



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration

REPORT

NOVEMBER 2012

Inside . . .

NEW REPORT FROM FAIR:
LOOMING WATER CRISIS
EXACERBATED BY
POPULATION GROWTH
PAGE 2

LAPD SEEKING TO IMPLEMENT
AB 1081 DESPITE
GOVERNOR'S VETO
PAGE 3

HIGH PROFILE ILLEGAL ALIEN
ARRESTED IN MINNESOTA,
IGNORED BY ICE
PAGE 3

ACROSS THE COUNTRY
PAGE 4

LOCAL TAXPAYERS STUCK WITH
COSTS FOR BACKDOOR AMNESTY
PAGE 6



25 MASSACHUSETTS AVENUE, NW
SUITE 330
WASHINGTON, DC 20001
(202) 328 7004
INFO@FAIRUS.ORG
WWW.FAIRUS.ORG

FAIR Activists Play Key Role in Convincing Jerry Brown to Veto AB 1081

The suspense played out until the last possible moment, but in the end, Governor Jerry Brown exercised good judgment and vetoed AB 1081. The bill, which was approved overwhelmingly by the state legislature, would have required law enforcement to release most illegal aliens arrested for other offenses in California, rather than honor detainer requests from Immigration and Cus-

toms Enforcement (ICE). Under AB 1081, law enforcement would have had the discretion to honor ICE detainer requests only if the illegal alien in their custody had been convicted or was charged with a violent felony.

Gov. Brown's September 30th veto was not only a victory for common sense and public safety, but a result of an intense effort on the part of FAIR and immigration reform

CONTINUED on page 5

Congress Finally Seeking Answers about Backdoor Amnesty Program

With a few notable exceptions, the silence coming from Capitol Hill in response to President Obama's backdoor amnesty program has been deafening. In June, the Obama administration announced it would grant deferred action and work authorization to close to 2 million illegal aliens who might have qualified for amnesty under the DREAM Act legislation that was defeated in December 2010. The program, known as Deferred Action for Childhood Arrivals (DACA), commenced on August 15.

In early October—because of the glaring lack of transparency in the way the backdoor amnesty program is being implemented—Lamar Smith (R-Texas), chairman of the House Judiciary Committee, and Chuck Grassley (R-Iowa), the rank-

CONTINUED on page 7

NEW FROM FAIR

Unchecked Immigration-Driven Population Growth Exacerbates Water Issues

Over the past summer, much of the nation was gripped by a devastating drought that resulted in billions of dollars in crop losses, higher food costs, and other miseries. Droughts are a part of the natural cycle, but the impact that these natural phenomena have is exacerbated by rapid population growth.

Our new report, *Running Dry: Looming Water Shortages in the United States*, finds that all of the considerable advances made in the United States over the past 40 years to conserve water resources have been cancelled out by massive population growth spurred, in large measure, by massive immigration. Per capita, Americans used 42 percent less water in 2005 than they did in 1970. However, in spite of this dramatic improvement in resource use, overall water usage in the country declined by only 2 percent. Over the same period, the nation's population grew by more than 50 percent.

Most of this population increase was a result of immigration and births to immigrants. Moreover, the report finds, immigration and subsequent births will account for 82 percent of population growth as the nation heads toward a projected population of 438 million by 2050.

As we've asserted for years, explosive population growth in the United States is a choice, not an inevitability. This summer's critical drought (which may be with us for some time to come) is another reminder of the consequences that our nation faces as a result of ill-conceived immigration policies.

RUNNING DRY: LOOMING WATER SHORTAGES IN THE UNITED STATES

The complete report, as well as other original reports and research, is available at fairus.org.



Immigration REPORT

Board of Directors

Nancy Anthony	Donald A. Collins, Jr.
Duke Austin	Sarah G. Epstein
Sharon Barnes	Frank Morris
Douglas E. Caton	Roy Porter
William W. Chip	Alan Weeden
Pat Choate	

Staff

Dan Stein President	Julie Kirchner Executive Director	Ira Mehlman Senior Editor
------------------------	--------------------------------------	------------------------------

FAIR Immigration Report

(ISSN 1067-3337) is published 10 times a year by the Federation for American Immigration Reform a non-profit membership organization.

