



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration

## REPORT

JULY/AUGUST 2014

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## Game Changers: Border Surge and Cantor Defeat Change the Political Landscape

### Americans Rally for Our Borders

**W**hat a difference one month can make. All spring long it appeared that the House Republican leadership was just waiting for the end of congressional primary season before taking up some sort of amnesty legislation. And, if the House didn't act, the Obama administration was poised to implement some kind of sweeping administrative amnesty.

Then June happened, and now, both of those scenarios are far less likely than they were just a few weeks ago.

Several years (and countless millions of corporate dollars) spent creating a "conservative" lobby for amnesty, came crashing down on June 10, as House Majority Leader Eric Cantor (R-Va.) was soundly defeated by an underfunded primary challenger. Dave Brat, a local college professor, made Cantor's support for amnesty a central issue in his bid to unseat the majority leader.

Cantor's defeat sent shockwaves through the Republican caucus. Many members who were already skepti-

cal about claims of broad support for amnesty suddenly realized that if backing amnesty could end the career of the powerful majority leader, the same thing could happen to them.

But Cantor's defeat — as stunning as it was — was not even the most important factor that dimmed the prospects for a House amnesty bill in 2014. Throughout May and into June, an unprecedented wave of illegal immigration along the Texas border reached a crescendo. Tens of thousands of illegal aliens from Honduras, Guatemala and



*Cantor's surprising defeat was eclipsed by a surge of illegal immigration at the Texas border.*

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## Border Crisis: Who's Responsible?

**B**etween the start of the fiscal year on October 1, and the end of June, some 52,000 minors were apprehended as they entered the United States illegally. By the end of the fiscal year on September 30, it is expected that as many as 90,000 young illegal aliens will have arrived at our borders (it is impossible to confirm that all of them are minors because, in this case, “undocumented” is an apt description).

As recently as 2011, the number of unaccompanied minors attempting to enter the United States illegally was about 6,000.

The Obama administration and the amnesty lobby attribute the spike in unaccompanied minors and families with young children to poverty and violence in El Salvador, Guatemala, and Honduras, the three primary source countries of the surge. That explanation, how-

ever, was disputed by Julio Ligoria, Guatemala's ambassador to the United States, who said in an interview on Univision that “violence is not the reason... It's essentially a matter of lack of opportunities, of trying to reach the American dream, but also to achieve family reunification.”

That explanation has failed to gain much traction with the American people, or even the mainstream media. A more broadly accepted explanation is that the Obama administration's Deferred Action for Childhood Arrivals program—coupled with lax immigration enforcement policies—triggered the border surge. Despite disclaimers by the administration that newly arriving illegal aliens would not qualify for DACA protection, the program fueled the perception that minors and families with children would be admitted and permitted to remain in the United States indefinitely.

While the administration did its best to clamp down on media access to the illegal migrants, many of those who were interviewed stated that they came in the belief that the administration would allow them to enter and remain in this country. This notion was reinforced by media reports in Central America and by NGOs in the region encouraging minors and families with kids to take this opportunity to get to the United States.

In response to the growing



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## Administration Amnesty: Will He or Won't He?

**B**ack in March, President Obama ordered Homeland Security Secretary Jeh Johnson to conduct a review of deportation practices with an eye to making them more “humane.”

In addition to being a response to pressure from the illegal alien advocacy network, the departmental review was also a clear attempt to hang a Sword of Damocles over the heads of House Republican lawmakers. The threat to the Republican leadership was rather clear: Either you pass the amnesty we want and get some face-saving language promising future enforcement, or we'll implement a broad administrative amnesty without your approval and you'll get nothing in return.

There was no firm deadline for House action, but it was expected that the announcement of major policy changes would occur around the 4th of July if there was no movement at all in the House, or on some late Friday afternoon in August if a deal was not finalized before the summer congressional recess.

