



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration

REPORT

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Terrorist Who Attempted to Bomb the U.S. Capitol Would Have Qualified for the DREAM ACT

In February, the FBI arrested Amine el-Khalifi, a Moroccan illegal alien armed with a gun and wearing what he believed to be a suicide vest filled with explosives, as he attempted to carry out an attack on the U.S. Capitol. The plot failed because the FBI was tipped off and was able to disarm him and make sure the vest strapped to his chest was deactivated.

As details emerged about the would-be bomber, it is clear that el-Khalifi would have qualified for the DREAM Act if it had been approved by Congress. He would easily have fit the profile of a “low-priority” illegal alien under the Obama administration’s backdoor amnesty policy. The 29-year-old arrived in the United States before his sixteenth birthday (the most recent version of the DREAM Act would have granted amnesty to those under the age of 30). During his 13 years in the United States he had been arrested on a marijuana possession charge and had failed to pay the



Would-be bomber Amine el-Khalifi would have easily fit the profile of a “low priority” illegal alien under the Obama administration’s backdoor amnesty policy.

rent on an apartment in Northern Virginia, neither of which would have disqualified him from being classified as “low-priority” for removal by the Obama administration or taking advantage of the DREAM Act to get legal permanent residence.

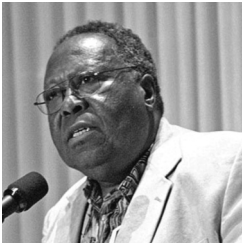
While the overwhelming majority of people who might qualify for the proposed DREAM Act, or whom the administration considers to be low priority for removal, likely pose no national

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NEWS

OPINION EDITORIAL

In a column published by The Daily Caller, a leading online opinion site, FAIR board member, Dr. Frank L. Morris Sr. condemns efforts by pro-illegal alien activists to equate their cause with the Civil Rights Movement of the 1950s and 1960s.



Anti-HB 56 March Trivializes Civil Rights Protests of the Past

by Dr. Frank L. Morris Sr. • *The Daily Caller* • March 7, 2011

Some images are so powerful that we can almost categorize them as sacred. By casually invoking these images we can trivialize, even desecrate, them to a point where they lose their unique and important standing in our collective memories.

Evil persists, but Jews are right to object passionately when false analogies are drawn to the Holocaust. Likewise, racial injustice is still perpetrated in our country, but black Americans are justifiably pro-

tective of the images of our own struggle for civil rights, which took place in the 1950s and 1960s. That is why most black Americans who understand, or who witnessed, the circumstances of that struggle are offended by the attempt to co-opt the imagery of that era by those, including some prominent black leaders, who have taken up the cause of illegal aliens.

The advocates for illegal aliens claim they are “re-enacting” one of the most iconic

events of that era – the march from Selma to Montgomery. During that march, hundreds of courageous men and women braved menacing threats and withstood attacks from police and local mobs in order to demand basic rights that had been denied them for hundreds of years, solely because they happened to be black.

By contrast, the media stunt being staged by advocates for illegal aliens has nothing whatsoever in common with the

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Immigration

REPORT

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noble fight waged by those who made the trek in 1965. The aim of those participating in the Selma to Montgomery march of 2012 is the repeal of HB 56, Alabama's new law designed to discourage illegal aliens from settling or remaining in the state. The law does not affect people based on their race or ethnicity, but rather based on their actions—namely their conscious decision to violate U.S. immigration laws.

Unlike laws that existed in 1965, which were designed to oppress black Americans, our immigration laws exist for the legitimate purpose of protecting the most fundamental interests of all Americans. America, like every nation on earth, limits immigration because the decision of a person from another country to settle in Alabama can and often does have a profound effect on the lives of Americans. The presence

For a long time the federal government has neglected to enforce most immigration laws and, in doing so, has failed to protect these interests. The current administration affirmatively refuses to enforce immigration laws, except in extenuating circumstances. As such, Alabama was fully justified in passing and implementing HB 56.

Despite howls of protest from self-anointed "civil rights groups," these groups have yet to produce a shred of evidence that the law has resulted in unlawful discrimination against anyone. Nor was the issue of discrimination or racial profiling even raised by the U.S. Department of Justice in the lawsuit it filed against Alabama last year.

What is fact, however, is that since implementation of HB 56 began, Alabama's unemployment rate has fallen at more than dou-

jobs the illegal workers vacated.

Another fact that seems to be lost on those seeking to invoke the images of the 1965 civil rights march is that black Alabamians, who are disproportionately represented on the unemployment rolls, are likely to be significant beneficiaries of HB 56 as employers seek to replace illegal workers. The evidence that legal residents of Alabama, of all races and ethnicities, are getting back to work also undermines absurd claims that the departure of illegal aliens is harmful to the state's economy.

