



**FAIR** FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration

## REPORT

FEBRUARY 2012

## Inspector General Reports Political Pressure to Approve Visas

A report by the Office of the Inspector General (OIG) reveals that career professionals at the U.S. Citizenship and Immigration Services agency (USCIS) are being pressured by senior officials at the agency to rubber stamp visa applications, even when they suspect fraud or ineligibility. The OIG conducted its investigation at the request of Sen. Charles Grassley (R-Iowa) and released its findings in early January.

According to the OIG, 25 percent of USCIS officers surveyed report that superiors at the agency asked them to approve immigration benefits that, in their professional judgment, should have been denied. And, according to Sen. Grassley's office, USCIS personnel who refused to comply with those requests face retribution in the form of demotions or transfers, while the cases are handed off to more compliant officers.

Career USCIS officers complain that under the current political leadership of the agency, the directive is to

“find a way to get to yes.” These orders appear to come from the very top of the agency's management. According to allegations made to Sen. Grassley's office, USCIS employees at the California office complained that a “visibly agitated” USCIS Director Alejandro Mayorkas asked them, “Why would you be focusing on [fraud] instead of approvals?”

**90%** OF THE EMPLOYEES INTERVIEWED BY OIG REPORTED THAT THEY ARE NOT GIVEN ADEQUATE TIME TO INTERVIEW PEOPLE SEEKING GREEN CARDS AND OTHER IMMIGRATION BENEFITS. ... THE SPEED AT WHICH IMMIGRATION OFFICERS MUST PROCESS CASES LEAVES AMPLE OPPORTUNITIES FOR CRITICAL INFORMATION TO BE OVERLOOKED.

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## ICE Officers Union Says Members Not Sufficiently Trained to Implement Backdoor Amnesty

The National ICE Council, the union representing some 7,000 career ICE personnel, is refusing to allow its members to participate in a training course intended to teach them how to implement the Obama administration's backdoor amnesty program, charging that the training is inadequate. The refusal of the union to participate is expected to delay implementation of policy changes announced last August.

The union, through its president Chris Crane, has repeatedly expressed concerns about being cut out of the policymaking process. In 2010, the National ICE Council expressed "no confidence" in the agency's senior management, including Morton. In addition, the union has complained that they were not provided a seat at

the table as the policies now being implemented were formulated. The White House held a series of meetings with immigration policy "stakeholders," but participation was limited to those advocating amnesty and non-enforcement. "Law enforcement and public safety have taken a back seat to attempts to satisfy immigrant advocacy groups," Crane testified before a congressional committee last October.

The half-day training sessions are designed to provide guidance to ICE personnel about when to exercise "prosecutorial discretion." Under the new policy, cases involving "low priority" immigration law violators are to be dismissed and new ones not initiated, while ICE focuses manpower and resources nearly exclusively on removing "high priority" criminal aliens.

The National ICE Council denies that it is resisting or delaying implementation of the training program or the backdoor amnesty

program. "[W]hile the union has voiced strong concerns and disagreement regarding the policy, the union did not delay the Prosecutorial Discretion Policy itself, but only demanded training and a role in developing training," Crane said in a press release. The union finds the half-day training being offered to be wholly insufficient given the enormity of the policy changes being implemented. Crane said that officers in the field have been provided "a very, very small, insignificant amount of information" by ICE and that his members are "completely clueless" about how the sweeping changes are to be implemented.

It is not clear how long the union's objections to the training policies will delay full implementation of the administration's backdoor amnesty. But the move by the National ICE Council does buy Congress time to exercise the oversight that has thus far been lacking.

"LAW ENFORCEMENT AND PUBLIC SAFETY HAVE TAKEN A BACK SEAT TO ATTEMPTS TO SATISFY IMMIGRANT ADVOCACY GROUPS."