With blame for the crisis being laid at the feet of the administration, it was initially thought that the presi-

dent might retreat from threats of further executive actions designed to grant de facto amnesty to additional classes of illegal aliens. Those predictions turned out to be wrong.

In a defiant statement, delivered in the Rose Garden on June 30, President Obama attempted to pin the crisis on House Republicans for failing to enact the amnesty legislation he desires. The president doubled-down on the go-it-alone strategy, declaring that he had ordered Homeland Security Secretary Jeh Johnson and Attorney General Eric Holder to report back to him by August what authority he could claim in order to protect still more illegal aliens from removal.

The president reiterated that position during a July fundraising visit to Texas, during which he refused numerous requests that he visit the border to personally assess the scope of the crisis.

Despite the ongoing crisis at the border, amnesty advocates and their supporters in Congress refused to be placated. Even as the number of unaccompanied minors apprehended at the border crossed the 50,000 mark for

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## Boehner: Amnesty Probably Dead for 2014

**A**fter months of vacillation, House Speaker John Boehner (R-Ohio) seemingly put an end to any possibility that the House of Representatives would take up immigration legislation in 2014. In late June, Boehner stated that, “I told the president what I have been telling him for months: the American people and their elected officials don't trust him to enforce the law as written...Until that changes,

it is going to be difficult to make progress on this issue. The crisis at our southern border reminds us all of the critical importance of fixing our broken immigration system.” And, at the time of his defeat in his primary election, former House Majority Leader Eric Cantor (R-Va.) was still working on his long anticipated KIDS Act, which was billed as a Republican alternative to the DREAM Act. Cantor's fellow

Virginia Republican and KIDS Act collaborator Bob Goodlatte, who chairs the House Judiciary Committee, declared the legislative effort dead.

All of these machinations came to a screeching halt in June, with Cantor's loss to an underfinanced challenger who made immigration a central issue in his campaign, and the border crisis cited by Boehner in his statement. The surge of illegal

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GAME CHANGERS *continued*

El Salvador — mostly unaccompanied minors and families with small children — poured across the border and surrendered themselves to the Border Patrol in the expectation that they would be processed and released into the United States.

As the images of the chaos at the border became public, the American people realized that justifications for amnesty were completely misrepresented. For years, President Obama and his administration have claimed that our borders are secure and that we were experiencing “zero-net” illegal immigration. On that basis, the American public was told that we could move forward on amnesty, with the confidence that we would not see the phenomenon of mass illegal immigration return.

The claims were implausible to begin with, but as the American public witnessed the frantic efforts by the government to deal with a crisis of its own making, any political cover that House Republicans might have had for cutting a deal with the administration quickly dissipated.

There is still a long way to go between now and the close of the 113th Congress, but by the end of June the tectonic shift in the political landscape had led some key Republicans to back away from their support for amnesty.

## Immigration:

### *A Key Factor in House Majority Leader Eric Cantor's Defeat*

Efforts by business-backed organizations to create the appearance of support for amnesty and immigration increases among Republican voters came crashing down in Virginia's 7th Congressional District in June.

Eric Cantor, the House Majority Leader, lost in a stunning upset to Dave Brat, an underfunded political novice who made Cantor's support for amnesty a central issue in his campaign. Brat contrasted Cantor's professed opposition to amnesty for illegal aliens with his efforts in Washington to serve the interests of business lobbyists seeking access to more foreign labor.

Brat's views on immigration policy were unequivocal. The challenger was a signatory to the FAIR Congressional Task Force pledge to oppose any form of legalization for illegal aliens, and to oppose any increases in immigration and immigrant flows, including guest workers.

Though immigration was not the only factor in dooming the House's second most powerful Republican, it is widely acknowledged that it played a critical role in his 55 percent to 45 percent defeat at the hands of a political neophyte. As the liberal-leaning *New Republic* observed, “Immigration reform likely played a significant role in Cantor's defeat. Brat repeatedly attacked Cantor for allegedly supporting allowing undocumented immigrants to stay in the United States — so called amnesty.”

