



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration REPORT

FEBRUARY 2015

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## House Votes to Try to Defund Obama's Unlawful Amnesties, Senate Dems Block It

**A**s one of its first orders of business in the new 114th Congress, the House of Representatives voted on January 14 to prohibit the Department of Homeland Security from using any federal money or fees collected to implement the Obama administration's plan to grant amnesty and work authorization to some 5 million illegal aliens. In addition, the House restricted DHS spending to expand on the president's

2012 Deferred Action for Childhood Arrivals (DACA) amnesty. These provisions were included in a \$39.7 billion DHS Appropriations measure funding DHS through the remainder of Fiscal Year 2015.

The amendment defunding the sweeping amnesty announced by the president in November, introduced by Representatives Robert Aderholt (R-Ala.), Mick Mulvaney (R-S.C.), and

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## Paris Attacks Illustrate the Dangers Posed by Lax Immigration Enforcement

**T**he first battle over immigration policy in the 114th Congress took place against the backdrop of deadly attacks by Islamic terrorists against a satirical newspaper, a kosher supermarket, and an industrial print shop in Paris. While the attacks occurred on the other side of the Atlantic, leading security experts warned that all Western nations, including the United States, are under threat of similar attacks.

Andrew Parker, the director of Brit-

ain's MI5 intelligence agency, warned bluntly that "A group of core al-Qaeda terrorists in Syria is planning mass casualty attacks against the West." At the same time, Sen. Dianne Feinstein (D-Calif.), who up until two weeks earlier chaired the Senate Intelligence Committee, said, "I think there are sleeper cells not only in France but certainly in other countries and, yes, in our own." Feinstein also warned that the Visa Waiver Program, which allows citi-

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**DEFUNDING AMNESTY** *continued*

Lou Barletta (R-Pa.), was approved by a 237-190 vote. The amendment barring the expansion of DACA, introduced by Rep. Marsha Blackburn (R-Tenn.) passed by a 218-209 margin.

The action by the House was an important first step toward reining in President Obama's abuse of executive authority. The effort to include defunding language in the Senate DHS Appropriations bill faced a much more difficult hurdle, where 60 votes were needed to effectively ensure passage. Republicans control 54 seats, meaning that at least six Democrats were needed to adopt the defunding provisions. Six Democrats, Jon Tester (Mont.), Joe Manchin (W.V.), Joe Donnelly (Ind.), Claire McCaskill (Mo.), Mark Warner (Va.), and Heidi Heitkamp (N.D.), and one Independent, Angus King (Me.) were on record opposing the use of executive authority to bypass Congress's authority, but opposed inclusion of defunding language. In addition, one Republican, Dean Heller (Nev.), also voted to allow the president to begin implementing his amnesty program.

By late January the Senate had

not acted on its version of the DHS spending bill. In addition, President Obama has threatened on repeated occasions, including his State of the Union address, to veto a DHS Appropriations bill that includes defunding provisions. In essence, the president would be holding the operations of DHS hostage to his unlegislated amnesty programs, while blaming the House for any interruptions in DHS functions.

In reality, however, the House approved a 'clean' bill that fully funds DHS through the end of September, while the president and his allies in the Senate are demanding the authority to divert monetary and manpower resources to carry out an amnesty that was never enacted by Congress. At a time when the threats posed by international terrorist organizations are greater than at any time since 9/11, the 'clean' House spending bill ensures that all of the resources made available are put to use defending the country from attack.

FAIR strongly supports the defunding language in the House bill, but believes that much more needs to

be done. A stronger bill, introduced a week before passage of the House Appropriations bill by Aderholt, Barletta, and Lamar Smith (R-Texas), would have prohibited the president from granting work authorization to any illegal alien granted deferred action or parole, and rolled back many of the actions taken by the Obama administration over the past six years to gut meaningful immigration enforcement.

Though the Aderholt-Barletta-Smith bill enjoyed substantial support from the House Republican caucus, the leadership pushed to include only the defunding language in the DHS Appropriations bill.

