



FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

JULY/AUGUST 2015

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25 MASSACHUSETTS AVENUE, NW
SUITE 330
WASHINGTON, DC 20001
(202) 328 7004
INFO@FAIRUS.ORG

VISIT US ON THE WEB AT
WWW.FAIRUS.ORG

Obama Administration Strikes Again: Ends Detention of Illegal Aliens with Minors

The Obama administration has once again acted to weaken immigration enforcement. In an announcement made in late June, the Department of Homeland Security (DHS) revealed that it is ending the practice of detaining all illegal alien minors who unlawfully cross the border with a parent. Instead, illegal alien families apprehended at the border that establish a “credible fear” of persecution — the initial threshold for seeking asylum — will be released after posting a bond that is “reasonable and realistic.”

These policy changes were made at

the urging of open borders advocacy groups that have been pressing to ensure that, for the most part, the surge of illegal migrants from Central American will wind up remaining in the U.S. According to newly released data from the Justice Department’s Executive Office of Immigration Review (EOIR), 84 percent of alien adults with children from Central America who were released pending trial absconded and there is very little chance, under the administration’s removal priorities, that any of these absconders will be sought, much less apprehended and removed.

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Will a Tragic Murder Mean the End for Sanctuary Cities?

Since January 2014, some 17,000 ICE detainer requests nationwide, including about 10,000 in California, have been declined or ignored by sanctuary jurisdictions. One of those detainer requests, for Francisco Sanchez, a seven-time convicted felon, by the San Francisco Sheriff’s Department, resulted in the murder of Kathryn Steinle on July 1.



Kathryn Steinle, murdered by 7-time convicted felon Francisco Sanchez on July 1.

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ADMINISTRATION AT IT AGAIN *continued*

The newly announced policy will result in the release of most aliens claiming asylum who entered the country unlawfully because there has been a substantial increase in finding “credible fear” during the Obama administration. Because of the lowered threshold for pressing an asylum claim, asylum officers found more instances of credible fear in 2013 than they did in 2007 through 2011 combined. In fact, USCIS recorded a 250 percent increase in referrals of asylum claims to immigration judges between 2012 and 2013 alone. And, with a current backlog of over 445,000 cases, it could take years before an immigration judge hears the initial claim for asylum (if claimants show up at all).

The policy of wholesale release of asylum seekers in the company of minors is yet another example of the administration’s abuse of discretionary authority. It builds on a 2009 policy directive issued by former ICE Director John Morton, significantly expanding the use of

By refusing to detain unlawful immigrants until their claims are proven legitimate, the Obama administration is practically guaranteeing that they will disappear into our communities and never be removed from the United States.

parole for any asylum applicant with a “credible fear” who “presents neither a flight risk nor danger to the community.” Federal statute, however, explicitly states that parole is only supposed to be used in narrow circumstances “on a case-by-case basis for urgent humanitarian reasons or significant public benefit.”

House Judiciary Chairman Bob Goodlatte (R-Va.) blasted the administration for ending family detention. “The ongoing surge of Central American families and children arriving at our border is a crisis of President Obama’s own making and today’s announcement from the Department of Homeland Security only encourages more children and families to make the dangerous journey to the United States,” Goodlatte charged. “By refusing to detain unlawful immigrants until their claims are proven legitimate, the Obama administration is practically guaranteeing that they will disappear into our communities and never be removed from the United States.”

Based on its track record of yielding to the demands of the illegal alien lobby, that seems to be precisely the intent of the administration’s latest policy change.

CRACKDOWN ON SANCTUARIES *continued*

In response to this tragic murder, Rep. Lou Barletta (R-Pa.) has introduced legislation designed to crack down on states and local governments that refuse to comply with ICE detainer requests for deportable aliens in their custody. Barletta’s bill, the Mobilizing Against Sanctuary Cities Act, would prohibit any federal funding for a minimum period of one year to any state or local government that has a policy or law that prevents it from assisting immigration authorities in enforcing federal immigration law. The bill would also direct the attorney general to

compile an annual list of such cities and issue a report on any particular state or locality upon request from a member of Congress. An estimated 200 jurisdictions would stand to lose federal funding as a result of this legislation.

In 1996, Congress outlawed sanctuary jurisdictions in legislation signed into law by President Bill Clinton, but that law has never been enforced.

