



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration

## REPORT

FEBRUARY 2014

### Republican House Leaders Caving to Obama/Chamber Appear to Accept Amnesty for Illegal Aliens

Predicting what the House of Representatives will do (or not do) on immigration in 2014 has become something of a Washington insiders' parlor game. Ever since President Obama's reelection—with commanding support of Latino voters—and the Senate passage of S.744 last June, the Republican House leadership has been struggling to thread the needle on this tricky issue.

The House leadership's position took on a little more clarity in late January when it released a set of "principles" intended to guide the House's (or at least the GOP's) immigration efforts. The brief document—aptly described by one reporter as "intentionally squishy"—includes no specific legislative proposals.

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### Illegal Immigration Cost Texans \$12.1 Billion in 2013

After a brief hiatus that coincided with the worst of the economic recession, Texas's illegal alien population is on the rise again. There are about 1.8 million illegal aliens residing in Texas—70,000 more than resided in the state in FAIR's 2010 estimate.

In our updated analysis, *The Fiscal Burden of Illegal Immigration on Texans*, we found that illegal immigration cost Texas taxpayers about \$12.1 billion in

2013. That amounts to more than \$1,197 for every Texas household headed by a native-born or naturalized U.S. citizen. The taxes paid by illegal aliens—estimated at \$1.27 billion per year—do not come close to paying for those outlays, but our report includes an estimate of revenue from sales taxes, property taxes, alcohol taxes, and cigarette taxes. Most of these taxes, and perhaps more, would have been collected anyway if illegal

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## Reid Blocks Effort to Protect American Workers and End Taxpayer Giveaway to Illegal Aliens

The December employment data were dismal, to say the least. Only 74,000 new jobs were created, while the working age population grew by 178,000. And the only reason the official unemployment rate fell in December was that more than half a million people gave up looking for work, bringing the total number of working age adults who are not in the labor force to nearly 92 million.

The bad employment data coincided with the expiration of benefits for the long-term unemployed. So, when Congress got back to work in January, one of the first items on the Senate agenda was S.1845, the Emergency Unemployment Compensation Extension Act. Of course, what the long-term unemployed would prefer is a job.

In an effort to improve the prospects of unemployed Americans finding jobs, Sen. Jeff Sessions (R-Ala.) offered an amendment to S.1845 that would have permanently reauthorized E-Verify, the electronic employment eligibility program, and required its use by all employers. "This common sense amend-

ment would simply require that E-Verify be used by employers to prevent corporations from hiring illegal workers and therefore undercutting employment opportunities for American workers," Sessions argued. Using a parliamentary procedure, Majority Leader Harry Reid (D-Nev.) blocked Sessions' E-Verify amendment from being voted on.

Reid also blocked an amendment offered by Sen. Kelly Ayotte (R-N.H.) that would have offset some of the cost of benefit extensions by eliminating a loophole in the tax code that allows illegal aliens to collect the additional child tax credit (ACTC). Reid has repeatedly

blocked legislative efforts to eliminate these direct payments to illegal aliens. In 2010, illegal aliens received \$4.2 billion in ACTC benefits. Ayotte's amendment would have also restored certain benefits to military veterans.

FAIR has worked to eliminate the \$4.2 billion-a-year ACTC taxpayer giveaway to illegal aliens.

We take no position on S.1845 or extension of unemployment benefits. However, we strongly support requiring all U.S. employers to use E-Verify, which has been proven to be an effective tool in preventing the employment of illegal aliens.

■

## Did You Know...?

To get back to pre-recession employment rates, the economy would need to produce **300,000 jobs a month every month for the next 5 years.**



## Immigration REPORT

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## 2013 Data Proves Obama Administration Is Not Enforcing Immigration Laws

Despite self-congratulatory claims by the Obama administration, and widespread hand-wringing by the illegal alien advocacy network, the past five years have not seen record numbers of illegal aliens deported from the United States. In fact, according to the latest data from Immigration and Customs Enforcement, deportations plummeted in 2013. Moreover, a five-year snapshot of the administration's record for deporting unlawful aliens shows that the average number illegal aliens removed each year is the lowest since the Nixon administration.

