

FAIR

FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration REPORT

APRIL 2014

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## President Obama Continues Assault on Immigration Law Enforcement

One day after the House passed H.R. 4138, the Enforce the Law Act, President Obama defiantly ordered Secretary of Homeland Security Jeh Johnson "to do an inventory of the department's current [deportation] practices to see how it can conduct enforcement more humanely within the confines of the law."

The president called for this review after a March 13th White House meeting with three pro-amnesty House

members, Luis Gutierrez (D-Ill.), Xavier Becerra (D-Calif.), and Ruben Hinojosa (D-Texas). Earlier in the week, White House Counsel Kathryn Ruemmler met with aides to four Democratic Senators, including Majority Leader Harry Reid (Nev.), to discuss ways the president could curb deportations. According to *The New York Times*, one of the ideas receiving serious consideration is exempting the parents of so-called Dreamers from deportation.

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## Voters Win Despite City Council Attempts to Rig Immigration Referendum

Last month we reported that voters in Fremont, Nebraska, overwhelmingly supported local ordinances designed to discourage illegal immigration by requiring renters to attest to the fact that they are legal U.S. residents.

In March, an investigative report by local Omaha television station KETV revealed the lengths to which members of the Fremont City Council went in an at-



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# Recollections on the Loss of Some of FAIR's Finest Friends

FROM FAIR PRESIDENT, DAN STEIN

I don't often have the chance to mention FAIR's many special friends, but I'd like to take the time to mention a few. Late 2013 and early 2014 was a period of unusual loss for FAIR, as we saw so many close friends pass into the next world. A brief sweep of who they were—their talents, gifts, and varied interests—reveals just how special the constellation of FAIR supporters has been and continues to be. These are people who simply can never be replaced.

## Max Thelen, Jr.

Max passed away earlier this year after many years of service on FAIR's Board of Directors and National Board of Advisors. I first met Max in San Francisco as a result of his life-long work in global and U.S. population policy research and activism. He was a tireless advocate for responsible immigration policy solutions, applying a level-headed intellectual capacity with a thoughtful sense of what is fair. Max was a caring and committed mem-

ber of the environmental community who shared a passion for honesty in public policy solutions. As a World War II veteran and

successful practicing attorney, Max cared deeply about our country and its historic support for the rule of law while being engaged internationally as an active participant in the World Affairs Council. We will all miss him so very much.

## Joyce Tarnow

I'm not sure I ever met anyone quite like Joyce Tarnow. She was one of those rare individuals who carried her activism seamlessly from local issues to broad national and global concerns. To know Joyce was to know a force of nature: a person flawlessly prepared to make supremely effective arguments with unwavering conviction. A devoted and tireless member of FAIR's National Board of Advisors, Joyce rarely missed a meeting in twenty years. She was a Florida environmental activist who took her passion for women's issues, conservation, responsible growth policies, water scarcity, development limits, and population stabilization with uncompromising directness and zeal. Joyce helped found Floridians for Sustainable Population and, later, Floridians for Immigration Enforcement. She was the kind of fearless advocate that couldn't help but ac-

complish great things. We lost Joyce in early 2014.

## Robert W. Wilson

Bob Wilson was a wonderful friend to FAIR for over 25 years, and many FAIR members will remember the "Robert Wilson Matching Grant" program we've had for the past six years. Like many others who have supported FAIR over the years, Bob was an intelligent, forward thinking, and courageous man, who was unafraid of candor or controversy. He understood that chance favors the mind willing to take a risk. In our conversations, it was clear to me that Bob Wilson understood what it takes to make a civilization and a nation successful. He knew that for the United States, a commitment to excellence could only be realized with an immigration policy that assured the nation would be competitive over time. Bob Wilson inspired many as he devoted countless hours and hundreds of millions of dollars to a wide range of causes including The Nature Conservancy and the New York Public Library. Stewardship of our nation's resources and investment in our children's education are what defined this important FAIR supporter. I was privileged to get to know this man very well, and I can tell you he defined what is special about those who care about our cause.

