



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

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Who's in Control? GOP Leadership Caves in Amnesty Defunding Battle

After all of their bluster, protestations, and expressions of righteous indignation about President Obama's unconstitutional exertion of executive authority to grant amnesty and work authorization to millions of illegal aliens, the Republican leadership in Congress caved in to his demand for a Department of Homeland Security (DHS) funding bill that allows him to divert money and manpower towards carrying out his political agenda.

In late January, the House had approved a DHS funding bill with explicit language prohibiting the department from spending money to implement the Deferred Action for Parents of

Americans (DAPA) or the expanded Deferred Action for Childhood Arrivals (DACA) amnesties announced by President Obama in November. Inclusion of similar provisions in the Senate DHS Appropriations bill were repeatedly blocked by Senate Democrats.

Republicans hold the majority in that body, Senate rules require 60 votes to bring a bill to the floor. Even though Harry Reid (D-Nev.) had set a precedent when he suspended the procedural rule requiring 60 votes to bring bills to the Senate floor in 2011, the new majority leader, Mitch McConnell (R-Ky.), declined to do so. Instead, he acceded to the minority's demand that

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How Much Will Obama's Amnesty Programs Cost You? A Lot.

In case you were wondering how much his Deferred Action for Parents of Americans and expanded Deferred Action for Childhood Arrivals amnesties will cost American taxpayers, the Heritage Foundation's Robert Rector has done a detailed analysis of the immediate and long-term costs.



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GOP CAVES *continued*

the Senate Appropriations bill include no defunding provisions.

In a further attempt to strong-arm Republican leadership, Reid, now the minority leader, said Senate Democrats would not participate in a conference committee unless the House yielded to his and the president's demands and removed the defunding provisions from their bill.

In a stunning reversal, House Speaker John Boehner (R-Ohio), just hours after calling Democrats' tactics "blackmail," invoked an obscure House rule allowing that chamber to vote on the Senate bill, which included no restrictions on how DHS could spend the money. Moreover, Boehner cut a deal behind closed doors with Minority Leader Nancy Pelosi (D-Calif.), assuring passage of the Senate bill, even though just 75 members of the 245-member Republican caucus voted for it. Adding an exclamation point to the sellout, Boehner himself cast a vote for the bill — an extraordinary step because traditionally the House Speaker does not vote.

The most likely explanation for the Republican leadership's capitulation on

defunding is that they want an amnesty to occur — it is a top priority for the business lobby — but they wanted to avoid taking the blame from their voting base, which adamantly opposes amnesty. On the day the House agreed to drop the defunding provisions, Boehner announced, "With more active threats coming into the homeland, I don't believe [letting DHS funding expire is] an option." Thus, the cover story was, 'We tried, but in the interest of the nation, we were forced to relent.'

However, the Republican congressional leadership failed (or declined) to make a strong case to the American public for holding firm on defunding:

- It was the president who threatened to veto DHS funding unless it allowed him to implement his unconstitutional amnesty program, and Senate Democrats who refused to participate in a conference committee if defunding provisions were on the table, that were holding the security of the nation hostage to their political goals.
- Even if a DHS funding bill had not been approved, only about 15 percent of the department's operations would have been affected. Some 85 percent of employees are considered essential workers and would have remained on the job, even if funding had lapsed.
- Allowing the president to divert money and manpower away from DHS's primary function — defending the security of the nation — in order to carry out a massive unconstitutional amnesty program posed a greater threat to homeland security than a temporary suspension of DHS's non-essential functions.

Despite Congress caving in on the defunding issue, the president's amnesty programs remain on hold due to a lawsuit brought by 26 states. A temporary injunction issued by Federal District Court Judge Andrew Hanen remains in effect (as of completion of the current edition of the FAIR newsletter). The funding bill approved on March 3 expires at the end of the current fiscal year, September 30.

While the administration is temporarily blocked from implementing its amnesty programs, oversight committees in both houses of Congress have launched hearings and investigations into how much the president's amnesty programs are likely to cost American taxpayers, the risks they may pose to American security, and the impact they could have on American workers.

According to a study by the Heritage Foundation's Robert Rector, the lifetime costs for just Social Security and Medicare for the estimated 4 million potential DAPA beneficiaries would run about \$1.3 trillion. Earned Income Tax Credits (EITCs), which Obama amnesty recipients would be eligible to claim retroactively for the past three years once they receive valid Social Security numbers, could cost taxpayers \$23.5 billion and then about \$7.8 billion for each subsequent year.

These and other findings will make it increasingly difficult for the Republican leadership to avoid another battle over defunding in the FY 2016 budget. FAIR remains committed to marshalling grassroots pressure on congressional leaders to make sure that defunding provisions are included in the 2016 DHS Appropriations bill.