**FAIR is working with true immigration reform advocates in Congress to rein in President Obama and push him to enforce immigration laws enacted by Congress.**

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# *Did you know?*

Of the 36,007 criminal aliens released from ICE custody in 2013, 1,000 have been convicted of **new, violent crimes.**

SOURCE: SENATOR CHUCK GRASSLEY (R.-IOWA), WWW.GRASSLEY.SENATE.GOV

## PARIS ATTACKS *continued*

zens of 38 nations to enter the U.S. without a visa, is the “Achilles’ heel” of America’s defense against Islamic terrorist groups. (Ironically, despite her dire warnings, Sen. Feinstein remains committed to the president’s amnesty program.)

At a time when the risk to homeland security is greater than at any time since the attacks of 9/11, the president’s determination to implement an unlegislated amnesty program threatens to divert significant

Department of Homeland Security resources and manpower to legalizing millions of illegal aliens. Given that some 5 million illegal aliens would benefit from the Obama amnesty, there is a strong possibility that unidentified “sleeper” terrorists, could gain legal status in the U.S., greatly enhancing their ability to plan and execute attacks.

The Paris terrorists, like others who have perpetrated attacks in Europe, carry Western passports

that allow them to enter the United States without prior screening by U.S. consular officers in their home countries. Because of the prevalence of terrorists with Western citizenship, FAIR has long advocated repeal of the VWP.

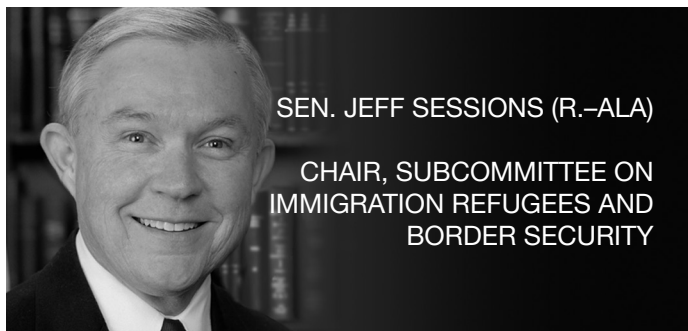
The attacks in Paris illustrate graphically the significant homeland security threats as well as the risks that would result from implementation of the president’s massive amnesty program.

## A Firm Hand: Jeff Sessions Named to Chair Senate Immigration Subcommittee

The shift in control of the United States Senate from a Democratic to a Republican majority is certain to bring about many changes. From the perspective of true immigration reform, none will be more important than Sen. Jeff Sessions (R-Ala.) taking over the chairmanship of the Judiciary Committee’s Subcommittee on Immigration, Refugees and Border Security. During his 18 years in the Senate, Sessions has distinguished himself as that body’s foremost advocate for true immigration reform and defender of the American public’s interest in immigration policy.

During the 113th Congress, Sessions was relentless in his opposition to the Gang of Eight amnesty and guest worker bill, often confronting the leadership of his own party. In accepting the chairmanship of the Immigration Subcommittee, Sessions pledged that his focus over the next two years “will be to advance the core interests of the nation and its people. On no issue have special interests had a tighter grip than on the issue of immigration.”

The appointment of Sessions to succeed Chuck Schumer (D-N.Y.) as head of the Immigration Subcommittee marks the second important shift in leadership of the Judiciary Committee. Another advocate of true



SEN. JEFF SESSIONS (R.-ALA.)  
CHAIR, SUBCOMMITTEE ON  
IMMIGRATION REFUGEES AND  
BORDER SECURITY

immigration reform, Chuck Grassley (R-Iowa) will chair the full committee, taking over from Patrick Leahy (D-Vt.).

Sessions noted that the “first urgent task” of his subcommittee will be “to rally the nation behind an effort to halt the president’s unlawful amnesty,” while Grassley vowed to use the confirmation hearings for Obama’s attorney general appointee, Loretta Lynch, to raise constitutional concerns about the president’s abuse of executive authority in the area of immigration policy.

Over the years, FAIR has worked closely with both Sessions and Grassley and looks forward to continuing that relationship with them in their new roles as subcommittee and full committee chairmen.