FAIR HAS LONG ADVOCATED FOR DENIAL OF FEDERAL FUNDS TO JURISDICTIONS THAT ACTIVELY IMPEDE ENFORCEMENT OF U.S. IMMIGRATION LAWS.

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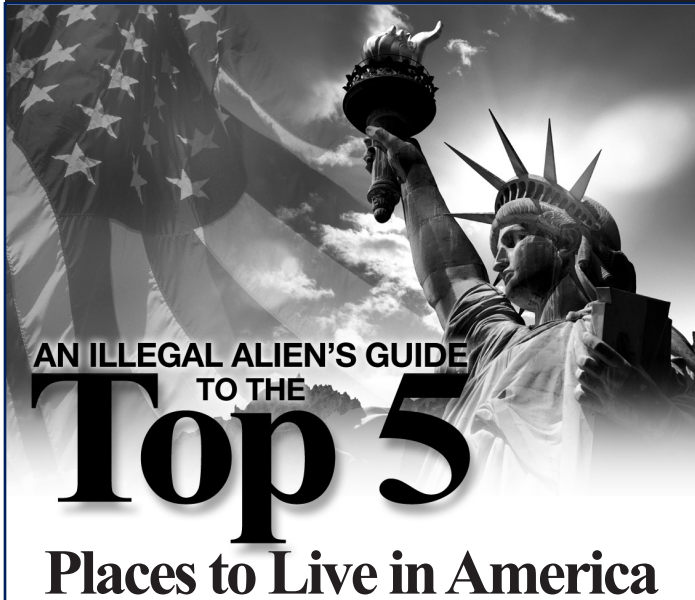
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25 Massachusetts Avenue NW, Suite 330, Washington, DC 20001
(202) 328-7004 • info@fairus.org • www.fairus.org



1 **California**

The state's motto "Eureka" aptly applies here. Unless you commit a violent felony, the state leaves you alone.

2 **Maryland**

If jobs are what attract you, then the upscale community of Montgomery County—close to our nation's capital—offers the mother of all magnets.

3 **Washington**

There's nothing like a valid driver's license in your hip pocket to help you navigate the U.S. at will.

4 **Illinois**

You won't be asked any questions if you keep out of trouble, and local politicians will entice you, excuse you, and if you don't mind, use you.

5 **Connecticut**

You won't need to fuss with legal documents like green cards, visas, or passports. The town of New Haven is happy to offer ID cards to residents regardless of age or immigration status.

Judge Hanen Loses Patience with Administration's Defiance

In a brief but sharply worded order, U.S. District Court Judge Andrew S. Hanen threatened to hold officials of the Department of Homeland Security in contempt if they do not immediately rectify violations of his injunction blocking implementation of two executive amnesty programs announced by President Obama last November. Twenty-six states, led by Texas, filed suit claiming that the president's programs are unconstitutional and would cause harm to the states.

On February 16, Judge Hanen issued a temporary injunction preventing DHS from carrying out the president's Deferred Action for Parents of Americans (DAPA) amnesty and expansion of the 2012 Deferred Action for Childhood Arrivals (DACA) amnesty. Subsequent to issuing his injunction, the judge learned that DHS had issued about 109,000 deferments ahead of the department's own announced start date of February 18.

Then, on May 7, DHS revealed that it had issued work authorization to some 2,000 illegal aliens after Judge Hanen's injunction went into effect. Despite DHS's admitted violation of the injunction, the department "has not remediated its own violative behavior," wrote Hanen. The government's failure to comply with the court's order two months after admitting to its violation led Hanen to "conclude that the conduct is not accidental, but deliberate."

In response to the "cavalier attitude the Government has taken with regard to its 'efforts' to rectify this situation," Hanen's order requires that "Each individual Defendant must attend and be prepared to show why he or she should not be held in contempt of Court" at a hearing set for August 19. "Each individual defendant" referred to by Hanen includes DHS Secretary Jeh Johnson, Commissioner of U.S. Customs and Border Protection Gil Kerlikowske, Deputy Chief of the U.S. Border Patrol Ronald Vitiello, Director of ICE Sarah Saldaña, and the Director of USCIS Leon Rodriguez. The hearing can be cancelled if the "Government remedies this situation and comes into compliance with this Court's injunction by July 31, 2015," Hanen wrote.