The reverberations of Cantor's defeat were felt far beyond the boundaries of his Virginia district. The Republican House caucus, many of whom were already unconvinced by the leadership's claims that voters were now supporting legalization for illegal aliens (as long as it is not called amnesty), were even less likely to support such legislation after seeing what happened to the majority leader.



*The FCTF is a 501(c)(4) non-profit, public interest organization, affiliated with FAIR, promoting sensible immigration policies that protect the interests of the American people.*

# Across the Country: NEW YORK



Every month there seems to be a new contender for the title of Most Extreme Pro-Illegal Alien State. In June, that title was claimed by New York.

In New York City, the target of choice for international terrorists, Mayor Bill DeBlasio signed legislation authorizing the distribution of city-issued ID cards to illegal aliens. Ignoring the explicit conclusion of the blue ribbon 9/11 Commission that access to government-issued identity documents facilitated the ability of the terrorists to carry out their attacks in 2001, city leaders decided to issue official IDs to people whose true identities and true intentions cannot be determined.

But the craziness was not limited to the five boroughs of New York City. In Albany, State Senator Gustavo Rivera (D-Bronx) introduced a bill that would make noncitizens (including illegal aliens) citizens of New York State. The bill would apply

to an estimated 2.8 million foreign nationals who have lived in New York for at least three years and have filed state income tax returns.

According to Rivera's official website, "Noncitizens granted New York state citizenship through this application process would be given access to: financial aid for higher education, health care, drivers' licenses, professional licenses, the right to vote, the right to run for office, and protection against racial profiling. New York is Home creates a new model of immigrant inclusion that other states will be urged to adopt."

It turns out an illegal alien was already holding public office in New York. In late June, Assemblywoman Gabriela Rosa (D-Manhattan), a native of the Dominican Republic, pled guilty to marriage fraud. In her guilty plea in a Manhattan courtroom, Rosa admitted, "I married that person and it was not a real marriage. I falsely got married with a U.S. citizen in order for me to regularize my immigration status and become a legal alien in this country."

As a result of her guilty plea, Rosa resigned from her seat in the Assembly. There is still no word on whether the U.S. government will seek to denaturalize her as a result of her admission to marriage fraud.

**BORDER CRISIS** *continued*

numbers of illegal aliens streaming into the U.S., including many unaccompanied minors, the administration began transferring them from the Lower Rio Grande Valley, where most were entering, to processing centers all across the southern border. After being processed, many of them are being released and even transported to airports and bus stations to join relatives and guardians (themselves often illegal aliens) in the interior of the country. Although they are immediately placed in deportation proceedings upon arrival, nearly all the illegal aliens will wind up remaining here indefinitely.

Unaccompanied minors who cannot be released to parents or guardians are being transferred to other federal facilities — mainly military bases — where they are being housed until the federal government figures out what to do with



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them. Attempts by federal authorities to place unaccompanied minors in local communities, under the supervision of the Department of Health and Human Services, have been met with stiff opposition from local leaders who object to bearing the costs and burdens associated with education, health care, and other services.

In addition to the administration's policies that encourage illegal immigration, dealing with the crisis is complicated by the Traf-

ficking Victims Protection Act of 2008. Under that law, minors from non-contiguous countries cannot be summarily returned to their homelands. Clogged courts and long delays for hearings greatly increase the likelihood that these illegal aliens will get to stay. Moreover, under the administration's policy of not enforcing laws against non-criminal aliens, there is little chance that those who fail to show up for their scheduled hearings will ever be sought, much less removed.

**SWORD OF DAMOCLES** *continued*

"I GAVE YOU THE WARNING THREE MONTHS AGO, AND NOW  
I HAVE NO OTHER CHOICE. YOU'RE DONE.  
HAVING BEEN GIVEN AMPLE TIME AND SPACE TO  
CRAFT LEGISLATION, YOU FAILED."  
—Luis Guitierrez (D-Ill.) to House leadership

the fiscal year, Rep. Luis Gutierrez (D-Ill.) took to the floor of the House to threaten the Republican leadership on behalf of the president for their failure to enact a legislated amnesty.

