



## Inside. . .

The Missing Piece In Paul Ryan's 200-Day Agenda  
**PAGE 2**

Former AG Eric Holder Continues To Fight... For The Wrong Side  
**PAGE 4**

Across The Country  
**PAGE 5**

Obama Administration Self-Congratulatory Rating On Immigration Enforcement  
**PAGE 6**

More Money Leaves U.S. For Mexico  
**PAGE 7**



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## President Trump's Immigration Promises: FAIR Will be There to Judge His Performance

**O**n January 20, Donald J. Trump took the oath of office and became America's 45th president. Without question, his promise to carry out true immigration reform that serves and protects the interests of the American people was a critical factor in his election.

Like every other public official, he will ultimately be judged by his performance in office and whether he fulfilled the pledges he made to voters when he campaigned for office. Unlike his recent predecessors, President Trump's promises

in the area of immigration were detailed and specific. In July 2015, as he launched his campaign for the presidency, he issued a detailed agenda for immigration reform. Again, in August 2016, he offered the American public a comprehensive set of immigration priorities in a 70-minute, nationally-televised address. And, finally, in the closing weeks of the 2016 campaign, he offered a "Contract with the American Voter," which laid out his 100-day agenda on a variety of public policy issues, including immigration.

CONTINUED ON PAGE 2

## Getting in Under the Wire: Surge of Illegal Entries During the Final Days of the Obama Administration

**L**ending further support to the claim that the surge of illegal aliens crossing the southern border over the past few years was a result of Obama administration policies, not any significant changes in conditions in Central America, the ten-week period between Election Day and Donald Trump's inauguration saw a record number of people entering the country illegally.

According to Customs and Border Protection, 15,573 family units and 7,406



CONTINUED ON PAGE 3

IMMIGRATION PROMISES *continued*

These thoroughly documented promises, including what was on the president's own agenda put forth to voters in October, will be the standard by which he will be accountable. Perhaps the most important of the commitments the president made in his contract with American people was the repeal of Obama-era executive actions, orders and memoranda pertaining to immigration policy. Despite the fact that no major piece of immigration legislation was enacted during former-President Obama's eight years in office, he managed to radically rewrite United States immigration law through extensive abuse of claimed executive authority.

Additionally, the new president pledged to work with Congress to implement broader legislative measures and fight for their passage within the first 100 days, including the "End Illegal Immigration Act." Under the parameters set forth in the October contract, the legislation President Trump will seek to enact would:

"[O]n the first day, I will take the following...actions to restore security and the constitutional rule of law:

- Cancel every unconstitutional executive action, memorandum and order issued by President Obama.
- Cancel all federal funding to Sanctuary Cities.
- Begin removing the more than 2 million criminal illegal immigrants from the country and cancel visas to foreign countries that won't take them back.
- Suspend immigration from terror-prone regions where vetting cannot safely occur. All vetting of people coming into our country will be considered extreme vetting."

- Fully-fund the construction of a wall on the southern border with the understanding that Mexico will be reimbursing the U.S. for the full cost of such a wall.
- Establish a two-year mandatory minimum federal prison sentence for illegally re-entering the U.S. after a previous deportation, and a five-year mandatory minimum for illegally re-entering for those with felony convictions, multiple misdemeanor convictions or two or more prior deportations.
- Reform visa rules to enhance penalties for overstaying and to ensure open jobs are offered to American workers first.

FAIR will work with the new administration and true immigration reform advocates in Congress to help bring these important commitments to fruition. FAIR will also be calling on our members and activists to demonstrate broad public support for the commonsense, public interest goals the Trump admin-

istration has set for itself for the first hundred days and throughout the 115th Congress.

Just as FAIR's large and diverse membership base was critical to beating back harmful legislation under the Obama administration (most notably the Gang of Eight bill) it will be equally important in the effort to make real gains in the coming months and years. Having a seemingly sympathetic administration in office does not guarantee that we will make progress in the effort to truly reform U.S. immigration policy. We can expect that the opposition, with its massive funding from George Soros and other billionaires bent on maintaining mass immigration and ensuring that our borders remain wide open, will be working to energize its political base.

The next few years will present unprecedented opportunities for our movement...but we will need your active participation to make it happen.

ILLEGAL ENTRIES *continued*

unaccompanied minors (UAMs) were apprehended in November (the most recent month for which data are available). The November UAM apprehensions were the highest number since the surge peaked in the summer of 2014. November's family unit apprehensions set a record high (up from October's 13,118 apprehensions) and is more than twice the 6,471 apprehensions recorded in November 2015. Moreover, in keeping with Obama policies, virtually all of those who were "apprehended" by the Border Patrol (most, in

fact, turned themselves in) were processed and released with Notices to Appear (NTAs) for hearings that might be years in the future. Some 80 percent of those released on NTAs fail to appear for their court dates.