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AMNESTY PROGRAMS COST *continued*

About 4 million illegal aliens are believed to be eligible for DAPA and about 700,000 additional illegal aliens would be eligible for the expanded DACA amnesty.

Testifying before a House committee in March, Rector informed lawmakers that the various benefits, credits and subsidies these illegal aliens would be eligible to claim over the course of their lifetimes would amount to about \$1.3 trillion. Among the significant costs detailed by Rector:

- \$23.5 billion in retroactive payments in Earned Income Tax Credits (EITC) and Additional Child Tax Credits (ACTC).
- \$7.8 billion each subsequent year in EITC and ACTC payments.

- \$13.2 billion in means-tested benefits for U.S.-born children of DAPA beneficiaries.
- \$15.5 billion in annual Obamacare subsidies (or about \$7,300 per DAPA family)

These estimates do not include the costs of setting up and running these executive amnesty programs. The U.S. Citizenship and Immigration Services agency estimates that the basic operations of these programs will run about \$500 million annually. However, these estimates are based on the assumption that only about 60 percent of eligible illegal aliens would participate in the amnesty programs. Higher participation rates, or fraud, would significantly add to those costs.

Federal Judge Accuses the Obama Administration of Lying About Implementation of Executive Amnesty

Andrew Hanen, the Federal District Court Judge in Brownsville, Texas, who issued a temporary injunction blocking implementation of President Obama's amnesty programs, accused the Department of Justice (DOJ) of misleading him (and the American public) about the administration's plan to grant deferred action and work authorization to some 5 million illegal aliens.

The administration had assured the judge that they would not begin implementing the president's new amnesty programs until February 18. Thus, when Judge Hanen issued his injunction on February 16, he assumed that no illegal aliens were benefiting from the deferred action provisions under the programs announced last November. That assumption turned out to be wrong.



Texas
Federal District
Court Judge
Andrew Hanen

Judge Hanen accuses the DOJ of misleading him (and the American public) about the administration's plan to grant deferred action and work authorization to some 5 million illegal aliens.

By the time Judge Hanen had issued his ruling, the administration had already approved more than 100,000 applications for three-year deferrals from deportation under the expanded Deferred Action for

Childhood Arrivals (DACA) amnesty program. Moreover, DOJ lawyers waited three weeks to inform the court and the plaintiffs that the administration had jumped the gun on its own announced start date.

"Like the judge, the states thought nothing was happening... Like an idiot, I believed that," Hanen told DOJ attorney Kathleen Hartnett at a March 19 hearing. Hanen clearly did not buy DOJ's "apology" for having "inadvertently caused confusion," or that the government had "no intent to withhold any of this material from the court." In response, the judge threatened to order the government to produce documentation regarding their premature implementation of the pres-

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JUDGE HANEN ACCUSES THE ADMINISTRATION OF LYING *continued*

ident's amnesty programs. In addition, he threatened to impose sanctions against the government while noting the irony that "the taxpayers of the [26] states would end up paying their own damages."

The March 19 hearing in Judge Hanen's courtroom was the second legal setback for the administration's efforts to begin implementation of the president's amnesty programs. A week earlier, the 5th Circuit Court of Appeals in New Orleans refused to lift the injunction issued by Judge Hanen in February. The 5th Circuit also denied the government's request that Hanen's injunction

be limited to Texas – the lead state in the lawsuit – or to the 26 states that are party to the suit.

Delay, of course, works against the administration. With just 21 months remaining in office, the political objective of the administration is to move as quickly as possible to implement its plan. As Angela Colmenero, the lawyer representing Texas and the other 25 states noted, once executive amnesty is granted it becomes very hard to turn back. It is "virtually impossible to unscramble the egg," Colmenero said. ■

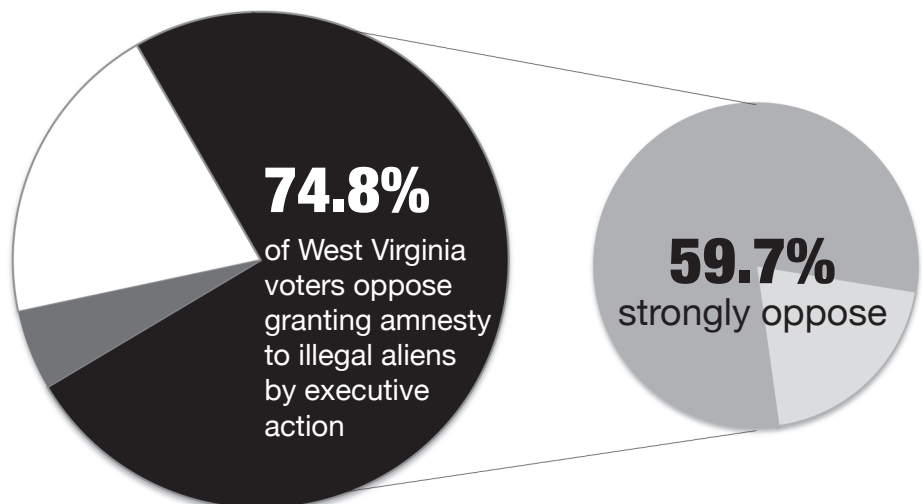
Poll of Swing State Voters Shows Widespread Opposition to Executive Amnesty and Support for Defunding