About the only similarity between the march of 1965 and the one taking place this month is that participants will walk the same 54 miles from Selma to the state capital. They will encounter no snarling mobs, no Bull Connor and no abridgement of their rights. Thankfully, Alabama is not

"About the only similarity between the march of 1965 and the one taking place this month is that participants will walk the same 54 miles from Selma to the state capital. . . All the marchers are likely to accomplish is to trivialize the evil of those times and the courage of those who fought it."

of large numbers of illegal aliens prevents many Americans from finding jobs or commanding decent wages. It affects how limited public resources are spent on schools, health care and other services that are vital to them.

ble the rate of the nation as a whole—from 9.8 percent in September to 8.1 percent in December. While illegal aliens are taking the cue and departing Alabama, thousands of unemployed Alabamians are eagerly filling the

the same state it was 47 years ago. All the marchers are likely to accomplish is to trivialize the evil of those times and the courage of those who fought it.

Congress Allows Illegal Aliens to Keep \$4.2 Billion Tax Credit

In February, a House-Senate conference committee finalized an agreement that will extend the Social Security payroll tax reduction through the end of 2012. While an estimated 160 million American workers will see a little extra money in their paychecks as a result of this agreement, more than 2 million illegal aliens will continue to reap billions of dollars in tax credits as a result of what was **left out** of the bill President Obama signed in February.

As we reported last month, the House of Representatives, in its ver-

sion of the payroll tax cut bill, acted to close a loophole that allowed tax filers using the Individual Taxpayer Identification Number (ITIN) from claiming the Additional Child Tax Credit (ACTC). The overwhelming majority of filers using an ITIN are illegal aliens, who are ineligible for Social Security numbers.

The loophole was discovered by the Department of Treasury's Inspector General (IG) in a report issued last year. The IG found that payments of the ACTC to ITIN filers grew from \$924 million in 2005 to \$4.2 billion

in 2010, and that 72 percent of ITIN filers claimed the credit compared with 14 percent of those using a Social Security number. The ACTC is a tax credit, not a tax deduction, meaning that even if the filer owes no federal income tax — and most illegal aliens are among the estimated 47 percent of U.S. households that pay no net federal income tax — they receive a check from the federal government. The IG report also noted that Congress intended to bar ITIN filers from claiming tax credits in 1996, but because the ACTC did not

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Obama Budget Proposal Short-Changes Immigration Enforcement

No surprise here: President Obama's proposed FY 2013 budget would reduce funding for key immigration enforcement programs. The budget also indicates that the administration is intent on phasing out one of the most successful immigration enforcement tools, known as the 287(g) program.

287(g) was established by Congress in 1996 to improve federal-local cooperation in enforcement of immigration law by training state and local police to identify illegal aliens and detain them on behalf of the federal government. Tens of thousands of illegal aliens have been removed from the United States as a result of 287(g), making it a prime target for the Obama administration, which is intent on halting the deportation of non-violent illegal aliens. The administration has already rewritten the program's existing memorandums of understanding in order to force participating local police to comply with the administration's system of priorities so that only criminal aliens are detained.

The 2013 budget proposal calls for a \$17 million reduction, about 25 percent, in funding for 287(g). But the

reduction is more than just an effort on the part of the administration to trim the federal budget. The budget plan makes it clear that it is a first step toward eliminating 287(g) entirely. Under the budget, the Immigration and Customs Enforcement (ICE) agency will begin "discontinuing the least productive 287(g) task force agreements in those jurisdictions where Secure Communities is already in place and ...suspend[ing] consideration of any requests for new 287(g) task forces."

The administration justifies the phase-out of 287(g) by claiming falsely that it duplicates the functions of the Secure Communities program. As enacted by Congress, 287(g) allows local police to identify and detain suspected illegal aliens even if they are not charged with a criminal offense. Secure Communities only works if an alien has been arrested for a crime and his fingerprints are already in a federal database.

The proposed phase-out of 287(g) is a continuation of the Obama administration's relentless effort to eliminate state and local participation in immigration

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Alabamians Overwhelmingly Support HB 56, Finds New Opinion Poll

Ever since Alabama enacted its own immigration enforcement law, HB 56, last year, advocates for illegal aliens, including the Obama administration, have mounted a relentless, but unsuccessful, effort to prevent the law from discouraging illegal aliens from settling or remaining in the state. Opponents of immigration enforcement are now waging a battle to get the law repealed, or substantially weakened, by the Alabama legislature.