## Immigration REPORT

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THESE SUPPORTERS ARE EMBLEMATIC OF THE GREAT MINDS AND SOULS THAT HAVE STOOD BEHIND FAIR AND WHAT WE TRY TO ACHIEVE. THEY JOIN A GROWING LIST OF DISTINGUISHED AMERICANS WHO UNDERSTAND WHY THE CAUSE OF TRUE IMMIGRATION MANAGEMENT, LIMITS, AND CONTROLS IS ESSENTIAL TO ALL WE SEEK TO ACHIEVE FOR OUR POSTERITY.

## President's Proposed 2015 Budget Assumes Amnesty

President Obama's proposed FY 2015 budget request assumes that by the start of the new fiscal year on October 1, Congress will have passed the massive illegal alien amnesty and immigration increase bill he supports. The budget proposal includes a claimed \$158 billion federal deficit reduction in the coming fiscal year, and \$1 trillion in deficit reduction over the next 20 years, owing to "immigration reform."

The president's proposal ignores the fact that the House of Representatives has not acted on an amnesty and immigration increase bill similar to S.744, which was approved by the Senate last June. In February, House Speaker John Boehner (R-Ohio) declared that it was unlikely that the House would act on immigration in 2014, blaming a lack of trust in the president to faithfully enforce immigration laws. As if to reinforce his lack of trustworthiness on

immigration enforcement, the White House budget request would cut funding for Immigration and Customs Enforcement, by about 4.5 percent.

In addition to ignoring the fact that the House has not acted on the legislation he supports, the president's budget proposal also ignores substantial costs associated with amnesty and increased immigration. Amnesty would likely increase the amount of taxes collected from cur-

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## House Acts to Force President to Enforce Law, Adhere to the Constitution

The Republican-led House of Representatives seems to finally have had enough of President Obama's selective enforcement of federal laws. On March 12, the House approved H.R. 4138, the Enforce the Law Act, legislation that would expedite lawsuits against the chief executive for failing to carry out congressional mandates. The bill, sponsored by Rep. Trey Gowdy (R-S.C.), was approved by a 233-181 vote, including five Democrats who voted for the bill.

The measure is largely a symbolic act, as there is virtually no chance it will even be considered by the Democratic-led Senate and even less chance of its being signed by the president, whose discretionary authority the bill would limit. Nevertheless, it indicates that many House members are no longer willing to sit by silently when, in their view, the president abuses his executive authority.

The president's well-documented record of exempting entire classes of individuals from enforcement of immigration laws played a large role in the House's decision to pass H.R. 4138. Supporters frequently pointed to the president's Deferred Action for Childhood Arrivals program, granting temporary legal status and work

authorization to illegal aliens under the age of 31, as a prime example of his abuse of executive authority.

Sponsors of the Enforce the Law Act also cited 20 instances where the president unilaterally altered or delayed implementation of the Affordable Care Act, or granted exemptions to entire classes of people. "President Obama has been picking and choosing which laws to enforce," said Rep. Bob Goodlatte (R-Va.), chairman of the House Judiciary Committee. "In place of the checks and balances established by the Constitution, President Obama has proclaimed that 'I refuse to take "no" for an answer' and that 'where [Congress] won't act, I will.'"

FAIR DOCUMENTS DOZENS OF OTHER EXECUTIVE POLICY DECISIONS THAT HAVE SERVED TO UNDERMINE OR LIMIT IMMIGRATION ENFORCEMENT UNDER THE OBAMA ADMINISTRATION IN OUR 2013 PUBLICATION, *PRESIDENT OBAMA'S RECORD OF DISMANTLING IMMIGRATION ENFORCEMENT*, WHICH CAN BE FOUND ON OUR WEBSITE, FAIRUS.ORG.