During President Obama's first



term, removals from the United States by the various enforcement agencies within the Department of Homeland Security averaged about 800,000 a year. These include de-

portations, voluntary departures, and people caught and returned at the border. By contrast, the George W. Bush administration removed about 1.3 million per year. The record for removal of illegal aliens actually belongs to the Clinton administration, which carried them out at a pace of about 1.5 million annually.

President Obama's second term started out with a whimper, not a bang. In FY 2013, ICE deported 368,644 aliens, a 10 percent decline from the 409,849 deported in FY 2012. But even these numbers are, as President Obama told a group of His-

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## Goodlatte Shocker: Sees “No Reason” Amnesty Deal Can’t Be Struck

In preparation for the House Republican leadership releasing its “principles” for immigration reform, key members of the caucus began laying the groundwork for a package of bills that would include amnesty for millions of illegal aliens. Over the winter, House Judiciary Chairman Bob Goodlatte (R-Va.), whose committee has oversight of immigration legislation, emerged as a key player in the effort to sell amnesty as a viable form of immigration reform.

Speaking on Telemundo, Goodlatte signaled the House Republican leadership's willingness to support legislation that includes amnesty. “And if we can have a way to get [immigration enforcement] up and operating—I see no reason why we can't also have an agreement that shows how people who are not lawfully here can be able

to be lawfully here,” said Goodlatte in a carefully worded statement.

Consistent with the House leadership's efforts to walk a semantic tightrope on immigration, Goodlatte asserted that immigration enforcement would have to precede amnesty, while conceding that the American public has good reason to be skeptical that enforcement promises would be kept. However, Goodlatte did not address the fact that it would take many years to demonstrate that immigration enforcement is “up and operating,” which would effectively preclude consideration of legal status for illegal aliens far beyond President Obama's term in office.

All indications are that, like the Senate bill, S.744, the House leadership's blueprint would not include en-

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## California Supreme Court Allows Illegal Alien to Become Licensed Attorney

The California Supreme Court picked up in 2014 where Gov. Jerry Brown and the California Legislature left off in 2013. As the 2013 legislative session came to a close, the Legislature passed a series of bills granting new benefits and protections to illegal aliens.

Among the bills signed into law by Gov. Brown was AB 1024, which removes all barriers for illegal aliens as a class to practice law in California. As the new year began, the California Supreme Court handed down a decision permitting Sergio Garcia, an illegal alien, to obtain a license to practice law in the state. Garcia first sought admission to the bar in 2009.

Federal law prohibits illegal aliens from receiving most public benefits including professional licenses, but provides an exception if state laws expressly permit such benefits for illegal aliens. The Court ruled that since AB 1024 affirmatively allows illegal aliens to practice law in California, Garcia should be granted a law license in spite of his illegal status.

The California Supreme Court sidestepped the obvious problem that, under federal law, it is illegal for clients to hire Garcia to represent them. While conceding that the Court's ruling "would not override or otherwise affect the federal limitations upon the employment of undocumented immigrants," Chief Justice Tani Cantil-Sakauye wrote, "Nonetheless, for a number of reasons we conclude that existing federal limitations on the employment

of undocumented immigrants do not justify excluding undocumented immigrants from admission to the State Bar." Cantil-Sakauye was nominated to her position by former Gov. Arnold Schwarzenegger.



THE CALIFORNIA SUPREME COURT HANDED DOWN A DECISION PERMITTING SERGIO GARCIA, AN ILLEGAL ALIEN, TO OBTAIN A LICENSE TO PRACTICE LAW IN THE STATE, SIDESTEPPING THE OBVIOUS PROBLEM THAT, UNDER FEDERAL LAW, IT IS ILLEGAL FOR CLIENTS TO HIRE GARCIA TO REPRESENT THEM.