The primary sending countries, El Salvador, Guatemala and Honduras, continue to be plagued by poverty, violence and social unrest, as they have been for decades. What changed under the Obama presidency was the perception that arriving in the United States as a minor (or claiming to be one), or in the company of a minor would result in the issuance of a "permiso" to enter and remain. What changed after the election of Trump on Nov. 8 was the perception that the open door to those abusing the asylum system is about to close.

New evidence also reveals that the Obama administration was not just passively contributing to the border surge by processing and re-

leasing people who had no intention of pressing asylum claims. It was an active participant in encouraging illegal immigration and doing so at the expense of American taxpayers. Through a Freedom of Information Act (FOIA) request on behalf of FAIR, the Immigration Reform Law Institute (IRLI) discovered that Immigration and Customs Enforcement (ICE) has spent over \$100 million over the past few years transporting UAMs across the country. The data showed that ICE spent approximately \$665 per UAM during the initial 2014 surge just in airline expenses transferring the minors between agencies and delivering them to family members (many of them illegal aliens themselves) in the interior of the country. Thus, in many cases, the United States government assumed an active role in a massive human smuggling operation.

## Paul Ryan's 200-Day Agenda Largely Omits Immigration Reform.

Donald Trump blew away the rest of the Republican field in 2016 by bucking the party establishment's status quo position on immigration. Trump may be in the White House, but establishment politicians still control the levers of power in Congress. Early indications are that in spite of President Trump's apparent desire to go big and go bold on immigration, House Speaker Paul Ryan's (R-Wis.) goal is to check a box and move on as quickly as possible.

On the eve of being formally re-elected speaker, Ryan put out a release outlining his 200-day agenda for

the 115th Congress. Notably absent from his list of priorities was action on immigration, which was President Trump's signature issue. Pressed about that omission by radio host Hugh Hewitt, Ryan acknowledged that the president "ran on it" and that a border security bill, that includes President Trump's call for secure fencing, would probably be an item Congress would take up in the coming months. Ryan did not indicate any urgency in addressing the many other immigration reform priorities of the president and the American people. Nor did he offer any specifics about the nature of the

CONTINUED ON PAGE 4

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ILLEGAL ENTRIES *continued*

border security bill he would move in the House. In the last Congress, the Republican leadership threw its weight behind a very weak bill that would have done little to improve border security.

As the new Congress convened, a strategy for fulfilling the president's promise of secure border fencing began to emerge. Authorization for secure fencing was approved by Congress in 2006. What is needed is for the current Congress to appropriate funds to carry out that 11-year-old commitment to the American people. This funding could be included in a must-pass appropriations measure that would be politically untenable for Senate Democrats to block. Moreover, leading Democrats, including Minority Leader Chuck Schumer (D-N.Y.), voted in favor of the 2006 authorization bill, making it difficult

for him to oppose funding for construction or to ask vulnerable members of his caucus to join him in blocking the funds.

While meaningful action to secure the border is an essential component of controlling illegal immigration, there is still much more that will need to be done to ensure that our immigration laws are enforced. There is also a long list of steps that need to be taken to ensure that our legal immigration policies truly serve the public interest. The challenge for FAIR is to ensure that passage of President Trump's first item on his immigration agenda is not the last immigration reform measure that Ryan and Senate Majority Leader Mitch McConnell (R-Ky.) move through Congress in this session.

In the Obama administration,



Photo: Gage Skidmore

FAIR members and activists rallied at critical moments to prevent congressional Republican leaders from capitulating to the demands of the open borders and amnesty lobby. In 2017, the same broad-based pressure will likely be needed to spur the congressional leadership to seize this unique opportunity to implement true immigration reform. ■

## Eric Holder Cashes in Fighting to Defend Illegal Immigration



**F**ormer attorney general Eric Holder has been hired by California to assist the state with legal battles that it plans to wage with the Trump administration, specifically on the issue of immigration policy.

Holder certainly has a lot of experience dealing with immigration policy disputes between the federal government and state legislatures. The last time he dealt with these issues, however, he was on the side of the administration, fighting to ensure that President Obama's policies of not enforcing most immigration laws would not be interfered with by states and local governments seeking to protect themselves and their citizens against illegal immigration.

In 2010, for example, Holder's Department of Justice challenged an immigration law passed in the

CONTINUED ON PAGE 7

# Across the Country

Predictably, hard core sanctuary jurisdictions have gotten a lot of attention by vowing to impede efforts by the Trump administration to enforce immigration laws. But in many other parts of the country, state and local governments have responded to the new administration with efforts to partner with Washington to ensure that immigration laws are effectively enforced in a way that protects public safety and the public interest.