Despite Veto, LAPD Chief Vows to Enforce 1081 Anyway

The ink was not yet dry on Gov. Brown's veto of AB 1081 when Los Angeles Police Department Chief Charlie Beck proposed a policy under which his department would refuse to honor Immigration and Customs Enforcement (ICE) detainer requests anyway. In an October 4th press release, just four days after the governor vetoed AB 1081, Beck stated that "the LAPD is proposing to no longer grant an ICE Detainer Request without first reviewing the seriousness of the offense for which the person is being held as well as their prior arrest history and gang involvement."

Under Beck's proposal, the

LAPD plans to create a list of offenses for which illegal aliens will be released back onto the streets instead of being transferred to federal custody. The chief intends to pursue this plan notwithstanding the fact that it would place his officers in a position where complying with departmental policy could force them to violate federal law. The plan outlined by the LAPD is also in direct contradiction to the position taken by Los Angeles County Sheriff Lee Baca, who strongly opposed AB 1081.

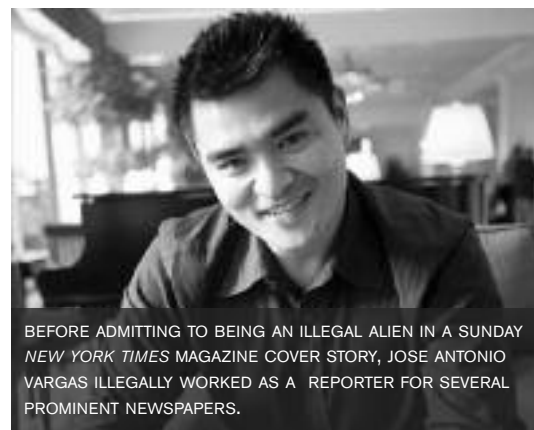
Chief Beck's attempt to implement a policy that was vetoed by Gov. Brown bears a remarkable re-

semblance to President Obama's decision to carry out key elements of the DREAM Act, even though Congress had rejected the legislation just 18 months earlier. Both Chief Beck and President Obama have chosen to effectively override decisions with which they disagree. In Chief Beck's case, the LAPD is proposing to disregard Gov. Brown's constitutional authority to exercise his veto power, while President Obama has chosen to ignore Congress's constitutional authority to reject legislation. These actions are more than just misguided efforts to benefit illegal aliens; they are an assault on the rule of law.

Poster Boy for Amnesty Arrested for Driving with Revoked License; ICE Declines to Deport Him

Let us count just a few of the ways that Jose Antonio Vargas has broken the law — and not just immigration laws — and gotten away with it. By his own admission — in *The New York Times*, no less — Vargas has admitted to:

- Knowingly altering a document prescribed by law to prove eligibility to work in the U.S. (a felony punishable by up to 15 years in prison).
- Knowingly using an identification document that was not issued to him (a felony punishable by up to five years in prison).
- Falsely representing a Social Security Number as his own to obtain work (a felony punishable by up to five years in prison).



BEFORE ADMITTING TO BEING AN ILLEGAL ALIEN IN A SUNDAY NEW YORK TIMES MAGAZINE COVER STORY, JOSE ANTONIO VARGAS ILLEGALLY WORKED AS A REPORTER FOR SEVERAL PROMINENT NEWSPAPERS.

CONTINUED on page 7



ACROSS THE COUNTRY

New Mexico

New Mexico is one of two states that still issues driver's licenses to illegal aliens (Washington being the other). Gov. Susanna Martinez sought to repeal the policy, which was implemented by her predecessor, but was thwarted by the New Mexico legislature. Instead the governor ordered the Department of Taxation and Revenue to review more than 100,000 licenses that have been issued to foreign nationals since 2003 to determine if the licensees actually reside in the state. The policy was challenged by the Mexican American Legal Defense and Educational Fund (MALDEF) and other illegal alien advocacy groups. On Oct. 3, Federal Judge Sarah Singleton permanently enjoined the governor's efforts to revoke driver's licenses, unless the state has evidence of fraud. Gov. Martinez agreed to settle the lawsuit and not to revive plans to strip illegal aliens of their licenses.

