FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

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Inside. . .

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FAIR Was There When the "Caravan" Arrived at Our Border

The traveling media circus known as the Central American "caravan" arrived at the San Diego–Tijuana in early May, and FAIR was there to present the true account of this staged saga to the American public.

Throughout April, some 1,500 Central American migrants made their way across Mexico with their sights set on the U.S. border where, they announced to the world, they intended to demand political asylum. Over the course of their journey, many in the media portrayed this staged drama exactly as the organizers intended: As a human interest story about people spontaneously fleeing violence in their homelands and seeking asylum in the United States.

There is unquestionably violence in their homelands, but that is only one small piece of a much larger story that would have gotten little attention if FAIR had not been present at the border to provide firsthand reports through social media, talk radio, and other media. The

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Sessions Announces "Zero Tolerance" Policy On the Border

Open borders advocates, like Pueblos Sin Fronteras (People Without Borders), may have won the media cycle with their caravan to the U.S. border, but that moment in the spotlight may have come at a very high price to their effort to challenge American sovereignty. With most of the caravaners still camped out on the Tijuana side of the border, U.S. Attorney General Jeff Sessions pointedly made a trip to Southern California (with a second stop in Arizona) to announce that the Department of Justice (DOJ)

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is adopting a "zero tolerance" policy toward illegal border crossing.

"If you cross the Southwest border unlawfully, then we will prosecute you. It's that simple," Sessions announced on May 7. Referencing the caravan organizers' cynical attempt to exploit political asylum policies and loopholes in a law intended to prevent human trafficking, the attorney general issued a stern warning to those attempting to commit fraud. "Today we're here to send a message to the world that we are not going to let the country be overwhelmed. People are not going to caravan or otherwise stampede our border," Sessions said. He also emphasized that legitimate asylum seekers will still be able to enter claims for protection in the United States.

Sessions also made it clear that the administration will no longer permit children to be used as human shields to allow entire families (or those claiming to be family units) to gain a free pass into the United States. Under the DOJ's policy, parents who violate immigration laws will be held to the same standards as all parents who violate laws and their children's hardships will be viewed as the result of their misbehavior, not the laws being enforced.

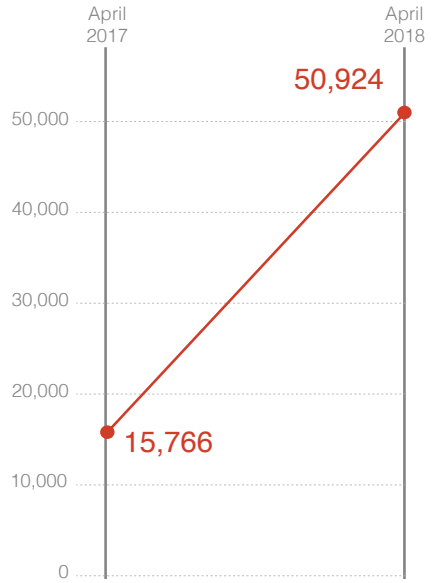
"If you are smuggling a child then we will prosecute you, and that child will be separated from you as required by law. If you don't like that, then don't smuggle children over our border," Sessions declared in an address to law enforcement officials in Scottsdale, Arizona.

The expectation that arriving at the U.S. border with minor children in tow would result in the entire family being released has been a driving force behind the various border "surges" that have occurred in recent years, including one that has been gaining momentum over the past year. Between April 2017 and April 2018, the number of border apprehensions more than tripled from 15,766 to 50,924, as would-be illegal aliens recognized that catch-and-release policies – especially in cases involving minors – were still in place.

Under the DOJ directive, illegal aliens stopped by the Border Patrol or by Customs officials at ports of entry, will be placed in detention to await trial. If they are in the company of minor children, those minors will be placed in the custody of the Department of Health and Human Services. Sessions backed up the directive by dispatching 35 new prosecutors and 18 new immigration judges to the Southwest border.

The zero tolerance policy will apply to first time illegal entrants, as well as those who have been caught entering the U.S. illegally multiple times. A first offense for illegal entry carries a potential sentence of up to six months, followed by removal. Repeat offenders can face two-years' imprisonment before being deported.

Southern Border Apprehensions
April 2017-April 2018



The aim of DOJ's zero tolerance policy, of course, is deterrence. Just as people flout our laws in large numbers when they believe that they will be processed and released (and, in most cases, can simply disappear), would-be illegal aliens respond rationally when they understand that they will be punished for breaking the law. In the early months of FY 2017, a pilot project of prosecuting illegal entrants accompanied by minors resulted in a 64 percent decline in such illegal entries.