# Across the Country

## Alaska

The Alaska State Senate overwhelmingly (13-4) approved a bill in late February that will require that driver's licenses issued to foreign nationals expire concurrent with their visas. House Bill 1, which passed the Alaska House last year, is intended to prevent people who overstay their visas from maintaining a valid Alaska driver's license if they lapse into illegal status. As of mid-March, H.B. 1 is awaiting the signature of Gov. Sean Parnell. The federal REAL ID Act requires that all states limit the validity of driver's licenses issued to foreign nationals to the length of their visas.

## Washington

In late February, Gov. Jay Inslee signed Senate Bill 6523 into law. S.B.6523, or the REAL Hope Act, expands access to the State Need Grant to illegal aliens who have received protection from deportation under the Deferred Action for Childhood Arrivals program. The Washington Need Grants program provides higher education assistance to students whose families earn less than \$58,000 annually. S.B. 6523 allocates an additional \$5 million to the program annually to provide for the additional illegal alien students who will be eligible for grants under the law. Some 32,000 legal Washington residents are already eligible for need grants but cannot get them because the program has been underfunded. The new law will not guarantee need grants for illegal alien students, but will allow them to compete with the 32,000 previously eligible students for the additional funding. Washington already grants in-state tuition benefits to resident illegal aliens who attend public colleges and universities in the state.

## California

Illegal aliens are barred from coverage under the federal Affordable Care Act, also known as Obamacare. In response, California is considering creating a state-run and state-funded health care exchange specifically for illegal aliens. State Sen. Ricardo Lara (D-Long Beach/Los Angeles) introduced the "Health Care for All Act," which would extend eligibility for all Medi-Cal services to those currently disqualified by unlawful immigration status. Lara's bill would provide the same level of subsidies to California's estimated 2.3 million illegal aliens as the ACA provides to citizens and legal residents. Lara did not provide an estimate of the cost of providing subsidized coverage to the state's illegal alien population.

## Oregon Activists Beat Back Legislature's Effort to Hijack Driver's License Ballot Initiative

In 2013, the Oregon Legislature approved S. 833, a bill granting driver's licenses to illegal aliens living in the state. Many Oregonians disapproved of the Legislature's actions and collected enough signatures on a petition to put the issue before voters in the November 2014 election. The Oregon House of Representatives was not amused and sought to hijack the process by rewriting the title of the ballot Referendum 301 in a way designed to deceive voters.

The referendum, as certified by the state attorney general, asks Oregon voters to vote yes or no on a law that "Provides Oregon resident 'driver card' without requiring proof of legal presence in the United States." In late February, by a 36 to 24 vote, the House approved H.B. 4054, altering the referendum's title. Instead, voters would be asked to vote yes or no on a law, S. 833, that "Establishes limited purpose, duration driver card for individuals who prove Oregon residency, meet driving requirements." And, for good measure, (just in case the people of Oregon were thinking about going over the Legislature's heads again) H.B. 4054 included a provision preventing citizens from appealing the title change before the Oregon Supreme Court.

The blatant attempt to hijack the referendum process sparked overwhelming condemnation from citizens and the media. Protect Oregon Driver's Licenses (PODL), a citizens' coalition that collected the signatures to get Referendum 301 on the ballot, spearheaded a statewide grassroots effort to register voters'

disapproval of H.B. 4054 with elected officials. The public outrage appears to have been duly noted and, in early March, the State Senate adjourned without taking up the House bill.

The Legislature's attempt to quash the voters' constitutional right to override it through the referendum process also outraged the state's major news media, which generally approves of S. 833. The state's largest and most influential newspaper, *The Oregonian*, called H.B. 4054 "a breathtakingly cynical move that would taint the very law [the Legislature is] trying to preserve." In passing H.B. 4054, *The Statesman Journal* charged that, "Legislators are mocking voters."

In the end, the mobilization of

voters by PODL and other true immigration reform activists in Oregon forced the Legislature to back down. The decision of the State Senate not to consider H.B. 4054 means that when Oregonians cast their votes in November, they will decide on whether the state should grant driver's licenses "without requiring proof of legal presence in the United States," rather than the deceptively worded alternative the Legislature sought to put before them.