The Court noted that it is "extremely unlikely" that the federal government would enforce immigration laws against Garcia, since under the Obama administration's claim of prosecutorial discretion he would be classified as a low priority for removal. It is also unlikely that the current administration would take action against Garcia, or his clients, for violations of employer sanctions statutes.

The Supreme Court ruling clears the way for other illegal aliens to obtain California law licenses. It is also likely to be cited as precedent by illegal aliens in other states seeking admission to the bar, and by advocates for illegal aliens seeking similar legislative provisions for illegal aliens seeking other licenses.

## Obama Threatens More Administrative Amnesties if Congress Does Not Legislate One

President Obama began 2014 with a thinly veiled threat to the House Republican leadership: Pass a comprehensive illegal alien amnesty bill, or I will simply make an end run around Congress and implement amnesty on my own.

In televised remarks made at the year's first cabinet meeting, the president laid down the gauntlet. "We are not just going to be waiting for legislation in order to make sure that we're providing Americans the kind of help that they need...I've got a pen, and

I've got a phone. And I can use that pen to sign executive orders and take executive actions ... and I've got a phone that allows me to convene Americans from every walk of life."

Among the policy priorities the president said he would not "be wait-

HOUSE GOP ACCEPTS AMNESTY *continued*

Most notably, the principles include granting legal status to many of the estimated 12 million illegal aliens currently in the U.S. The document expresses support for granting “green cards” to illegal aliens who arrived in the U.S. as children (the so-called DREAMers), but stops short of endorsing a “pathway to citizenship” for other illegal aliens.

Congressional Democrats and President Obama have stated publicly that eventual citizenship for virtually all illegal aliens must be included in any legislation, or package of bills, if it is to win their approval. In response, GOP leaders have publicly discussed the idea of legalization without a “special pathway to citizenship,” meaning that if amnestied aliens establish some other claim to citizenship, such as through marriage to a U.S. citizen, they could acquire it that way.

The principles offered by the House GOP leaders also express support for other major provisions of the bill approved by the Senate. On the enforcement side, these include calls for improved border security and employment verification. The principles also call for significant expansion of future immigration. The document calls for increases in temporary worker visas for low-skilled workers and expansion of permanent immigration for workers with skills in technology.

The effort to craft these broad principles was led by Speaker John Boehner’s (R-Ohio) newly appointed immigration policy advisor, Rebecca Tallent. Tallent previously worked for Gang of Eight member Sen. John McCain (R-Ariz.) and for the busi-

ness-backed Bipartisan Policy Center. The “principles” document appears designed to satisfy competing interests and political objectives within the Republican Party.

These include the perceived need to appear to be “doing something” on immigration; to accommodate the business lobby, spearheaded by the U.S. Chamber of Commerce; to not alienate the party’s political base, which is opposed to amnesty; and the political desire to not hand President Obama a legislative victory, or distract from his and the Democrats’ other political liabilities. The timing of any legislation that embodies these principles will also be something of a juggling act. The Speaker is widely expected to delay any consideration of legislation until after the filing deadline for the primaries in order to protect Republican members from the wrath of their constituents raised by this immigration reform stance.

The House leadership principles assert vaguely that legalization would not occur until enforcement measures take effect, but that assurance is largely meaningless. The definition of effective enforcement is highly subjective, and it is inconceivable that having been granted “provisional” status illegal aliens would ever be subject to removal. Although the leadership principles sidestep the issue of citizenship for illegal aliens, it is untenable to have millions of people living legally in the United States who would be permanently blocked from becoming citizens.

Over the coming months, FAIR will be working with members and activists across the country to make members of Congress aware of how much their constituents oppose amnesty for illegal aliens and any increase to the current excessive levels of immigration.