While Congress dithers on approving additional security measures, including funding the border wall, DOJ's announcement that it will fully utilize the powers already granted to it under the law, will likely have a swift and significant impact on illegal immigration and on those seeking to perpetrate immigration fraud. ■

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story FAIR was able to report was one of how open borders activists were manipulating our laws and our humanitarianism to attack the sovereignty of the United States.

Over the course of a week of gathering firsthand information at the border, FAIR was able to report the full story of the Central American caravan on some 60 radio stations around the country. Among the key facts FAIR was able to disseminate:

- The caravan was a staged event organized by a group calling itself Pueblos Sin Fronteras, "People without Borders." As the name suggests, Pueblos Sin Fronteras asserts that all people have a right to enter any nation at will – most especially, the United States – and that we are obligated to admit them.
- Pueblos Sin Fronteras and other like-minded groups were openly coaching the migrants about what they need to say to immigration officials in order to make a facially valid asylum claim.
- The caravan traveled across Mexico without seeking asylum in that country, or the protection of international bodies like the United Nations High Commissioner for Refugees. People who are truly fleeing oppression in their homelands seek protection in the first safe nation they get to; they don't wait until they get to their preferred country.
- The migrants and their handlers are exploiting humanitarian laws and policies in order to challenge U.S. sovereignty. In addition to filing coached political asylum claims, caravaners arrived with minor children in tow in order to exploit loopholes in a humanitarian law intended to prevent human trafficking, and a judicial decision limiting the time family units can be detained.
- The United States could both uphold its legal and moral obligations to protect legitimate asylum seekers and deter abuse of our laws and humanitarianism.

FAIR's presence on the border and our ability to widely disseminate information on social and broadcast media provided a counterpoint to the canned narrative of the caravan organizers and mainstream media outlets. With the full story being told, the Homeland Security and Justice Departments were better able to confront the situation at the border.

In response to this staged event, DHS, in accordance with U.S. and international law, allowed only small groups of caravan members to enter U.S. territory and file asylum claims, while others waited on the other side of the border. This strategy thwarted the organizers' efforts to overwhelm the asylum process, while still allowing asylum officers to give adequate scrutiny to each applicant's claims. Second, the DOJ publicly warned that people offering fraudulent asylum claims could face prosecution.

The goals of FAIR's effort to present an accurate picture of the caravan and its goals was not merely to prevent this organized effort to challenge U.S. sovereignty. The larger objectives were to deter many more such efforts that would surely have ensued if this staged episode had succeeded, and to increase pressure on Congress to close the legal loopholes that are being exploited by those seeking to gain undeserved entry to the United States. ■

Forget "Open Borders." Deputy Chair of the Democratic National Committee Says "No Borders."

As the sayings go, "actions speak louder than words," and "a picture is worth a thousand words." These trite but true adages are applicable to the Democratic Party's positions on immigration these days.

Their actions: Earlier this year, the Democratic leadership adamantly refused to budge on legislative proposals that would have included even modest immigration enforcement measures in exchange for amnesty for the constituency they claim to care about most: Deferred Action for Childhood Arrivals (DACA) recipients and those who might have qualified for DACA protection if they had bothered to apply.

Up until fairly recently, the Democratic leadership was at least willing to pay lip service to the need for immigration enforcement. As recently as the failed Gang of Eight bill in 2014, co-sponsor and current Senate Minority Leader Chuck Schumer (D-N.Y.) touted what he claimed were "tough" enforcement provisions. But since then, the Democratic leadership has stopped pretending that they support immigration enforcement.

At a May Day event in his home district, Rep. Keith

Rep. Keith Ellison | image: RNC Research Blog

Ellison (D-Minn.), who is also the Deputy Chairman of the Democratic National Committee (DNC), sported a tee shirt declaring in Spanish, "YO NO CREO EN FRONTERAS," "I DO NOT BELIEVE IN BORDERS."

Based on recent actions and the fact that no one from the DNC or the Democratic political leadership has refuted the sentiment emblazoned across Deputy Chairman Ellison's chest, one can reasonably conclude that one of our two major political parties affirmatively supports open borders. ■

DHS Announces an End to "Temporary" Protected Status for Hondurans … After 20 Years

istock | MarkRubens

In May, the Trump administration announced that Temporary Protected Status (TPS) for an estimated 86,000 Hondurans living in the United States would not be renewed. Current Honduran TPS beneficiaries would have 18 months to wind up their affairs in this country and return home.