Washington

According to a new study by FAIR, *The Fiscal Burden of Illegal Aliens on Washingtonians*, Washington State spends \$2.7 billion on services resulting from illegal aliens living in the state. Apparently that is not enough for State Senator Ed Murray (D-Seattle). In addition to heavily subsidized in-state tuition rates that Washington already makes available to illegal aliens, Sen. Murray announced his intention to introduce legislation that would allow illegal aliens to take advantage of a state-funded tuition assistance program for low income students. The State Need Grant program currently helps 75,000 low income students pay for college, but an additional 32,000 students who might be eligible do not receive this assistance because Washington lacks the money. If Sen. Murray carries through on his intention, those 32,000 students who are left out in the cold will have to compete with illegal aliens for a share of the already insufficient funding.

THE FISCAL BURDEN OF ILLEGAL ALIENS ON WASHINGTONIANS

Get the complete report and other state cost studies at fairus.org.

Category	Number	Other Means	Total
U.S. born	157	201	358
Total	979	808	1,787

FAIR IN ACTION *continued*

FAIR'S WORK WAS AIDED IMMEASURABLY BY THE EFFORTS OF ONE ACTIVIST IN PARTICULAR, JAMIEL SHAW SR. OF LOS ANGELES. IN 2008, MR. SHAW'S 17 YEAR-OLD SON, JAMIEL JR., WAS GUNNED DOWN IN COLD BLOOD BY AN ILLEGAL ALIEN WHO HAD BEEN RELEASED FROM THE LOS ANGELES COUNTY JAIL ONE DAY EARLIER INSTEAD OF BEING TURNED OVER TO ICE.

activists across California. As the deadline for Gov. Brown's decision approached, the powerful illegal immigration lobby turned its full efforts toward convincing him to sign AB 1081 into law. In response, FAIR mounted a high profile effort exposing the fact that AB 1081 placed the interests of criminal illegal aliens ahead of concern for the safety and security of the people of California.

FAIR's work was aided immeasurably by the efforts of one activist in particular, Jamiel Shaw Sr. of Los Angeles. In 2008, Mr. Shaw's 17 year-old son, Jamiel Jr., was gunned down in cold blood by an illegal alien who had been released from the Los Angeles County jail one day earlier instead of being turned over to ICE. Determined to make sure that no other family in California should ever have

to face a similar avoidable tragedy, Mr. Shaw recorded a direct plea to Gov. Brown, made countless media appearances, and authored an op-ed that was featured nationally on the FoxNews.com website.

In addition to Mr. Shaw's efforts, FAIR worked tirelessly to publicize the dangers of AB 1081 in the media and with activists. In the weeks leading up to September 30, FAIR used its relationship with talk radio hosts to educate Californians about the bill and what they could do to persuade Gov. Brown to veto it. California immigration reform activists were also aided by sheriffs across the state who strongly opposed AB 1081.

In his veto statement, Gov. Brown called AB 1081, "fatally flawed because it omits many serious crimes [including]...child abuse,

drug trafficking, selling weapons, using children to sell drugs, or gangs." However, the governor sent a clear indication that he would consider signing a bill requiring California law enforcement to ignore ICE detainer requests with more clearly defined exceptions. "The significant flaws in this bill can be fixed, and I will work with the Legislature to see that the bill is corrected..." he stated.

While Gov. Brown's veto is a huge victory for the people of California, and for the efforts of FAIR and our activists, it may not be the end of the story. AB 1081's chief sponsor, Assemblyman Tom Ammiano (D-San Francisco), has vowed to reintroduce his legislation in 2013, perhaps with some changes to satisfy Gov. Brown's objections.

VARGAS ARRESTED; ICE DECLINES DEPORTATION *continued*

- Falsely claiming citizenship on an I-9 form used to establish work authorization (a felony punishable by up to three years in prison).
- Knowingly submitting false information or committing fraud in order to obtain a Washington driver's license.

The list of criminal and civil offenses goes on. Add to that list a charge of driving without a license. On October 5, Vargas was arrested by Minnesota State Police during a traffic violation after presenting his illegally obtained Washington driver's license that was subsequently revoked by the state. It is likely the same revoked license he presented when he rented the car he was driving when he was pulled over by police.