# Across the Country

## • *California* •

On the first business day of the new year, California began issuing driver's licenses to illegal aliens. Illegal aliens are now eligible for licenses under AB 60, a bill passed by the California Legislature and signed into law by Gov. Jerry Brown in 2013. If the first two weeks are any indication, illegal aliens are eager to take the state up on its offer. By the end of the second week, the state had processed nearly 50,000 applications and had issued more than 25,000 licenses to illegal aliens. To deal with the flood of illegal aliens seeking driver's licenses, the DMV has added some 900 employees. About 1.4 million illegal aliens in California are expected to apply for licenses over the next three years, costing state taxpayers an estimated \$220 million.

## • *Colorado* •

Colorado was among eight states that passed laws allowing undocumented immigrants to obtain drivers licenses or other identification in 2013. However, Colorado was also one of many states where a Republican took control of the State Legislature last November. Among the messages sent by the people of Colorado was their desire to end unnecessary benefits and services to illegal aliens, and now they are seeing the results. In mid-January, the Colorado Joint Budget Committee rejected a plan that would allow supplemental state funding to be used in issuing drivers licenses to undocumented immigrants. Although the program will continue to be funded by application fees, the lack of state funding will diminish the office's ability to function at current levels. *The Denver Post* estimated that "some of the 150,000 in Colorado seeking licenses would have to wait more than four years. With only one office offering the service, that wait could jump to more than 16 years."

## • *Vermont* •

Like California, Vermont also issues driver's licenses to illegal aliens. The Vermont policy, which went into effect a year ago, was intended to provide licenses to an estimated 3,000 illegal aliens living in the state. Now state officials are shocked to discover that Vermont has become a magnet for illegal aliens across the northeast seeking licenses. The state DMV has found that illegal aliens, mostly residing in neighboring Massachusetts and New York, have been providing false Vermont addresses in order to obtain licenses. A Vermont DMV official also reported unscrupulous opportunists are cashing in on the state's policy. Fifteen illegal aliens from New York City were charged \$2,000 a piece by intermediaries to help them get Vermont licenses. Illegal alien advocates were also distressed to discover that people falsely claiming residency in Vermont could suffer consequences as a result. A Massachusetts-based advocacy group complained that, "In some circumstances, applicants have been paid a visit by immigration authorities at their homes three or four days after they had visited the DMV to apply for their license, leading to the suspicion that only the DMV could have tipped off immigration authorities."

## • *Virginia* •

The Virginian State Senate decided against saving state taxpayers millions of dollars in college tuition benefits for illegal aliens. A ruling by state Attorney General Mark Herring declared that illegal aliens who receive deferred action under President Obama's various administrative amnesty programs, or who are granted Temporary Protected Status, are also eligible for subsidized in-state tuition rates at public Virginia colleges and universities. In response, Sen. Dick Black (R-Sterling) introduced legislation to bar such individuals from receiving in-state tuition based on the reasoning that they do not "have the capacity to intend to remain in Virginia indefinitely." Black's bill, SB 722, was narrowly defeated by a 20-19 vote, meaning that Virginia taxpayers will be required to subsidize higher education for illegal aliens.



## **GOP's McCaul Promotes Weak Border Security Bill as Prelude to Amnesty and More Guest Workers**

In January, the Republican leadership began telegraphing its immigration game plan for the 114<sup>th</sup> Congress:

Step 1: Complain loudly about the president's abuse of executive authority to grant amnesty to millions of illegal aliens.

Step 2: Pass a weak border enforcement bill, claiming that it fulfills their promise to address enforcement first.

Step 3: Expand guest worker programs for skilled and low-skilled workers to satisfy business interest demands.

The House promptly passed legislation to defund the president's new amnesty program and prevent expansion of the 2012 DACA amnesty. However, leading Senate Republicans began downplaying the

likelihood of getting defunding language into the Senate's Homeland Security funding bill. Instead, prominent Senate Republicans, like Marco Rubio (Fla.), began urging that the new GOP majority turn its attention to border security.