TPS was first granted to Hondurans after Hurricane Mitch struck the Central American nation in 1998. Since then, mass immigration advocates and the Honduran government, which benefits from remittances sent back to Honduras, have successfully lobbied for repeated extension of TPS. Conditions in Honduras are far from ideal, but they were far from ideal before the hurricane struck. Honduras, like other countries in the region, has been plagued with poverty, corruption, crime, and civil unrest for decades. However, in reaching its decision, the Department of Homeland Security (DHS) determined that the immediate effects of Hurricane Mitch – the reason for having granted TPS – no longer warrant allowing Hondurans to remain here.

Over the past several months, DHS has worked to restore the integrity of TPS by demonstrating that

TPS CONTINUED ON PAGE 6

NEWS FROM OUR

State & Local Operations

Tennessee

On the final day of the 2018 session, the Tennessee Legislature approved HB 2315, a bill that prohibits local governments throughout the state from adopting formal or de facto sanctuary policies. According to a comprehensive FAIR analysis of sanctuary policies nationwide, Tennessee's three largest cities – Nashville, Memphis, and Knoxville – maintain policies that limit cooperation and communication with federal immigration authorities. The bill, authored by State Rep. Jay Reedy, R-Erin, was approved overwhelmingly by both houses of the legislature, 25-5 in the Senate and 64-23 in the House. The bill was not signed by Gov. Bill Haslam, but will become law despite the lack of signature. Tennessee joins a growing list of states that are fighting back against policies that hinder or obstruct federal immigration enforcement. Enactment of HB 2315 is, in part, a testament to the hard work of true immigration reform advocates in Tennessee, who made it clear to lawmakers that this commonsense legislation to protect public safety enjoyed broad public support, despite boisterous opposition from well-funded illegal alien advocacy groups.

Rhode Island

The good news from Rhode Island is that a radical sanctuary bill before the legislature has been "held for further study" – a kinder, gentler term for killed. The bad news is that a long-standing sanctuary directive, issued by former Gov. Lincoln Chafee and maintained by current Gov. Gina Raimondo remains in place. Illegal alien activists in Rhode Island have tried and failed, two years running, to have sanctuary policies codified into state law. The radical "Rhode Island Values Act," would have prohibited immigration enforcement authorities from entering schools, hospitals, places of worship, courthouses, and other public and private facilities without a judicial warrant.

Arizona and Georgia

Taxpayers in Arizona and Georgia scored important victories in state courts with decisions that have national implications. Courts in both states sided with taxpayers by affirming that they were under no obligation to provide subsidized in-state tuition benefits to DACA beneficiaries. These rulings also reaffirm that, in spite of the unconstitutional deferments granted under DACA, beneficiaries remain illegal aliens who have no right to many public benefits, including in-state tuition. In April, the Arizona Supreme Court ruled unanimously that DACA beneficiaries are ineligible for in-state tuition benefits. The Court agreed that DACA does not bestow "lawful presence" on beneficiaries. Additionally, under a voter approved measure, Proposition 200, state law bars illegal aliens from receiving "state and local public benefits that are not federally mandated." In Georgia, the state Supreme Court allowed an appeals court's ruling that DACA recipients are ineligible for in-state tuition benefit to stand, when it declined to hear an appeal brought by DACA recipients demanding tuition subsidies.

TPS *continued from page 4*

the department takes the "T" in TPS seriously. In addition to winding down TPS for Hondurans, DHS has declined to extend benefits for some 200,000 TPS holders from El Salvador, 46,000 from Haiti, 9,000 from Nepal, 2,500 from Nicaragua, and 1,000 from Sudan. In addition, some 4,000 Liberians who were in the U.S. on another type of temporary visa were also told that their temporary stays in the U.S. were coming to an end.

Like the other announcements, the decision to end Honduran TPS was met with a chorus of complaints from mass immigration advocates. These advocates contend that even after 20 years, conditions are not suitable for citizens to return to Honduras. And, without irony, the same advocates who have lobbied for long-term extensions of what is clearly labeled temporary protection, now argue that it is unfair to require people who accepted these protections to go home because they have been here for so long.

Ending these needlessly extended protections will accomplish two things. Demonstrating that we have the resolve to end the abuse of TPS for people whose countries have been affected by some natural disaster or political upheaval makes it possible for us to offer TPS to others when the situation calls for it.