—CHRIS CRANE, PRESIDENT  
NATIONAL ICE COUNCIL

## Immigration REPORT

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### FAIR Immigration Report

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## Former La Raza Official to Direct White House Domestic Policy Council

The policy initiatives implemented by the Obama administration over the past year make it clear how important the president believes immigration is to his reelection chances. Putting an exclamation point on his effort to shore up his support from hardcore amnesty activists, President Obama appointed Cecilia Muñoz to direct his Domestic Policy Council. Muñoz was the long-time vice president of the National Council of La Raza, where she was their chief immigration advocate for 20 years. Since 2009, she has served as White House Director of Intergovernmental Affairs.

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Newly appointed Director of Domestic Policy Council  
Cecilia Muñoz

## Temporary Protected Status Becomes Permanent Crutch

When Congress created the Temporary Protection Status (TPS) program twenty years ago, the intent was to allow citizens of foreign countries to remain in the United States for a short period in response to a natural or manmade disaster in their homelands. Since its inception, TPS has been anything but temporary, as beneficiaries of the program, their advocates, and even their own governments have lobbied for endless extensions to their stay here.

The latest evidence of the abuse of the program was the extension of

TPS for Salvadorans announced in early January. TPS for Salvadorans was first granted in 2001 after a series of earthquakes struck the Central American country. The latest extension will allow some 215,000 Salvadorans to remain through late 2013. Many of those who benefited from TPS were illegal aliens who had no intention of returning home.

According to the Department of Homeland Security (DHS), “El Salvador remains unable, temporarily, to handle adequately the return of its nationals.” The real reasons for the ex-

ension however, suggests *Politico*, have more to do with politics than conditions in El Salvador. The Capitol Hill newspaper observes that “the president’s approval ratings among Latino voters have flatlined,” and this represents another effort to energize his base. *Politico* also noted a recent visit to Washington from Salvadoran Foreign Minister Hugo Martinez who pressed DHS for the extension. “Remittances from expatriate Salvadorans in the United States help keep that country’s economy afloat,” *Politico* noted.

## Cook County's Obstruction Goes Too Far, Even for ICE

**W**hile the Obama administration has moved aggressively against states and local governments that try to enforce federal immigration laws, they have largely turned a blind eye to jurisdictions that ignore or obstruct immigration enforcement. But an ordinance approved by Cook County, Ill., last September goes too far even for administration officials.

allowing ICE agents access to individuals or allowing ICE to use County facilities for investigative interviews or other purposes. In addition, County personnel “shall not respond to ICE inquiries or communicate with ICE regarding individuals’ incarceration status or release dates.”

In a January 4 letter to Cook County Board President Toni

than three times the legal limit at the time of the accident. Chavez had a previous DUI conviction and ICE sought a detainer to keep him in custody. The County refused and allowed Chavez to make bail. He has since absconded from justice and is believed to be hiding out in Mexico.

Morton’s letter did not threaten any specific legal action against

IN A JANUARY 4 LETTER TO COOK COUNTY BOARD PRESIDENT TONI PRECKWINKLE, ICE DIRECTOR JOHN MORTON CALLED THE ORDINANCE A “SERIOUS IMPEDIMENT” TO IMMIGRATION ENFORCEMENT THAT “UNDERMINES PUBLIC SAFETY.”



Cook County, Ill. Board President Toni Preckwinkle

The policy of Cook County, which includes President Obama’s Chicago home, is to ignore detainer requests from Immigration and Customs Enforcement (ICE) unless very specific requirements are met. The ordinance prohibits local law enforcement officials from responding to ICE inquiries or sending them immigration data. In addition, the Sheriff’s Department is barred from

Preckwinkle, ICE Director John Morton called the ordinance a “serious impediment” to immigration enforcement that “undermines public safety.” The letter was sent after a high profile incident in which the accused killer of an innocent pedestrian was set free as a result of the ordinance. The driver, Saul Chavez, is an illegal alien and had a blood alcohol level of more

Cook County and Preckwinkle remained defiant, promising that the ordinance will remain in effect. Cook County is one of a growing number of jurisdictions that refuse to hold aliens who have been arrested for serious offenses for ICE. In November, New York City implemented a similar ordinance protecting illegal aliens who have been arrested for other offenses.

