's overall performance in office, compared with 51 percent who disapproved. Republican political strategists have contended that if their candidates could command 40 percent of the Hispanic vote, they'd win virtually every national election. (By comparison, both John McCain and Mitt Romney failed to crack

the 30 percent mark in 2008 and 2012).

As we head into the summer months, neither the Republican led House or Senate has moved any serious immigration reform legislation. Perhaps it is time that Paul Ryan and Mitch McConnell quit taking advice from elitist advocates, pundits and the U.S. Chamber of Commerce and start paying attention to what voters, including legal immigrants, want them to do.

“At first blush, making Howard County a sanctuary for undocumented immigrants had seemed a natural move: The county has twice as many Democrats as Republicans and a highly educated population, full of scientists and engineers. One in five residents was born abroad. But the bill met stout opposition from an unlikely source: some of those very same foreign-born residents.”

The New York Times

VEWS FROM OUR State & Local Operations

Florida

The Florida legislature took the first important step toward banning sanctuary policies in their state. The House Judiciary Committee approved House Bill 697 in late April. HB 697 requires all state and local entities to comply with and support immigration enforcement. The measure also prohibits state and local entities from stopping or limiting public officials' ability to maintain or communicate immigration status information with the federal government. Law enforcement agencies would also be required to comply with detainers issued by the U.S. Department of Homeland Security. The bill was introduced by Rep. Larry Metz. A companion bill in the Florida Senate is being sponsored by Sen. Aaron Bean. This is the second attempt by the Florida legislature to outlaw sanctuary policies. A similar bill was approved by the State House last year but did not advance through the Senate.

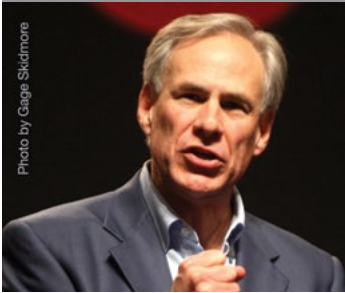
North Carolina

Lawmakers in North Carolina advanced several bills aimed at prohibiting sanctuary jurisdictions and discouraging employment of illegal aliens in the state. Two bills, Senate Bill 145 and House Bill 113, would require the state withhold certain state funds to sanctuary jurisdictions and create a private cause of action to allow North Carolina residents to bring a lawsuit against a jurisdiction if they believe that jurisdiction has policies in place to unlawfully restrict immigration enforcement or the jurisdiction otherwise violates state immigration laws. Both of these measures were approved overwhelmingly by their respective houses. Legislators also took steps to prevent illegal aliens from being employed in the state. The House approved HB 306, which requires all employers with government contracts to use E-Verify. A second House bill, HB 35, amends the state's E-Verify law by increasing the number of employers that are required to use the program. Current law requires companies with more than 25 employees to participate in E-Verify. Under HB 35, the threshold would be lowered to five employees. All of these bills must be approved by both houses before they can be sent to the governor for his signature.

Indiana

In early May, Gov. Eric Holcomb signed into law a bill that prohibits colleges and universities that receive funding from the state or the federal government from impeding the enforcement of immigration laws. Senate Bill 423 passed the Senate by a 38-10 margin and was approved by the House by a lopsided 72-26 margin before landing on the governor's desk. The new law bars institutions of higher education in the state from limiting or restricting the enforcement of immigration laws to any less than the full extent permitted by federal law. Existing Indiana law already requires all state agencies to comply with these requirements.

Texas (the un-California) is One Big No-Sanctuary Zone



Gov. Greg Abbott has made it official: Sanctuary policies that bar police or other government employees in the state of Texas from cooperating with federal immigration authorities are illegal. Gov. Abbott did more than just sign Senate Bill 4, which was passed by both houses of the Texas legislature, he did it in a way that sends a clear message to citizens,

local officials, and the rest of the nation that our immigration laws exist to protect the interests and security of the American people. On May 7, Abbott took part of his Sunday afternoon to come to the Capitol and sign SB 4 into law while the signing ceremony was livestreamed on Facebook.

Abbott's signing statement was directed at the actions of other states that have adopted radical sanctuary policies in defiance of renewed efforts by the Trump administration to enforce immigration laws and to cut off targeted funds to sanctuary jurisdictions. "As Governor, my top priority is public safety, and this bill furthers that objective by keeping dangerous criminals off our streets. It's inexcusable to release individuals from jail that have been charged with heinous crimes like sexual assault against minors, domestic violence and robbery. There are deadly consequences to not enforcing the law, and Texas has now become a state where those practices are not tolerated. With this bill, we are doing away with those that seek to promote lawlessness in Texas."