The return of citizens of these countries, after an extended period in the United States, also presents an opportunity for those citizens to become a force for economic, social, and political reform in countries that have been plagued by far more than just hurricanes or earthquakes. ■

Seven States Sue to End DACA

Last September, President Trump announced his intention of ending the Deferred Action for Childhood Arrivals (DACA) program established by his predecessor in 2012. Since that announcement, Congress has failed to address the issue, with congressional Democrats unified in their refusal to even consider minimal immigration enforcement measures in exchange for the president's offer to grant permanent protections not only to the 700,000 current DACA recipients, but some 1.8 million illegal aliens who might have qualified for the program.

Attempts by President Trump to end DACA have also been thwarted by a few activist judges who have created far-fetched legal theories for why the sitting president cannot change a policy that was created by a Department of Homeland Security (DHS) memo under former President Obama (even after Obama stated on 22 occasions he did not have the constitutional authority to grant blanket deferred action). One such activist judge, the U.S. District Court's John Bates, ruled in April that not only does DHS have to renew expiring deferments for current DACA beneficiaries, but they must also accept new applications.

Of course, the biggest problem is that no one with the legal standing to do so challenged the DACA programs when it was first created in 2012. Two subsequent unconstitutional deferred action programs announced

Texas Attorney General Ken Paxton

in 2014 were challenged in the courts by 26 states, led by Texas, and those programs were ultimately found to be unconstitutional by the U.S. Supreme Court. In late April, Texas and six other states announced their intention to challenge the constitutionality of the original DACA program.

Joined by Alabama, Arkansas, Louisiana, Nebraska, South Carolina, and West Virginia, Texas Attorney General Ken Paxton filed a lawsuit against DHS in late April contending that without the prerequisite congressional authorization, the DACA program is a violation of federal law. Specifically, the states argue that DACA was

LAWSUIT CONTINUED ON NEXT PAGE

The Manipulation and Gamesmanship of Alleged "Labor Shortages"

Unemployment dipped to historically low levels of 3.9 percent in April. These encouraging economic numbers should be an opportunity for American workers' lagging wages to recoup some of the losses suffered during the severe recession and to usher America's large pool of sidelined workers back into the labor pool. Instead of improving wages or reaching out to discouraged workers to attract needed labor, business lobbyists are clamoring for more foreign workers, most notably getting a provision included in the Omnibus spending bill allowing the Department of Homeland Security to dramatically increase the number of H-2B seasonal guest worker visas.

Ironically, as businesses in many sectors of the economy claim to be unable to find qualified workers, evidence is emerging that there has been a systematic effort to suppress the training of Americans to do precisely the jobs where shortages are claimed. A report issued in late April about the so-called nursing shortage in the United States provides a case in point.

Although the Bureau of Labor Statistics indicates that the United States will require about 1 million new nurses by 2022, nursing schools in the United States are turning away qualified applicants in record numbers. In 2017, U.S. nursing schools rejected 56,000 applicants who met all the qualifications for admission.

Like many jobs for which employers claim to be unable to find workers, the nursing profession is one for which Americans are eager to train – the average salary

for a nurse practitioner is $97,000. But Americans are prevented from getting into these fields by public and private policies that artificially limit the number of people who can train for them. Instead, many industries prefer to flex their lobbying power to gain access to foreign workers, particularly guest workers, over whom they can exercise greater control over wages and mobility.

Undoubtedly, business lobbyists will use the positive unemployment data as an opportunity to double down on their push for more permanent and temporary foreign workers in almost every sector of the economy. As FAIR has done in the past, we will fight back against these efforts to undermine wage advancement and employment opportunities for American workers that a healthy economy should provide, and against efforts by industry lobbyist to exploit "labor shortages" that they have helped to create. ■

LAWSUIT *continued from previous page*

implemented without the notice-and-comment procedures which are required for all substantive government regulations and policies under the Administrative Procedure Act. Additionally, they contend that DACA violates the "Take Care" clause of the Constitution, a clause crafted to ensure that the president "take Care that the Laws be faithfully executed."

The case is expected to be argued before U.S. District Judge Andrew Hanen of Brownsville, Texas— the same judge who initially blocked implementation of Obama's 2014 Deferred Action for Parents of Americans (DAPA) program. It is highly probable that Judge Hanen will find DACA unconstitutional for the same reasons he enjoined DAPA – a ruling that was upheld by the 5th Circuit Court of Appeals. More significantly, when the lower courts' ruling on DAPA was upheld by the Supreme Court in 2016 by a 4-4 vote, there were only eight justices on the bench. With the addition of Justice Neil Gorsuch, the unconstitutionality of DACA would likely be upheld by a 5-4 majority. In addition to ending DACA once and for all, the vote would set legal precedent and prevent future presidents from offering blanket protections to entire classes of immigration law violators. ■

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