## DHS Proposes Waiving the Ban on Legal Readmission for Some Illegal Aliens

**D**uring 2011, the Obama administration accelerated the pace of its dismantlement of effective immigration enforcement and implementation of its backdoor amnesty program. As the calendar turned over to 2012, their pace has not slowed down. During the first week of the new year, the Department of Homeland Security (DHS) proposed an administrative rule that would allow many illegal aliens to get around a law that bars them from being legally admitted to the U.S. for up to ten years.

UNDER THE RULE CHANGE PROPOSED BY DHS, ILLEGAL ALIENS SEEKING A WAIVER OF THE THREE OR TEN YEAR BAN WOULD BE ABLE TO DO SO WITHOUT LEAVING THE COUNTRY. THEY WOULD ONLY HAVE TO RETURN TO THEIR HOMELANDS TO PICK UP THEIR VISAS.

Congress adopted penalties in 1996 against illegal aliens returning to the U.S. on a visa until after several years had passed as a way to discourage illegal immigration and marriage fraud. Under the law, aliens who have been in the United States illegally between 180 days and one year are barred from being legally readmitted for three years. Aliens who have been in the country illegally for more than one year are inadmissible for ten years. The bar to readmission applies whether the alien is deported, or leaves the country voluntarily.

The law includes a waiver provision if the alien is the spouse or parent of a U.S. citizen and his or her inadmissibility results in “extreme hardship” for citizen family members. Currently, illegal aliens seeking such a waiver must leave the United States and apply for a waiver in their home country. Under the rule change proposed by DHS, illegal aliens seeking a waiver of the three or ten year ban would be able to do so without leaving the country. They would only have to return to their homelands to pick up their visas.

The proposed rule would allow spouses and parents of U.S. citizens to apply for waivers from within the U.S. if they are:

- The beneficiaries of a green card application;
- Inadmissible only due to their illegal status;
- Able to establish that being barred from readmission would result in extreme hardship to U.S. citizen family members; and
- Able to establish they merit favorable exercise of discretion.

As the Morton memos that form the basis of DHS’s non-enforcement policy make clear, the administration intends to broadly exercise discretion not to enforce laws against immigration law violators unless they have been convicted of another serious offense while in the U.S. Given the track record, there is strong reason to believe that DHS will favorably consider just about any claim of “extreme hardship.” It is also unlikely, given administration policy, that even if an applicant is denied a waiver that they would be deported and, therefore, would not be affected by the reentry bar.

Waivers for spouses and parents of U.S. citizens may only be the first step in a broader plan to get around the congressional ban on readmission. At a “stakeholders”



OIG REPORT “PRESSURE” *continued*

Not only are USCIS officers under pressure to “get to yes,” but to get there in a hurry. Ninety percent of the employees interviewed by OIG reported that they are not given adequate time to interview people seeking green cards and other immigration benefits. The report concludes that the speed at which immigration officers “must process cases leaves ample opportunities for critical information to be overlooked.” The report also indicates that it takes officers “significantly less time and effort” to approve a case than it takes to deny the case or take other actions, such as request more information.

The OIG report is doubly troubling because its release came just as USCIS’s sister agency, Immigration and Customs Enforcement (ICE) was set to begin review of some 300,000 pending deportation cases. The review is a further step in the Obama administration’s effort to implement its backdoor amnesty policy. Under a plan announced last year, ICE is slated to review all pending cases with the intent of dismissing those that do not meet the administration’s definition of “high priority.”

There can be little doubt that the objective of the Obama administration is to dismiss as many of the 300,000 pending deportation cases as they possibly can, and do so in time to score political points with a special interest constituency before the November election. There is also strong reason to believe that the same pressures being applied to USCIS officials will be brought to bear on ICE employees as they undertake the review process. “Get to dismissed” and get there quickly is likely to be the directive from the top brass at ICE who formulated the backdoor amnesty strategy.

Last fall, FAIR sent letters to members of the Senate Appropriations Committee, urging them to block funding for the review process. Thus far they have not acted. Given the findings of the OIG, it is even more critical that Congress act to rein in an administration that is bent on dismantling U.S. immigration enforcement and which is willing to engage in intimidation of government workers to carry out a political agenda.