Vargas was taken into custody by Minnesota police and then questioned by Immigration and Customs Enforcement (ICE) agents. He was released the same day without any immigration violation charges being filed against him. As Gillian Christensen, a spokeswoman for ICE, explained, "ICE is focused on smart, effective immigration enforcement that prioritizes the removal of public safety threats, recent border crossers and egregious immigration law violators, such as those who have been previously removed from the United States." By agency standards, despite his public admission of felony crimes, Vargas did not fit any of the criteria for being detained or placed in deportation proceedings.

Before "coming out" as an illegal alien in a cover story in the Sunday *New York Times* magazine in June 2011, Vargas had illegally obtained work as a reporter for several prominent newspapers, including *The Washington Post*. In June 2012, Vargas appeared on the cover of *Time* magazine with other illegal aliens to promote passage of the DREAM Act. The day after that issue hit newsstands, President Obama announced his backdoor amnesty plan.

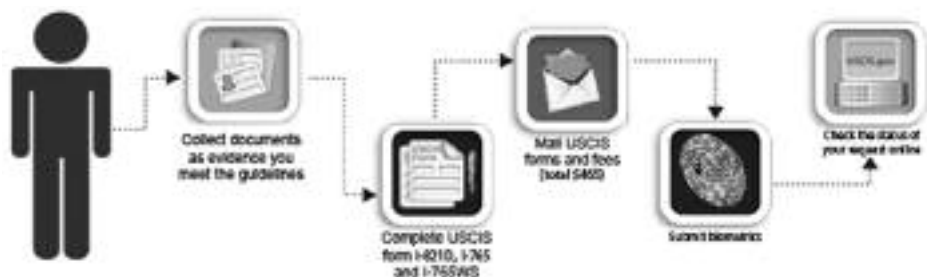
Vargas's repeated flouting of the law, and the refusal of the government to take action against him, finally evoked a sharp response from Rep. Elton Gallegly (R-Calif.), chairman of the House Immigration Subcommittee. The lame duck congressman angrily chastised ICE for releasing Vargas "when he openly admitted to using false documents, [which] is a felony." Stating the obvious, Gallegly noted that the Obama administration's policy of ignoring most immigration law-breakers "sends a clear signal that we're not serious about certain laws."

LOCAL TAXPAYERS STUCK WITH THE BILL FOR BACKDOOR AMNESTY

Members of Congress have questioned whether the \$465 fee being charged to illegal aliens seeking deferred action and work authorization actually offsets the costs incurred by the federal government. These costs include processing the applications, background checks, and collection of biometric data. Under federal law, applicants for immigration benefits must cover all costs.

What the Department of Homeland Security ignored when it issued guidelines for applying for the Deferred Action for Childhood Arrivals (DACA) program was the cost to local government to respond to requests for supporting documentation. School districts around the country report being inundated with requests for school transcripts from illegal aliens seeking to establish eligibility for DACA. The Los Angeles Unified School District, alone, expects to incur costs exceeding \$200,000 to comply with requests for transcripts. These costs will be absorbed by taxpayers or by reallocation of resources by the affected school districts.

Of course, it should be noted that the jurisdictions incurring the greatest costs for processing transcript requests are the same ones that have adopted policies providing official or de facto sanctuary for illegal aliens.

BACKDOOR AMNESTY *continued*

ing minority member of the Senate Judiciary Committee, began seeking clarity about how DACA is being carried out.

In a letter to Department of Homeland Security Secretary Janet Napolitano, the two legislators demanded that “the Department be transparent and forthcoming about the details, criteria and process of the deferred action directive. It is still unclear to us what level of documentation will be required and what level of background checks are being conducted on the documents and the applicants.”

Smith and Grassley noted that as of September 14, one month into the application process, 83,000 requests for deferred action had been received by DHS. In a subsequent press release, they stated that, “there haven’t been any denials and less than a dozen applications required additional evidence before being approved.” Citing a DHS Inspector General’s report issued earlier this year, which found that U.S. Citizenship and Immigration Services (USCIS) personnel were being pressured to “get to yes” on requests for immigration benefits, Smith and Grassley questioned whether the same pressure is being applied to

USCIS officials reviewing DACA applications.