As the showdown approaches, FAIR urges all members to sign up for our legislative alerts to receive up-to-the-minute information on what is happening in Congress and how true immigration reform activists can make their voices heard.



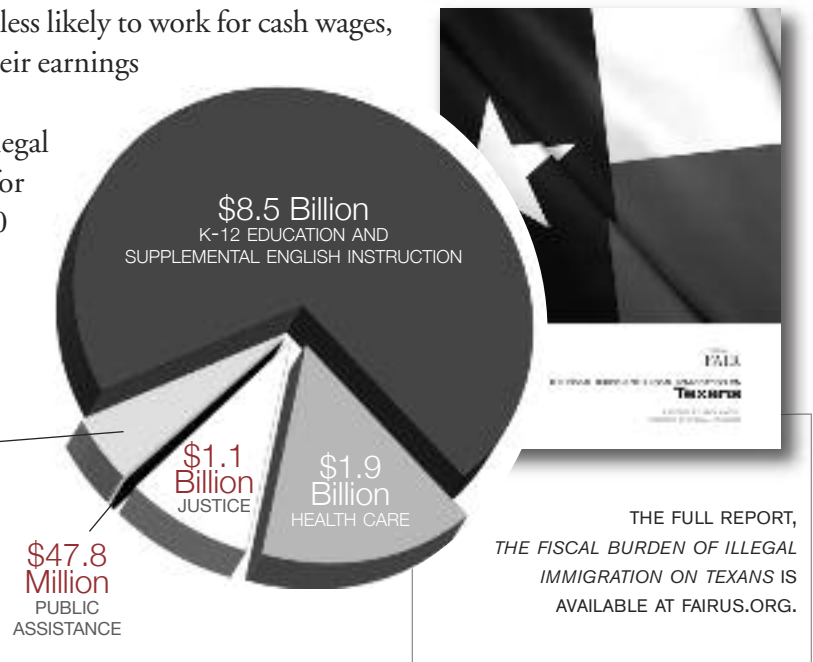
THE BURDEN ON TEXAS TAXPAYERS *continued*

workers were replaced by American workers who are less likely to work for cash wages, more likely to pay taxes, and more likely to spend their earnings in Texas rather than sending them abroad.

By far, the single largest cost associated with illegal immigration in Texas is for public K-12 education for the children of illegal aliens. There are about 235,000 kids in Texas who are themselves illegal aliens and an additional 629,000 children of illegal aliens who are citizens because they were born here.

Examining Texas's fiscal outlays from the perspective of the current debate over adopting an amnesty for illegal aliens, we find that the already huge costs would likely increase if the Senate's S.744 is enacted. In fact, it becomes clear that the only way to significantly reduce the fiscal burden is to reduce the size of the population that illegally entered the country.

Additionally, besides undermining respect for the law, any amnesty measure would only encourage future illegal immigration and put the illegal alien population on the path to collecting the full range of public benefits that currently are not legally available to them.

ADMINISTRATION NEGLECTS IMMIGRATION ENFORCEMENT *continued*

panic journalists in 2011, “a little deceptive.” A break-down of the numbers reveals that 64 percent of the removals credited to ICE involved illegal border crossers who were apprehended and returned at the border. In an attempt to make ICE's removal numbers appear more impressive than they really are, many illegal aliens apprehended by the Border Patrol are briefly transferred to ICE custody and counted as ICE removals.

Of the remaining 36 percent who were deported from the interior of the country, virtually all met the Obama administration's self-defined criteria for removal. These criteria generally include a felony conviction in the United States, illegal reentry into the country following deportation, or potential threat to national security. Only 8,331 aliens were deported in FY 2013 “merely” because they were violating U.S. immigration laws, even though the law prescribes deportation in such circumstances. Thus, with an estimated illegal population of 12 million, the chances of an illegal alien who does not meet one of the Obama ad-

ministration's priority definitions being deported was about 7-one hundredths of one percent in 2013.