"I gave you the warning three months ago, and now I have no other choice. You're done. Having been given ample time and space to craft legislation, you failed. The

president now has no other choice but to act within existing law to ensure that our deportation policies are humane," threatened Gutierrez. Adding a little bit of theater to his rant (while soccer's World Cup competition was taking place in Brazil), Gutierrez pulled a "red card" out of his jacket pocket, symbolically ejecting House Republicans from the game.

The Sword of Damocles intended to coerce House Republicans into enacting amnesty, now hangs over the heads of the American people, whose interests and security the president seems prepared to compromise in order to achieve his political goals.

BOEHNER: IMMIGRATION DEAD *continued*

aliens streaming across the border graphically belied President Obama's claims that our borders are under control, and that large-scale illegal immigration is no longer a problem for our country.

Boehner's (seemingly) definitive statement that he was pulling the plug on immigration legislation for the remainder of this year also coincided with his announcement that he was planning to sue the president for his failure to "faithfully execute the laws of our country." Though immigration was not specifically mentioned in Boehner's complaint, it is politically problematic for Re-

publicans to sue the president for not enforcing existing laws, while passing immigration legislation that depends on his willingness to enforce new immigration laws.

Politically, and in terms of the number of legislative days still available, it will be extremely difficult for Boehner and the Republican leadership to reverse course again. However, given Boehner's track record, FAIR will remain vigilant until the final gavel comes down on the 113th Congress. The greatest threat of legislative action may occur during a lame duck session, after the November elections.

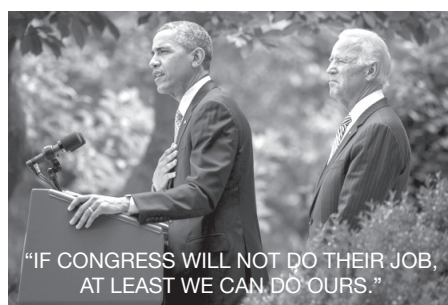
## President Obama Defiantly Threatens More Creative Executive Action on Immigration

President Obama's response to the border crisis was to double-down on his strategy of rewriting U.S. immigration policy through executive action. In a June 30th Rose Garden speech addressing the surge of tens of thousands of illegal aliens — many, unaccompanied minors attempting to enter the country — the president blamed the crisis on House Republicans and threatened more unilateral policy changes by the end of the summer.

"If Congress will not do their job, at least we can do ours," Obama said, as he announced that he had instructed Homeland Security Secretary Jeh Johnson and Attorney General Eric Holder to determine what amnesty provisions of the Senate immigration bill, S.744, he can implement on his own.

The surge in the number of younger illegal aliens began with

the Deferred Action for Childhood Arrivals program — the Obama administration's unauthorized amnesty for illegal aliens who claim to have come to the U.S. as minors. However, Mr. Obama took no responsibility for his own policy decisions that have sent a clear message to people in other countries that our immigration laws are not being enforced. He claims, "Folks don't know what the rules are," when in reality, the rules are very clear; it's just that President Obama has chosen to ignore them.



During his speech, the presi-

dent repeatedly labeled House Republicans "obstructionists," for failing to pass an amnesty bill similar to S.744.

Mr. Obama's go-it-alone threat was also issued on the heels of two unanimous Supreme Court rulings that he had exceeded the limits of his executive power, and days after House Speaker John Boehner (R-Ohio) announced his intention to sue President Obama over alleged abuses of executive authority.

What was notably absent from the president's response to the border crisis were any concrete steps to halt the surge of illegal aliens streaming across the border. However, what **is** clear, is that until the message filters back to the sending countries that the United States is serious about enforcing its immigration laws, the crisis is unlikely to abate.

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