FAIR congratulates PODL and Oregonians for Immigration Reform for getting Referendum 301 on the November ballot and for their valiant efforts to resist the Legislature's attempt to hijack the referendum and the democratic process.



THE LEGISLATURE'S ATTEMPT TO QUASH VOTERS' CONSTITUTIONAL RIGHT TO OVERRIDE THE BILL THROUGH A REFERENDUM SPARKED OVERWHELMING CONDEMNATION FROM CITIZENS AS WELL AS THE MEDIA.

## Administration Artificially Inflates Deportation Numbers

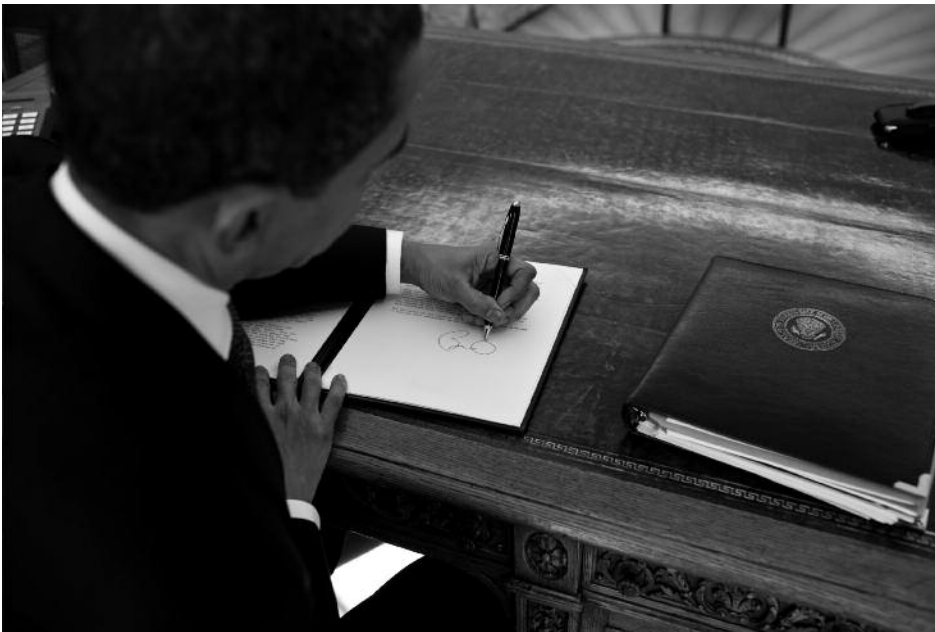
A cornerstone of the White House effort to win passage of a massive illegal alien amnesty has been to convince Congress and the American people that illegal immigration is firmly under control and that the administration is vigorously enforcing existing laws. Nothing could be further from the truth, as even Homeland Security Secretary Jeh Johnson was forced to admit in testimony before the House of Representatives on March 11.

portation even though they may have only been held for a day or 48 hours.”

In 2013, about 368,000 illegal aliens were deported. During the House hearing, Rep. John Culberson (R-Texas) noted that “Under the Obama administration, more than half [the FY 2013] removals that were attributed to ICE are actually a result of Border Patrol arrests that wouldn’t have been counted in prior administrations.”

demanding that the president halt all deportations, except for those where the illegal alien has been convicted of a serious crime. The nation’s largest illegal alien advocacy group, the National Council of La Raza, held a press conference in early March to denounce the president as the “Deporter-in-Chief,” as the number of deportations attributed to ICE is approaching the 2 million mark after five years in office.

It is unclear if La Raza’s strategy is to provide the president political cover against well-documented charges that he is not faithfully enforcing most immigration laws, or



ICE WAS ONLY RESPONSIBLE FOR ABOUT 133,000 DEPORTATIONS. MOST OF THE REST WERE ILLEGAL ALIENS APPREHENDED BY THE BORDER PATROL SOON AFTER ENTERING THE COUNTRY ILLEGALLY AND TRANSFERRED FOR REMOVAL.