Polling of voters in eight swing states finds that they are overwhelmingly opposed to President Obama's abuse of executive power to grant amnesty to millions of illegal aliens in the U.S. By better than 2-1 margins, voters in these states oppose the president's amnesty plan. The polls of likely voters in Indiana, Maine, Missouri, Montana, Nevada, North Dakota, Virginia, and West Virginia were conducted February 20-22 by Zogby Analytics on behalf of FAIR. Each of these eight states is represented by a senator who is on record opposing the president's actions, but blocked efforts to defund his amnesty programs.

In each of these swing states, voters supported efforts to defund executive amnesty and would have held the president and Senate Democrats responsible for a partial shutdown if Department of Homeland Security operations if a budget agreement was not reached. Yet, despite having public opinion on their side, the Republican leadership nevertheless capitulated on defunding.

West Virginia voters are clearly displeased with their senator, Joe Manchin, who has stated that he believes the president's actions are unconstitutional, but who, nevertheless, voted against defunding those amnesty programs.

□ Support ■ Oppose ■ Don't Know



FAIR In the News

This op-ed by FAIR's president, Dan Stein, responds to arguments frequently put forth by religious leaders that the United States has an ethical responsibility to grant amnesty to illegal aliens and significantly increase admissions of legal immigrants. The op-ed was originally published in the Chicago Sun-Times.



Counterpoint: Immigration debate ignores American public

By Dan Stein | March 15, 2015 | *Chicago Sun-Times*

The United States has been wrestling with immigration reform for the better part of a decade. During that time, under both Republican and Democratic control of the White House and Congress, we have failed to reach a consensus on how to reform our laws for one important reason: The interests of the American people have been largely ignored in the process.

The debate over immigration policy has focused exclusively on satisfying the demands of the people who have broken our laws and placating business interests that demand greater access to lower wage foreign workers, even as unemployment remains high and wages for most American workers have been stagnant or declining.

The primary stakeholders in U.S. immigration policy, however, are the American people. Like every nation, we limit immigration because we understand that what might be in the individual interests of those seeking to immigrate, or CEOs watching out for the corporate bottom line, can have profoundly adverse consequences on the vital interests of the American public.

Since 2000, some 18 million legal and illegal immigrants have settled in the U.S. Over that same period, our economy has created 9.3 million net new jobs. More people chasing an inadequate number of jobs necessarily translates into higher unemployment and lower wages for Americans. Excessive immigration places additional burdens on vital social institutions, such as our nation's schools. More often than not, those who bear the greatest hardships are America's own minorities who are losing out on jobs and educational opportunities.

Chicago Archbishop Blase Cupich's appearance before a group of business leaders and Republican politicians epitomized the nexus of interests promoting higher immigration and mass amnesty for illegal aliens at the expense of struggling Americans.

The archbishop is no doubt a sincere and compassionate man who sees immigration as a way to help the world's poor. The problem, however, is that there is no moral or ethical doctrine that justifies being charitable with other people's jobs, tax dollars or children's education. Moreover, in a world in which billions suffer from poverty and societal violence, or live under repressive regimes, only fundamental economic and political reform in those countries can truly mitigate that suffering.

The archbishop is correct: We need to address immigration reform in "an adult way." Our nation's leaders must recognize the purpose of our immigration laws, and the need to enforce those laws fairly and compassionately in the interests of struggling American workers and their families.

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The “environment” is not the untouched wilderness where we go to look at “nature.” The environment is where we live and it’s the only home we have. It is essential that we think about how our lifestyles and social policies impact our home.

Not just on Earth Day, but every day.

Join us as we celebrate the planet at
Earth Day Texas 2015
 April 24 through 26 in Dallas, Texas
 Visit EarthDayTx.org for details.

Get the facts about population growth in Texas and its impact on the environment at FAIRImmigrationMatters.org.

Millions of Illegal Aliens Are Likely Using Social Security Numbers of Deceased Americans

Americans are living longer and working longer... but not past 112.