## Georgia

The Georgia Legislature began the new session with at least four bills aimed at deterring illegal immigration and protecting the security of Georgians. Two bills deal with the impact of illegal immigration on higher education. The first would bar illegal aliens from receiving in-state tuition subsidies from taxpayers. A second would withhold certain state funding from private universities that do not cooperate with federal immigration enforcement. The Legislature may also consider a bill that would impose fees on wire transfers of money out of the country. Another bill would bar the state from accepting federal funding for refugee resettlement, many of whom are from countries where effective vetting is impossible.

## Texas

A bill in the Texas Legislature would require all state contractors to ensure that their workers are legally eligible to work in the U.S. by using the federal E-Verify system. SB 23, sponsored by State Senator Charles Schwertner, has the backing of Lt. Gov. Dan Patrick. Approval of SB 23 would codify a policy put in place through an executive order by former-Gov. Rick Perry. Another Texas bill filed by Sen. Bob Hall would encourage all employers in the state to use E-Verify by imposing state penalties against employers found to be employing illegal aliens. Ironically, advocates for illegal aliens who are opposing these bills admit that they would be effective deterrents to illegal immigration. "We know that E-Verify creates a barrier for hard working people that live and work in our state," said Ana Gonzalez, a spokeswoman for the Workers Defense Project

## Rhode Island

Even in Solid Blue New England, the idea of protecting American jobs from illegal aliens is gaining traction after last fall's elections. State Rep. Robert A. Nardolillo has introduced legislation to roll back the executive actions of former Gov. Lincoln Chafee which had effectively made Rhode Island a sanctuary state. Among other things, Nardolillo's bill would require the use of E-Verify by Rhode Island employers. "By harboring illegal immigrants and allowing them to work in our state, without proper documentation, jobs are being taken away from well-deserving Rhode Island citizens," Nardolillo said.



## Obama Immigration Record Gets Rave Reviews (from the Obama Administration)

The final days of any administration aren't entirely consumed with packing boxes and polishing résumés. They are also a time for reflection by the out-going president and his top officials about what they perceive to be their accomplishments and the unfinished business they are leaving to the incoming administration.

Former-President Obama's administration was no exception. The task of assessing the Obama administration's record on immigration policy was largely left to Jeh Johnson, who served as Secretary of Homeland Security for most of President Obama's second term. Not surprisingly, the former DHS secretary gave himself and his boss rave reviews (though the majority of voters might beg to disagree) even if the facts do not necessarily support the glowing assessments.

In his exit memo, which he titled "Record of Progress and Vision for the Future," Secretary Johnson declared our nation's borders to be much more secure than when President Obama came to office. "Today, it is now much harder to cross our southern border without authorization and avoid detection and apprehension. Apprehensions in recent years – a strong indicator of total attempts to cross the border – are much lower than they used to be," Johnson wrote. Regarding the surge of unaccompanied alien minors (UAMs) that began in the summer of 2014 (and still continues), Johnson said, "We responded with a number of aggressive border security, immigration enforcement, and enhanced processing measures, and the flow dropped sharply by August 2014."

Conveniently ignored in Johnson's memo is that most of the illegal aliens who have entered in recent years were not trying to avoid detection. They wanted to be apprehended because, under Johnson's watch, they were quickly released into the United States. Moreover, while the surge of UAMs peaked in August 2014 the influx remained at historically high levels for the remainder of the Obama presidency, spiking once again in the final two months.

Johnson also praised President Obama's unconstitutional executive amnesty programs while calling for a legislated mass amnesty that was rejected by Congress and the American public while they were in office. "We in the Administration have done as much we could

within our existing legal authority to fix the immigration system, make it more fair, and make our enforcement smarter and more efficient," referring to the 2012 Deferred Action for Childhood Arrivals (DACA) program and Johnson's own 2014 sweeping policy memos. The memo fails to mention the expanded DACA and Deferred Action for Parents of Americans (DAPA) amnesties Johnson announced in 2014, but which were struck down by the courts as unconstitutional.



Photo: Center for Strategic and International Studies

Johnson also lauded the Obama administration's gutting of interior enforcement. "Instead of focusing our enforcement resources on those who are law-abiding and productive, we have focused these resources on those who may pose threats to public safety," he said. Aside from the fact that the Obama administration unilaterally nullified most immigration laws, their record on removing the dangerous aliens they claimed to be focusing on left a lot to be desired as the number of criminal removals steadily dwindled under Johnson's stewardship of DHS.

In his own exit memo, President Obama also made mention of immigration. "[F]or all that we've achieved, there's still so much I wish we'd been able to do" such as "passing common sense immigration reform that encourages the best and brightest from around the world to study, stay and create jobs in America," Obama wrote, referring to the failed Gang of Eight legislation. It is a regret that the majority of Americans do not share with the former president.