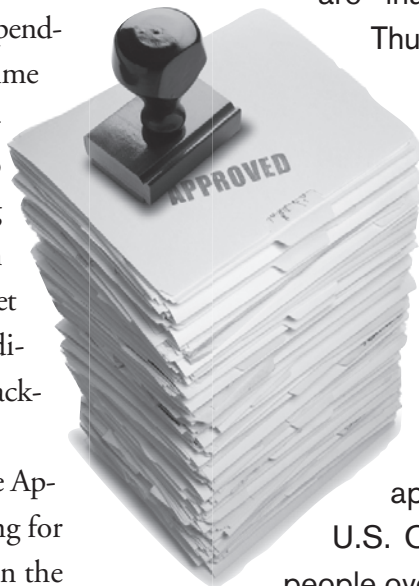
## Rubber Stamping Visas Part of Strategy to End Illegal Immigration?

A key element of the Obama administration’s strategy to push ahead with amnesty – by executive action or legislatively – is to convince the American public that illegal immigration is under control. The president has declared that our borders are more under control than they have ever been, while administration officials and their allies have been busy spreading the word that illegal immigration has slowed to a trickle.

The Office of the Inspector General’s new report sheds new light on this subterfuge. The report concluded that U.S. Citizenship and Immigration Services (USCIS) personnel are pressured to approve visas, even when they believe that the applicants are inadmissible to the U.S.

Thus, people who might otherwise have attempted to enter the United States illegally are being granted permission to walk through the front door.

Consulates in Mexico report an increase in the approval of visas to the U.S. Only subsequently, when people overstay their visas, do they become illegal aliens. In the meantime, the Obama administration can claim credit for dealing with illegal immigration and press its case for amnesty.



# Did you know...

## 2010 APPREHENSIONS OF ILLEGAL ALIENS: TOP TEN NATIONALITIES

|  |                |
|--|----------------|
| <b>1. Mexico</b> .....                   | <b>427,940</b> |
| <b>2. Guatemala</b> .....                | <b>23,068</b>  |
| <b>3. El Salvador</b> .....              | <b>18,520</b>  |
| <b>4. Honduras</b> .....                 | <b>17,899</b>  |
| <b>5. Ecuador</b> .....                  | <b>2,363</b>   |
| <b>6. Brazil</b> .....                   | <b>2,232</b>   |
| <b>7. Dominican Republic</b> .....       | <b>2,076</b>   |
| <b>8. China, People's Republic</b> ..... | <b>1,970</b>   |
| <b>9. India</b> .....                    | <b>1,672</b>   |
| <b>10. Nicaragua</b> .....               | <b>1,347</b>   |

### FORMER LA RAZA VP IN THE WHITE HOUSE *continued*

Muñoz now becomes the president's top advisor on domestic affairs, where she will oversee policy making on a host of issues, including immigration policy. Her input into the backdoor amnesty program now being implemented has already been significant. John Morton, Director of Immigration and Customs Enforcement (ICE), testified last fall that Muñoz provided substantial assistance in preparing the memos that serve as the basis for the backdoor amnesty policy.

Naturally, the illegal alien advocacy network is elated. America's Voice, a strident pro-amnesty group, described Muñoz as "a tireless champion of Latinos in the U.S. and long overdue immigration reform specifically." The National Hispanic Leadership Agenda hailed the appointment as an opportunity to move "forward with the DREAM Act and comprehensive immigration reform."

### DHS WAIVES LEGAL READMISSION BAN *continued*

meeting organized by U.S. Citizenship and Immigration Services (USCIS) and attended by two FAIR staff members, Peggy Gleason of the USCIS Ombudsman's Office stated that the next objective is to grant similar exemptions to extended family members of U.S. citizens.

DHS's justification of the rule change is that it would create "a more streamlined and efficient process...while simultaneously minimizing family separation." However, in memos written by USCIS officials

in 2010, the waiver of the three to ten year ban on readmission was described as a way to circumvent Congress and grant administrative amnesty to illegal aliens who have citizen spouses or children.

The January announcement was not a formal proposal of a rule change. That will likely come in the spring, followed by a 60-day period for public comment, meaning that the plan would not go into effect until the summer.

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