Hanen also gave DHS until July 31 to comply with the plaintiffs' discovery requests regarding the issuance of some 109,000 deferments prior to the announced start date.

Where Has Worksite Enforcement Gone?

After he was rebuffed in his effort to enact a sweeping illegal alien amnesty in 2007 because Americans did not believe promises of future enforcement, President George W. Bush significantly stepped up immigration enforcement in the workplace. The results were startling. Even before the Great Recession caused jobs to dry up, the enforcement efforts – which targeted employers and illegal workers – resulted in a measurable decline in the illegal alien population.

When President Obama took office in 2009 he dramatically changed the way Immigration and Customs Enforcement handled worksite enforcement. Rather than continuing the practice of sending ICE agents into worksites and arresting illegal alien workers, President Obama ordered ICE to audit I-9 documents required for new hires and impose fines on the employers. While previous worksite enforcement efforts were unannounced, ICE started giving employers advanced notice that they will inspect the I-9 forms — giving employers who used illegal alien labor an opportunity to cover their tracks before ICE arrived. ICE also ended the practice of arresting and removing illegal workers. Instead, these illegal aliens have been allowed to remain in the U.S. and seek employment elsewhere.

According to a comprehensive review of internal ICE statistics, the Center for Immigration Studies (CIS) has found that even the minimal workplace enforcement



efforts in place during the early years of the Obama administration have now been largely abandoned. The ICE data analyzed by CIS show that the steep decline in the number of worksite I-9 audits has resulted in fewer employer arrests and fines collected. From 2010 to 2014, there were approximately 200 employer arrests a year though the number has been trending downward since a high of 240 in 2012. This year, CIS projects there will only be 65 employer arrests, meaning that there is essentially no risk to employers who violate the law.

Similarly, the fines collected by ICE for immigration workplace violations are plummeting. Between 2011 and 2014, ICE collected an average of about \$8 mil-

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Senator Sessions Introduces FAIR Backed Bill

Just days before the murder of Kathryn Steinle at the hands of a criminal alien who had been released from custody by San Francisco authorities, Sen. Jeff Sessions (R-Ala.), Chairman of the Subcommittee on Immigration and the National Interest, introduced legislation that might have prevented this needless tragedy.

Over the past two years, some 76,000 convicted criminal aliens were released back onto the streets of the United States by Immigration and Customs Enforcement (ICE) or as a result of state and local sanctuary

policies, such as the one that exists in San Francisco. Including the recent murder in San Francisco, these criminal aliens have been responsible for 122 homicides after their release. In all, about 169,000 criminal aliens who have been ordered deported from the U.S. are at large in the United States.

Sessions' bill, the Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement

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FAIR Making a difference.

Lawsuit on Behalf of Displaced American Workers Gets a Green Light

In April, the Immigration Reform Law Institute (IRLI) filed suit in D.C. District Court seeking to prevent DHS from granting work authorization to the spouses of H1-B guest workers. On July 7, U.S. District Court Judge Tanya Chutkan denied a DHS request to dismiss the case.

IRLI, a public interest law firm affiliated with FAIR, filed suit on behalf of Save Jobs USA, a group of former employees of Southern California Edison. The publicly-traded corporate utility was recently made the subject of a bipartisan congressional investigation for firing hundreds of American workers after forcing them to train their cheaper foreign H1-B replacements.

Earlier this year, DHS announced a rule change that effectively increases the number of non-immigrants who are authorized to work in the United States, thereby circumventing limits enacted by Congress. An estimated 179,600 spouses of guest workers are immediately eligible for work authorization under the administration's rule change. The IRLI lawsuit argues that DHS does not have the authority to make the rule, and that the rule violates federal labor protection law.

DHS has already begun implementing the rule. However, the judge's refusal to dismiss the lawsuit on procedural grounds represents an important victory for the Save Jobs USA workers and other American workers who face increased competition for scarce jobs as a result of the administration's rule change.

WORKSITE ENFORCEMENT *continued*

lion a year in fines from employers who knowingly employed illegal aliens. That figure is projected to decline by almost half in 2015. Fines are meant to serve as a deterrent to the practice of hiring low-wage illegal aliens and are an important source of revenue for the government.