Despite the illegal alien lobby's best efforts, however, Alabamians remain firmly supportive of HB 56, according to a poll conducted by Pulse Opinion Research in early March. The statewide poll of 500 likely voters, commissioned by FAIR, found that Alabamians, by large majorities, reject the contentions that HB 56 is harming Alabama's economy and that its implementation will lead to racial profiling and other unlawful discrimination. Voters

agree that Alabama has a right to play a role in immigration enforcement and they do not want HB 56 repealed.

Among the poll's key findings:

- 63% believe illegal immigration has a negative effect on the state.
- 75% want the state to enforce laws against illegal immigration.
- 59% believe HB 56 will free up jobs for American workers.
- 67% are confident that the law will only be enforced when there is evidence that someone is in the country illegally.
- 62% believe the Obama administration was wrong to sue Alabama to prevent HB 56 from taking effect.
- 54% oppose repeal of HB 56.



ICE Director Testifies that Amnesty Review Is Half Complete

The wheels of bureaucracy tend to turn very slowly, except, apparently, when it comes to dropping deportation cases against illegal aliens. "Pilot reviews" of pending deportation cases in Denver and Baltimore began on December 5 and were completed by mid-January, and the Immigration and Customs Enforcement (ICE) agency is proceeding with deliberate speed toward completing its review of the remaining estimated 300,000 deportation cases nationwide.

Testifying before the House Appropriations Subcommittee on Homeland Security in early March, ICE Director John Morton told members that about half of the re-

maining case files had already been reviewed. Morton's testimony indicates that reviews are being carried out at an astonishing rate of speed. In order to have reviewed 150,000 cases between early December and early March, ICE personnel would have had to review and decide about 2,500 cases per work day.

The reviews constitute the implementation phase of the Obama administration's backdoor amnesty program outlined in a series of memos by Morton and adopted as the administration's official policy in August 2011. The intent of the reviews is to determine which aliens in deportation proceedings meet the administra-

tion's definition of "high priority" for removal. Those cases that are not deemed high priority are being dropped and the alien is allowed to remain in the United States.

At the time the backdoor amnesty policy was announced, Department of Homeland Security (DHS) Secretary Janet Napolitano promised a case-by-case review, suggesting that each file would be given a thorough examination. However, as FAIR predicted, the pace of the reviews suggests a lack of due diligence and confirmation that the Obama administration intends to dismiss deportation cases against all but the most dangerous criminals.

Who Needs the Luck of the Irish with Friends Like Chuck Schumer and Scott Brown?

Among the ethnic lobbies for special immigration benefits, few have been more influential over the years than those promoting Irish immigration. The Irish immigration lobby once again demonstrated its political muscle early this year, convincing two leading senators to push for passage of legislation that would admit at least an additional 10,500 Irish workers to the United States each year.

FAIR has consistently opposed all immigration policies which favor or discriminate against immigrants or guest workers based on national origin. This bill which would carve out a special rule for the Irish, invites representatives from every country around the world to seek similar preferential treatment.

Senators Chuck Schumer (D-N.Y.) and Scott Brown (R-Mass.) mounted an all-out effort to expand a little known visa program, known as E-3, to admit more workers from Ireland plus an unlimited number of spouses and children up to the age of

21. The two northeastern senators hoped to gain passage of their bills, S. 1983 and S. 2005 in time for St. Patrick's Day.

The E-3 visa was created in 2005 under the REAL ID Act for the exclusive benefit of Australians seeking to work in the U.S. in "specialty occupations." Although the important security measures of REAL ID have yet to be implemented, the E-3 provision is in effect, and Senators

Schumer and Brown are seeking to expand it, even though more than 20 million Americans are unemployed or underemployed.

Contrary to claims of the sponsors, the Schumer-

Brown expansion of the E-3 visa program would not be limited to workers in a "specialty occupation." Under their bill, Irish nationals with a high school diploma or two years work experience could qualify. Even more egregious, the Schumer-Brown

legislation would not require employers to seek qualified legal U.S. workers before hiring an E-3 Irish guest worker.

Aside from further harming American workers by flooding a weak labor market with still more foreign workers, the E-3 visa itself and the proposed Schumer-Brown expansion are bad policies that will only fuel demands for similar access to these visas by other nationalities. FAIR has consistently opposed all immigration policies that favor or discriminate against immigrants or guest workers based on national origin. This bill, which would carve out a special rule for the Irish, invites representatives from every country around the world to seek similar preferential treatment.

As the current edition of the FAIR *Immigration Report* was completed, the Senate had not taken action on S. 1983 or S. 2005. FAIR will provide regular updates on our website, www.fairus.org, and in future newsletters.