Claims of vigorous immigration enforcement and “record” deportation levels are at the core of the administration's campaign for a legislated amnesty. Previous efforts to gain amnesty for illegal aliens have failed, in part, because the public does not believe that the government can be trusted to enforce immigration laws. Consequently, the Obama administration has put a lot of effort into convincing the American people that laws are being enforced and that illegal immigration is being effectively controlled.

Polls indicate that the American public has not put much stock in the administration's enforcement claims. With the release of the FY 2013 ICE data, the American people have evidence that supports their perceptions: By every available yardstick, immigration enforcement has been curtailed under the Obama administration.

GOODLATTE'S SMOKE SIGNALS *continued*  
 enforcement triggers. Goodlatte's own congressional website quietly dropped a definitive disavowal of amnesty. "[W]e must crack down on illegal immigration and enforce our current immigration laws ... [and] we must not grant amnesty to individuals who have broken our laws," read a statement on his website from last year.

When that omission was reported by the National Review, Goodlatte posted a new, but more equivocal, statement defining amnesty as a "special pathway to citizenship," but not ruling out legal status for illegal aliens. "I remain opposed to amnesty, as I always have been. I do not support a special pathway to citizenship that rewards those who have broken our immigration laws."



BOB GOODLATTE (R-VA.)

Goodlatte's smoke signals have been greeted enthusiastically by some supporters of amnesty. Stuart Anderson of the pro-amnesty National Foundation for American Policy estimated that the sort of legalization program without a "special pathway to citizenship" envisioned by Goodlatte would still result in between 4.4 and 6.5 million illegal aliens eventually winding up as U.S. citizens.

ADMINISTRATIVE AMNESTY THREAT *continued*

ing for" is immigration reform—which, in the parlance of the White House, means amnesty for illegal aliens. Mr. Obama's remarks were clearly directed at Speaker John Boehner (R-Ohio) and House Republicans, warning that if they do not pass the legislation he wants, he is prepared to assert executive authority to grant amnesty to most or all illegal aliens.

As recently as last November, President Obama acknowledged that only Congress has the constitutional authority to grant amnesty to illegal aliens. Speaking in San Francisco, the president said, "if in fact I could [legalize millions of illegal aliens] without passing laws in Congress, then I would do so. But we're also a nation of laws. That's part of our tradition."

If it seems like *déjà vu* all over again, it is. Twice during the year leading up to the announcement of the Deferred Action for Childhood Arrivals program, the president stated publicly that he lacked the constitutional authority to grant amnesty to illegal aliens who might have qualified for the DREAM Act (which Congress defeated in 2010). Nevertheless, in June 2012, the president announced that illegal aliens under age 31 would be granted temporary permission to live and work legally in the U.S. In 2013, his administration extended similar amnesties to some illegal alien relatives of U.S. military personnel and veterans, and illegal alien spouses of U.S. citizens who entered under the Visa Waiver Program.

President Obama's January 14th White House remarks are not only a threat to the integrity of U.S. immigration laws, but a direct challenge to Congress's constitutional authority to make those laws. Unfortunately, except for a relatively small number of members, Congress has remained silent and failed to take any action in response to the president's usurpation of their authority over immigration policy.

FAIR HAS CONSISTENTLY POINTED OUT THE OBAMA ADMINISTRATION'S ABUSE OF EXECUTIVE AUTHORITY TO GRANT LEGAL STATUS TO ILLEGAL ALIENS, AND HIS CLAIMED DISCRETIONARY AUTHORITY TO IGNORE IMMIGRATION LAWS. IN ADDITION TO FIGHTING EFFORTS TO ENACT AMNESTY LEGISLATION IN 2014, WE WILL CONTINUE TO RAISE PUBLIC AWARENESS ABOUT THE DANGER OF UNILATERAL (AND UNCONSTITUTIONAL) ACTION ON THE PART OF THE WHITE HOUSE TO GRANT BROAD AMNESTY BY EXECUTIVE FIAT.

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