A scathing Inspector General (IG) audit of the Social Security Administration (SSA) found widespread fraudulent use of Social Security Numbers (SSN) because the agency fails to update information on the SSNs of likely deceased individuals. Specifically, the IG found that there are 6.5 million active SSNs in the U.S. of persons over 112 years old, despite there being only 42 known individuals of that age worldwide in 2014. The report found overwhelming evidence that suggests illegal aliens are using these SSNs to fraudulently gain employment.

Remarkably, the SSA is resisting the IG’s recommendation to update the 6.5 million SSNs to reflect that they belong to deceased individuals. Nor does there appear to be any effort to upgrade SSA’s computer software so that the system can identify the suspicious employment of large numbers of centenarians.

Sen. Ron Johnson (R-Wis.), who chairs the Homeland Security and Governmental Affairs Committee, observed that “It is incredible that the Social Security

“It is incredible that the Social Security Administration in 2015 does not have the technical sophistication to ensure that people they know to be deceased are actually noted as dead.”

—Sen. Ron Johnson (R-Wis.)

Administration in 2015 does not have the technical sophistication to ensure that people they know to be deceased are actually noted as dead... People are fraudulently, but successfully, applying for jobs and benefits with these numbers.” What he did not note is that this is the same agency that would be responsible for issuing millions of new SSNs to illegal aliens if President Obama’s amnesty programs are implemented. The findings of the IG raise the obvious question of whether the SSA would have the capability or the willingness to invalidate those numbers should some future president terminate these programs. ■

Lawmakers Seek to Prevent Illegal Aliens from Collecting Retroactive Tax Credits

American taxpayers could be on the hook for as much as \$23.5 billion in retroactive tax credits to be paid out to illegal aliens if the president's amnesty programs are implemented. As we reported in the March edition of the FAIR newsletter, John Kokinen, the commissioner of the Internal Revenue Service (IRS), testified in February that illegal aliens receiving protection under the president's plan would be eligible for Earned Income Tax Credits (EITCs) once they receive valid Social Security numbers. Moreover, Kokinen said, the IRS has no plans to change its regulations to prevent illegal aliens from collecting as much as \$24,000 in government payouts.

In response, Sen. Chuck Grassley (R-Iowa) has introduced legislation that would shield taxpayers from this enormous liability. S. 686, which has 10 Republican co-sponsors, would "disallow the Earned

Preventing illegal aliens from collecting tax credits for years when they were working illegally is critical to protecting the interests of American taxpayers.

Income Tax Credit for those made newly eligible for past benefits under the president's executive actions on immigration," states a press release issued by Sen. Grassley.

A companion bill in the House, introduced by Rep. Patrick McHenry (R-N.C.), would bar illegal aliens receiving executive amnesty from collecting EITC payouts in the future, which, according to a report by Robert Rector of the Heritage Foundation, would cost taxpayers nearly \$8 billion each year. McHenry's bill, the No Free Rides Act (H.R. 1249) would "ensure these illegal immigrants will not receive

any more benefits intended to help American families," said the congressman.

In the past, congressional Democrats have blocked efforts to prevent illegal aliens from collecting other tax credits. When an Inspector General's report found that illegal aliens were collecting about \$4.2 billion a year in Additional Child Tax Credits (ACTCs), then-Majority Leader Harry Reid (D-Nev.) stopped legislation that would have made illegal aliens ineligible to collect those benefits.

Preventing illegal aliens from collecting EITC tax credits for years when they were working illegally is obviously critical to protecting the interests of American taxpayers. But the enormous potential liability is a prime example of why FAIR will continue to press Congress to prevent the president's amnesty programs from being implemented in the first place. ■

Hold Their Feet to the Fire 2015 is Coming



For the ninth consecutive year, FAIR will be hosting **Hold Their Feet to the Fire**, a national radio row devoted to discussion of immigration policy. The event brings together some 50 national and local talk radio hosts at the Phoenix Park Hotel on Capitol Hill, broadcasting to listeners in all 50 states. Over the two days, April 15 and 16, dozens of leading policy experts, members of Congress, and law enforcement officials will be part of the national conversation on immigration.

This year's event will provide an opportunity for the American public to make its voice heard as President Obama moves aggressively to dismantle immigration enforcement in his final two years in office, and the congressional leadership continues to abdicate its responsibility to rein in his abuse of executive authority.

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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 our peers in our efforts to manage and grow our finances in the most fiscally responsible way possible.

The Legacy You Leave

One of the simplest but most effective ways to support a charitable organization is through planned giving. Why not create a legacy through a gift of a bequest to FAIR?

A charitable bequest, a gift made through your will or living trust, can benefit both you and the causes most important to you. Your bequest not only supports our efforts to achieve true immigration reform, but also leaves a legacy for your children and grandchildren.

It typically costs you nothing to add a charitable bequest to your will, and you have the flexibility of modifying the provisions at any time if your circumstances change.

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