The leadership-anointed vehicle for border security legislation is Rep. Michael McCaul's (R-Texas) Border Security First Act of 2015, H.R. 399. H.R. 399 is a loophole-ridden bill that rolls back the scope of previously passed, but never implemented, border enforcement legislation. The bill sets forth detailed requirements, to be completed within seven years, for modest increases in border fencing (though less than required under a 2006 law), technology and manpower, while granting the Customs

and Border Protection (CBP) agency broad discretion to ignore those requirements.

H.R. 399 also requires an operational biometric entry/exit tracking system at all land, sea and air ports of entry. That system is already required by law and the seven-year timeline for implementation means that even if all deadlines are met, we would not have a fully operational system for tracking foreign nationals admitted on temporary visas until 2022.

While the McCaul bill has the backing of the House leadership, it is less popular with other congressional Republicans. Sen. Jeff Sessions, who will chair the Immigration Subcommittee in the 114<sup>th</sup> Congress, scoffed at claims that H.R. 399 is "the toughest border

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## **FAIR Alerts Congress: Special Treatment for Cubans Needs to Be Replaced**

On December 17, President Obama announced sweeping changes in U.S.-Cuban relations, which will end a long-standing trade embargo and lead to full diplomatic ties between the two nations. (FAIR takes no position on the decision to re-establish relations with Cuba.) But one thing that apparently will not change is the Cuban Adjustment Act, a 50-year-old law that allows Cubans who reach the United States to remain here and gain permanent residency after one year.

"We explained to the Cuban government that our government is completely committed to upholding the Cuban Adjustment Act, that the sets of migration-related policies



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WEAK SECURITY BILL *continued***Our porous borders are symptomatic of the problem, not the problem itself.**

security bill ever.” Rep. Dave Brat (R-Va.), who used House Majority Leader Eric Cantor’s support for amnesty to defeat him in a primary last year, stated bluntly that, “A border security bill should do what its name suggests and this thing—the McCaul bill—still leaves enforcement in President Obama’s hands.”

Enhancing border security is important, but even a good bill focused narrowly on the border will not adequately address the illegal immigration crisis. Our porous borders are symptomatic of the problem, not the problem itself. Under the Obama administration, illegal aliens no longer have to sneak across the border. Would-be illegal aliens understand that they can turn themselves in to border authorities and the likely result will be their release into the U.S., often with work authorization. As Kenneth Palinkas, president of the union representing U.S. Citizenship and Immigration Services workers, noted, “Almost anyone at all can call themselves an asylum-seeker and get in; it’s a global joke.”

Illegal aliens also understand that interior and workplace enforcement has been gutted and that there is no credible threat that they will be removed once here. Nothing in H.R. 399 would compel this or subsequent administrations to enforce countless existing immigration laws now being ignored.

Worse yet, passage of the “Border Security First Act” would allow the Republican leadership to claim that they have fulfilled their promise to address enforcement first (even though, under the best case scenario, none of the minor improvements would take effect for seven years). Enacting this weak bill would provide the political cover they need to satisfy the demands of the business lobby for greatly expanded access to guest workers and perhaps lead to a Republican amnesty bill.

For these reasons, FAIR is opposing H.R. 399 as an attempt to deceive the American people into believing that illegal immigration is being dealt with effectively, and using it as a prelude to fulfilling the demands of the business and amnesty lobbies. True immigration reform requires not just improved deterrents at the border. It requires Congress to compel the president to enforce laws already on the books and to enact new laws that make it clear that illegal aliens will not benefit by coming to the U.S. illegally. Unfortunately, H.R. 399 falls far short of the mark.

U.S./CUBA RELATIONS *continued*

that are colloquially known as wet foot/dry foot very much remain in effect,” stated Alex Lee, a spokesman for the State Department. FAIR has long supported repeal of the Cuban Adjustment Act and the so-called wet foot-dry foot policy as outdated relics of the Cold War.

While encouraging outward migration, especially of political dissidents and criminals, was often the policy of the Cuban government under Fidel Castro, it appears to be less so under Raul Castro. During bilateral negotiations aimed at carrying out the agreement between Obama and Raul Castro, the current Cuban leadership expressed concern that U.S. policies encourage some of Cuba’s most able citizens to migrate to the U.S. Josefina Vidal, Cuba’s chief negotiator at the talks, charged that the policy amounts to a “reprehensible brain drain.”