BOMBER COULD HAVE QUALIFIED FOR DREAM ACT *continued*

security risk, there are some, like el-Khalifi, who do. It is highly unlikely that el-Khalifi's danger to the United States would have lessened if he transitioned from illegal alien to permanent legal resident under the DREAM Act amnesty.

A recent investigation by the DHS Office of the Inspector General revealed that agency personnel are currently

under intense pressure to approve immigration benefits, even when they suspect an applicant is committing fraud or is a security risk. That pressure would only be compounded with the addition of millions of applications for DREAM Act benefits to the workload.

TAX CREDIT *continued*

exist at the time it was not explicitly mentioned in that legislation.

Thus, it seemed logical that the loophole should be closed, and that the government cease to pay out billions of borrowed dollars every year to illegal aliens. However, common sense rarely prevails in Washington, and the language barring ITIN filers from claiming the ACTC was stripped from the final version of the bill.

While common sense and fiscal responsibility did not prevail, it seems intense lobbying by the illegal alien advocacy network did. Well-funded organizations like the National Council of La Raza and others applied extreme pressure on legislators to kill the provision that would have ended this expensive subsidy for illegal aliens.

The final decision to remove the provision barring ITIN filers from claiming the ACTC was made by four men behind closed doors: House Speaker John Boehner (R-Ohio), Senate Majority Leader Harry Reid (D-Nev.), House Ways and Means Chairman Dave Camp (R-Mich.), and Senate Finance Committee Chairman Max Baucus (D-Mont.).

No one knows precisely what transpired during the closed door negotiations, but in the end, Speaker Boehner called the bill “a fair agreement and one that I support.” In the current culture of Washington, it seems a “fair agreement” is one that makes sure that benefits for U.S. citizens are offset with benefits for illegal aliens.

SHORT CHANGING ENFORCEMENT *continued*

law enforcement. The administration has gone to great lengths and expense, including filing lawsuits against four states, to ensure that its political agenda of non-enforcement is not disturbed.

Another key component to removing illegal aliens is the ability to detain them once they are identified. The 2013 budget proposes to eliminate about 1,200 detention beds, from 34,000 to 32,800. Again, using the need to cut costs as a justification, the administration calls for alternatives to detention. However, experience indicates that large percentages of non-detained aliens in deportation proceedings simply disappear.

According to House Judiciary Committee Chairman Lamar Smith (R-Tex.), the 2013 budget “undermines border security and national security.” The proposed budget offers no meaningful steps to secure our southern bor-

der, only 44 percent of which is currently under operational control according to the Government Accountability Office (GAO). Rather than address real security threats, the administration is seeking to change the definition of security, Smith charges.

The 2013 budget contains no funding to implement the repeatedly delayed REAL ID Act, which is supposed to take effect in January 2013. REAL ID was enacted by Congress in 2005 to require states to enhance security of ID documents, like driver’s licenses, and require applicants to show proof of legal residence; otherwise the state-issued ID documents could not be used for federal purposes like boarding a plane. The lack of any funding for implementation is an indication that yet another delay is likely.

AMNESTY REVIEW NEARLY COMPLETE *continued*

The charade of reviewing case files provides a cautionary glimpse of how ICE and other agencies would likely carry out reviews should Congress pass the DREAM Act or a more extensive amnesty. In spite of assurances that amnesty applicants would need to undergo thorough re-

views and rigorous background checks, the current review of pending deportation cases suggests that amnesty approvals would be rubberstamped with only cursory checks.

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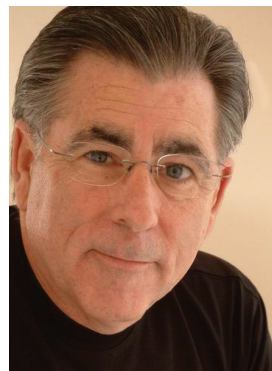


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NL1204

Dear Friend of FAIR,



Hello, I'm John Philip Sousa, IV. You may have heard of my great-grandfather, for whom I'm named. He wrote "Stars and Stripes Forever," which Congress named the National March. My great-grandfather knew a thing or two about patriotism and legacy. I guess you can say it runs in my family, and that is why I am a proud member of FAIR's National Board of Advisors.

I have put my support behind FAIR because I believe wholeheartedly in protecting America's legacy. We share the same goal, you and I. That's why I'd like to offer you an autographed copy of my new book about my great-grandfather: *John Philip Sousa's America: The Patriot's Life in Images and Words*. The book is not yet available to the general public, but I snagged a few copies to share with my friends at FAIR. Keep an eye out for a letter in the mail explaining this exciting offer.



Sincerely,

John Philip Sousa, IV

Member, FAIR National Board of Advisors

Honorary Chair, Seventh Generation Legacy Society