Texas's anti-sanctuary law bars jurisdictions that maintain such policies from receiving certain funding from the state. But the law does not stop there. Jurisdictions that defy SB 4 (and federal statutes prohibiting sanctuary policies) could face fines of up to \$25,500 a day. The law also holds government and law enforcement officials personally accountable for the sanctuary policies they implement. Elected or appointed officials could be removed from office, and law enforcement officers (sheriffs and police) who refuse to honor ICE detainer requests could be charged with a misdemeanor, punishable by fines and up to one year in jail.

FAIR has built a sophisticated network of immigration reform groups across Texas. These local activists were instrumental in convincing the state legislature to introduce SB 4 and build public support for its passage. The bill was authored by Sen. Charles Perry and led by Rep. Charlie Geren in the House. Lt. Gov. Dan Patrick also played a crucial role in the successful effort to enact SB 4.

FAIR's State and Local legislative department and Field department are working with legislators in other states to enact similar anti-sanctuary measures. Such measures are necessary to discourage illegal immigration and protect the security of people in those states as well as to provide a forceful response to rogue states, like California, that maintain dangerous and illegal sanctuary policies.

Cruz, Brooks Introduce Bill to Make Mexican Criminals Pay for the Wall

During his presidential campaign, Donald J. Trump promised to build a border wall and make Mexico pay for it. After the omnibus spending bill to fund the federal government through the end of the current fiscal year failed to fund construction of the wall, much less require Mexico to pay for it, Sen. Ted Cruz (R-Texas) and Rep. Mo Brooks (R-Ala.), offered an innovative bill which could deliver on the president's promises. Their Ensuring Lawful Collection of Hidden Assets to Provide Order (EL CHAPO) Act would reserve any amounts forfeited to the U.S. Government as a result of the criminal conviction of Joaquín "El Chapo" Guzmán and other drug lords for border security assets and the completion of the wall along the U.S.-Mexico border. The United States is currently seeking the criminal forfeiture of over \$14 billion in illicit profits from El Chapo, the former leader of the Sinaloa drug cartel who was recently extradited to the U.S.

In other words, the wall gets built and neither American taxpayers nor innocent Mexican citizens get stuck with the bill. Seems like a win-win (except for the cross-border criminal cartels).



Executive Order Limits Some of the Abuses in the H-1B Program

Where the omnibus spending bill failed to protect the interests of lower-skilled American workers by allowing employers greater access to foreign guest workers, an executive order signed by President Trump on April 18 offers some much-needed protections to higher-skilled American workers. The “Buy American and Hire American” executive order directs government departments to review guest worker programs and implement changes that favor American workers over cheap foreign labor.

This executive order attempts to restore the original intent of the H-1B visa program, which was to allow U.S. employers access to foreign workers who possess unique skills or talents that are not easily replicated by workers in this country. Instead, it has turned into a program that allows employers to import, on terms favorable to them, workers with skills that are readily available in this country, and even to replace existing American workers.

Announcing the executive order at the headquarters of the Snap-On tool company in Kenosha, Wisconsin, the president declared, “Right now, H-1B visas are awarded in a totally random lottery – and that’s wrong. Instead, they should be given to the most-skilled and highest-paid applicants, and they should never, ever be used to replace Americans.”

The executive order directs that the system of allocating H-1B visas by lottery be abolished in favor of a system that awards them to the most-skilled and highest paid foreign workers, as was the intention when the program was created in the 1990s. In addition, it seeks to curtail foreign labor contractors from turning the H-1B program into a cash cow by snapping up the majority of visas available each year and then subcontracting workers to American businesses.

Easy access to foreign guest workers has contributed to abusive labor practices by many tech companies. A new report by the Kapor Center concludes that many workers are leaving their jobs with tech companies because



“unfairness, in the form of everyday behavior (stereotyping, harassment, bullying, etc.) is a real and destructive part of the tech work environment, particularly affecting underrepresented groups and driving talent out the door.” These reprehensible (if not outright illegal) employment practices are not only discouraging qualified American workers from filling jobs in the tech sector, but it is costing the industry \$16 billion a year in lost productivity, finds the report.

While President Trump used his executive authority to protect American workers and address problems in the H-1B visa program that he could constitutionally fix, Congress needs to take legislative action for true reform. The executive order must be followed up with legislation that makes statutory changes that require employers to hire American workers who meet minimum job requirements and the foreign workers they do hire must be required to be paid a fair, market wage.

Ending the abuses in the H-1B and other guest worker programs has long been high on FAIR’s legislative agenda. The president’s executive order, and the growing acknowledgement (including a recent 60 Minutes exposé) that the program is undermining U.S. workers, provides new opportunities for FAIR to press for real reforms despite fierce resistance from the powerful technology industry.

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