### FORMER AG *continued*

state of Arizona. The brief the DOJ filed in a federal lawsuit against Arizona said that state law "unconstitutionally interferes with the federal government's authority to set and enforce immigration policy." In the case, the Obama administration essentially argued that its own policies took precedence over immigration laws passed by states.

The brief went on to say that Arizona "crossed a constitutional line" because it "conflicts with the

federal immigration law." The DOJ also argued that the Arizona law, which would have identified and detained illegal aliens that the Obama administration did not want to deport, would place burdens on federal agencies.

Fast forward seven years and Holder has changed his tune. Instead of arguing against states interfering with the president's prerogative to carry out his own immigration policies, Holder will be working with California to thwart efforts by the

Trump administration to enforce immigration laws.

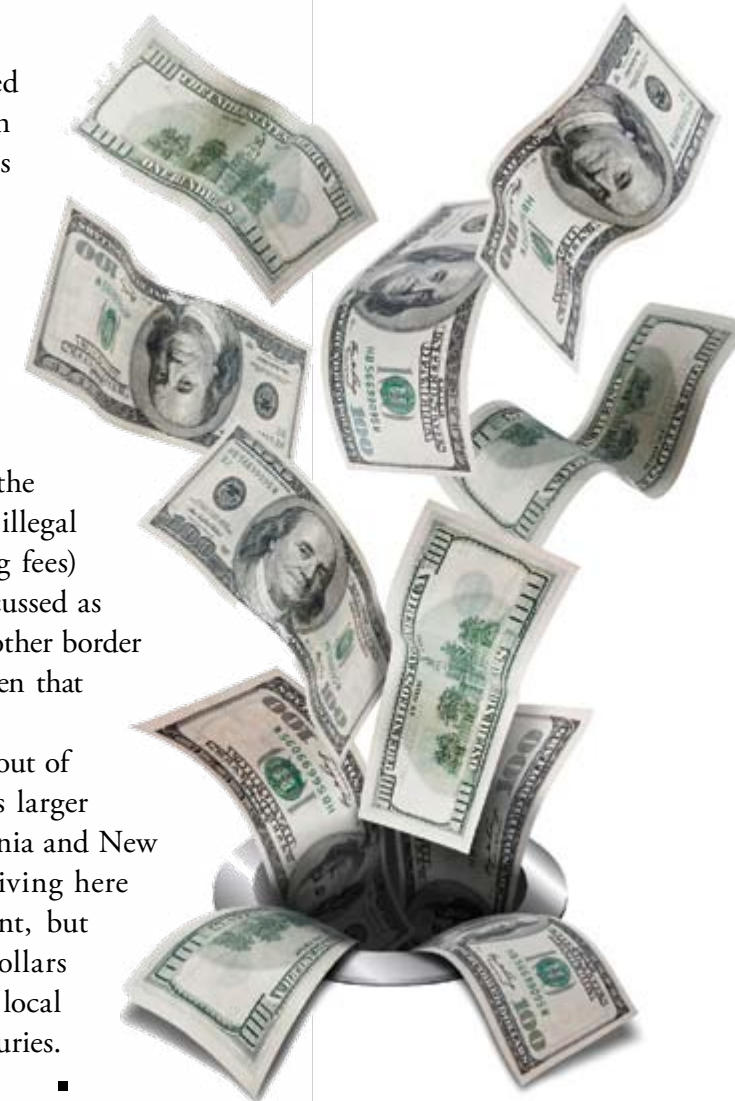
Throughout his time as attorney general, Eric Holder did an effective job of undermining the enforcement of immigration laws. Now he is cashing in on that dubious expertise by advising states about how they can prevent federal immigration laws from being enforced by an administration that has promised to enforce them.

## Getting Money Out Over the Wire: Remittances Surge in the Final Weeks of the Obama Administration

While illegal aliens were rushing to get into the United States before the Obama administration and its open door immigration policies lapsed into history, many illegal aliens who have been working here without concern that our laws would be enforced used the final weeks of Obama's presidency to get money out of the country.

Remittances to Mexico in November 2016 posted their biggest increases in a decade. Wire transfers of funds to Mexico reached nearly \$2.4 billion in November – a 25 percent increase over November 2015. This massive increase in remittances reflects concerns by illegal aliens that the new administration will more vigorously enforce laws against illegal aliens working in the U.S. In addition, taxing (or imposing fees) on money being transferred out of the country has been discussed as one means of financing construction of a border fence or other border enforcement enhancements. Remittances to Mexico dwarf even that country's revenues from oil exports.

According to 2015 data, some \$120 billion a year is sent out of the United States in the form of remittances. \$120 billion is larger than the total annual budgets of all but two states – California and New York. Most of these funds are transferred by immigrants living here both legally and illegally. Remittances represent a significant, but largely hidden cost of mass immigration. These billions of dollars sent out of the country each year do not support or expand local economies, or generate revenues for local, state or federal treasuries.



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