The abandonment of workplace immigration enforcement reflects the administration's realization that its goal of a legislated amnesty will not be achieved during the president's term in office. From 2009 to 2013 (the year the Senate introduced and passed S. 744, the Gang of Eight amnesty bill), ICE worksite audits increased from 1,444 to 3,127, presumably in an attempt to show that the Obama administration would enforce our immigration laws. Then, in 2014, when it was clear the House would not pass the amnesty bill, worksite audits significantly dropped to 1,320. This year, ICE is on pace to perform only 435 worksite audits. ■

SESSIONS' BILL *continued*

Act (S. 1640) is named for two of those murder victims – a pair of California sheriffs' deputies who were gunned down by an illegal alien criminal last fall. A companion bill, H.R. 1148, has been introduced in the House by Rep. Trey Gowdy (R-S.C.).

The Davis-Oliver bill would ensure cooperation between state, local, and federal officials, crack down on sanctuary cities (like San Francisco), and empower ICE officers to actually enforce immigration laws. FAIR immediately announced its support for the legislation, which would create the sort of seamless cooperation between federal and local law enforcement that exists in most other areas of law enforcement.

The bill also has the support of many law enforcement professionals, including the unions representing ICE agents and Immigration and U.S. Citizenship and Immigration Services personnel, and the National Sheriffs' Association. ■

New from FAIR!

At a time when the negative consequences of our “broken” immigration system are clearly evident, this new guide from FAIR...

How to Win the Immigration Debate:

A guide to making a case for real immigration reform

is a practical tool for engaging in the complex and at times controversial immigration debate.

With key facts, figures, and explicit responses at your fingertips, this valuable resource will prepare you for debunking the most common immigration fallacies and deceptive generalizations, and for making the case for true immigration reform.

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House Takes Another Shot at Defunding Executive Amnesty

The House Homeland Security Committee has included language in the FY 2016 DHS spending bill that would prohibit the use of any funds to finance two executive amnesty programs announced by President Obama last November. The Deferred Action for Parents of Americans (DAPA) and the expanded Deferred Action for Childhood Arrivals (DACA) programs remain on hold due to a temporary injunction imposed by a federal judge in February.



Defunding DAPA and expanded DACA would be the surest way to ensure that the president's unconstitutional amnesty programs are never implemented.

The Homeland Security Committee's restrictions represent the latest effort by congressional Republicans to block spending on amnesty programs that have never been authorized by legislation. Although Republicans hold solid majorities in both Houses of Congress, the GOP leadership has removed defunding provisions from previous DHS spending measures.

Defunding DAPA and expanded DACA would be the surest way to ensure that the president's unconstitutional amnesty programs are never implemented. Past defunding efforts failed as Republican leaders yielded to the president's threats to veto the DHS appropriations bill leading to a partial shutdown of the department. It remains to be seen if the mounting evidence of the administration's efforts to subvert immigration enforcement will result in support for the defunding provisions in the FY 2016 spending bill.

A LITTLE GOES A LONG WAY

We all wish we could do more. Surprisingly, one of the most common sayings from retirees is, "I am busier than ever ... I don't know how I had time to do everything while I was working." With so many competing demands, how do we prioritize?

One thing we all should have time for is to talk with our attorney about a will. The cost of not having a will is simply too high. Without one, our loved ones, friends and cherished causes are left to try to figure out our intentions. Without a will, the state is left to determine what was important to us. The results are not always what we intended.

When we take a moment to draft a will with an attorney, our loved ones, friends, and organizations that matter most to us are provided for in our legacy. The difference we made in our lives can continue long after we are here.

Creating a will leaves emotional satisfaction that comes with knowing you have left a legacy for which to be proud. For an even greater feeling of accomplishment and sense of security for the future, consider including FAIR in your estate plans. You can include a gift of a specific asset, a specific dollar amount, or a percentage of your estate or life insurance policy.

It's a great thing you'll appreciate today, and will ensure that FAIR is around to represent the interests of Americans in the immigration debate for future generations.

Contact Ashley Hall at 202-328-7004 or AHall@FAIRus.org, or visit our website at FAIRus.org/planned-giving and let's get started.

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FAIR is recognized by the Better Business Bureau's Wise Giving Alliance and is one of a select few non profit organizations that meet their high standards of operation, spending, truthfulness, and disclosure in fundraising.



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. 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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