The current Cuban position stands in marked contrast to that of the government of Mexico. For decades, Mexico has actively encouraged the outward migration of its citizens. In recent months the Mexican government has offered to subsidize the application costs for citizens residing illegally in the U.S. who qualify for deferred action and work authorization under President Obama’s 2012 DACA program. And, in response to Obama’s broader amnesty announced in November, the government has changed its policy about issuing Mexican birth certificates in this country to its citizens who are living here.

Until now, the Mexican government required its citizens seeking copies of their birth certificates to apply in person, or through a relative, in the city in which they were born. But, in order to maximize the number of Mexicans who can take advantage of the latest Obama amnesty offer, all 50 Mexican consulates in the U.S. will begin issuing birth certificates (although it is not clear how they will verify the identities of those seeking these birth records).

## Busting Limits: Guest Worker Bill Would Ensure Big Business Unfettered Supply of Foreign Labor

Once the congressional Republican leadership makes good on its faux promise to do “enforcement first” by passing a weak border security bill (H.R. 399, the Border Security First Act), the next item up on the 2015 immigration agenda is a massive increase in guest workers. Ready and waiting is a Senate bill, known as the Immigration Innovation Act of 2015 (S.153), sponsored by Senators Orrin Hatch (R-Utah), Amy Klobuchar (D-Minn.), Marco Rubio (R-Fla.), Chris Coons (D-Del.), Jeff Flake (R-Ariz.), and Richard Blumenthal (D-Conn.).

S. 153 purports to increase the current cap on admission of skilled H1-B workers from 65,000 annually to 115,000. In reality, the increase would be much greater. Admissions could reach as high as 195,000 H1-B workers in a given fiscal year if early filings by employers seeking guest workers exceed the 115,000 cap. The bill would also do away with the current 20,000 visa

cap for foreign students who earn advanced degrees at U.S. universities, and authorize the employment of H1-B spouses. The visas do not require any finding that qualified U.S. workers are unavailable.

The legislation is designed to satisfy the demands of high tech and other business interests for even greater access to lower cost foreign labor. The huge increase in skilled workers called for in S. 153 comes amid growing evidence of a tech worker glut in the United States. According to Norman Matloff, a professor of computer sciences at the University of California, Davis, wages for recently graduated workers with Science, Technology, Engineering and Math (STEM) degrees are in a sharp downward spiral. Ex-

amining data from the National Association for Colleges and Employers, Matloff reports that starting salaries for workers in those fields are expected to decline by 9 percent this year. Moreover, the situation is even worse for mid-career STEM professionals, Matloff claims.

Business interest groups, including agriculture and other lower skilled industries, are certain to be lining up behind the tech industry to have their demands for more guest workers similarly satisfied. These demands are being pressed at a time when more than 90 million working age Americans are currently outside the labor force, many more are involuntarily working part-time, and wages are stagnant or declining for most Americans.

As long as we have large surpluses of workers available to do the jobs that need to be done in this country, FAIR will continue to oppose any exploitative expansion of guest worker programs.

## New Research from FAIR

### ANALYZING THE WHITE HOUSE'S FUZZY MATH

An economy that rewards those who are most willing to break the law is not a sound one, and the fact that the president's executive actions on immigration are unconstitutional and illegal must not be overlooked when discussing their economic effects.

In a new Issue Brief, FAIR's Director of Research, Eric Ruark, scrutinizes a new White House report, *The Economic Effects of Administrative Action on Immigration*.



Read the new Issue Brief  
**White House Report  
Confirms Executive Actions  
Will Harm American  
Workers, Taxpayers**  
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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. This new year, 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.

Additionally, if you have a taxable estate, you may benefit from estate tax savings. This means that you can preserve and give more of your estate to your family.

Begin your legacy today through bequest giving. And if you have already included us in your plans, please let us know so that we may recognize and thank you.



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