The Obama administration has been taking credit for “record-setting” deportation levels during the president’s first term. (Deportations declined by about 10 percent during the first year of his second term.) President Obama personally cast doubt on those claims in 2011 when, speaking to a group of Hispanic journalists, he said, “The statistics are actually a little deceptive,” adding that “we’ve been apprehending folks at the borders and sending them back. That is counted as a de-

That assertion was confirmed by Secretary Johnson. “Correct,” he stated. In reality, Immigration and Customs Enforcement was responsible for only about 133,000 deportations. Most of the rest, as President Obama acknowledged in 2011, were illegal aliens apprehended by the Border Patrol soon after entering the country illegally and transferred to ICE for removal.

Even these minimal levels of deportations are not enough to satisfy illegal alien advocacy groups that are

whether they genuinely believe that no illegal alien who has not been convicted of a felony should ever be removed. (The truth is that it is probably a little of both.) La Raza enjoys a particularly close relationship with the Obama White House. The group’s former vice president, Cecilia Muñoz, now serves at the director of the White House Domestic Policy Council.

In fact, the title of “Deporter-in-Chief” belongs to Bill Clinton, whose administration removed unlawful aliens at nearly double the rate of the Obama administration. Far from setting records, the Obama administration’s rate for removing illegal aliens is the most anemic since the Ford administration.



DEPORTATION REVIEW *continued*

Amnesty advocates have grown increasingly strident in their demands that President Obama halt all deportations of illegal aliens who do not have criminal records. In addition to the White House meeting with three key members of the Hispanic Caucus, illegal aliens and their supporters have staged public protests and hunger strikes across the country in an effort to build

public support for their demands.

Until the president ordered a review of deportation practices, he had repeatedly insisted that he lacks the constitutional authority to suspend all deportations. “I have stretched my administrative capacity very far,” he stated one week earlier during a national town hall meeting on Spanish-language television.

The president’s ordered review

of deportation policies reinforces the assertions of House Republicans that he cannot be trusted to enforce immigration laws. Speaker John Boehner (R-Ohio) cited the president’s open defiance of many immigration laws when he announced, on February 6, that the House is unlikely to take up immigration legislation this year.

■

FREMONT SUPPORTS ENFORCEMENT *continued*

tempt to try to rig the outcome of the vote and repeal the ordinance’s rental requirement. The station reviewed 927 pages of emails to and from members of the Council discussing ways in which they could turn the vote in their favor. One Councilman who opposes the rental provision, Mark Stange, went so far as to discuss lowering the voting age to 16, in the hope that younger voters would be more inclined to share his opposition to it.

His suggestion was rebuffed by Council President Jennifer Bixby. However, emails reveal that Bixby urged the town’s chief of police to try to frighten nursing home residents by telling them that “each time they move rooms, the ordinance will require an additional license.”

The extent of the effort by City Council members to influence the outcome of the vote astonished local political observers. “I was taken aback. I’ve never seen this much outward coordination against the voters’ will,” said Chris Scott, a political analyst.

Of course, given the efforts by the Oregon Legislature to hijack a ballot referendum on driver’s licenses for illegal aliens, coordinated effort against the will of the voters on immigration seems to be becoming a disturbing pattern.

■

2015 BUDGET *continued*

rent illegal aliens, but the proposed budget does not take into account future government entitlements (like Social Security) that amnestied aliens would be eligible to collect.

Other enforcement cuts called for in the 2015 budget include reductions in detention space for aliens in deportation proceedings from 34,000 to 30,539. Instead,

more deportable aliens would be placed in the Alternative to Detention program, which releases them back into the community with electronic monitoring devices or under “supervision.” Ironically, former ICE Director John Morton testified in 2011 that the ATD program is actually more expensive than detention.

Cuts to the detention program

likely have less to do with costs and far more to do with the Obama administration’s ongoing efforts to undermine immigration enforcement. In recent months, illegal alien advocates have organized protests to detention, demanding that illegal aliens who do not pose a danger to the community be released while they appeal removal orders.

■

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