Smith and Grassley cited evidence that strongly suggests a “get to yes” policy for DACA applicants. According to the legislators, an internal policy bars USCIS adjudicators from issuing denials of DACA applications, or even requests for further evidence, without first sending those case files to their supervisors for review. “The signal being sent to adjudicators who process DACA applicants is clear: if they do not approve an application for DACA, then it will be reviewed by headquarters. Their decisions will be scrutinized until they get to a yes,” wrote Smith and Grassley.

The letter to Secretary Napolitano sought answers to ten questions about DHS’s implementation of DACA. Specifically, Smith and Grassley asked the Secretary to detail what forms of documentation the applicants are required to show, and what level of background check DHS will conduct on them. Among the information sought:

- Describe what databases are queried as part of the applicants’ background check and what government agency maintains the database;

- At what stage of the background check is the Fraud Detection and National Security unit at USCIS consulted;
- Will the Department [of Homeland Security] require in-person interviews? If so, under what circumstances? If not, why not; and
- Does USCIS have a sufficient number of employees to process the background checks for the large volume of applicants? Is USCIS currently hiring employees or does it have any vacancies for these positions?

No reply from Napolitano had been received as of the publication of this edition of the *Immigration Report*.

Ever since the backdoor amnesty was announced in June, FAIR has been raising concerns about whether massive fraud would be detected and prevented, and about whether DHS would screen applicants to ensure that people who pose security risks to the United States would be flagged and screened out. The early evidence cited by Smith and Grassley indicates that those concerns are well-founded and that there are either no mechanisms, or inadequate ones, to prevent massive abuse. Of course, the legality of the president carrying out an illegal alien amnesty program without authorization from Congress still remains to be addressed.

- \$1,000 \$500 \$250 \$100 \$50
 \$25 Other \$ _____

I am making my donation by check
payable to FAIR, or credit card (check one):

- Visa Mastercard Amex Discover

 Cardholder's Name

 Card Number

 Expiration Date Signature

- With this donation, I would like to become a
Cornerstone Contributor (see adjacent panel for details)

WE ALSO WELCOME YOUR DONATIONS ON OUR SECURE SERVER
www.fairus.org/DONATE
(enter code NL1211).

- I have included at least \$25 for a Gift Membership

Gift recipient's name and address

**Stay Informed. Get Involved.
 Make a Difference!**

Sign up today to receive
 FAIR's Legislative Updates online!

 (please provide your email address)



FAIR is a member of the Better Business Bureau's Wise Giving Alliance and is one of a select few non profit organizations that meet their high standards of operation, spending, truthfulness, and disclosure in fundraising.



Charity Navigator has awarded FAIR four out of a possible four stars. In earning Charity Navigator's highest rating, FAIR has demonstrated exceptional financial health, outperforming most of its peers in its efforts to manage and grow its finances in the most fiscally responsible way possible

Attention All Federal Government Employees

All federal employees, civilian and military, can help in the fight for sound immigration policies by supporting FAIR in the 2012 Combined Federal Campaign (CFC).

As America approaches a defining moment in its immigration saga, your pledge to FAIR in the 2012 CFC is needed now more than ever. The immigration issue has never been bigger or hotter — and that means the challenges we face, as well as the opportunities, are greater than ever.

Look for FAIR under our full name,
Federation for American Immigration Reform
CFC number 11696
 in your CFC brochure.

For further information, or to learn how you can help out, please email or call our CFC coordinator, Marjorie Wilkinson at Margie@fairus.org 877-627-3247.



Cornerstone Contributors are the building blocks of FAIR's citizen-supported foundation. Time and time again, through their continuing support they have become key officers in our battle to end the destructive mass immigration that is debilitating our great nation.

As a *Cornerstone Contributor*, you pledge to give a specific monthly contribution to FAIR. This donation, electronically transferred conveniently each month from your credit card or checking account, enables FAIR to count on you to help support our ongoing immigration reform efforts.

To become a member, check the box on the adjacent form, clip and mail to FAIR or contact Melissa Bradley-Wilson at (202) 328-7004 or missy@fairus.org; or sign up online at www.fairus.org.