



**FAIR** FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration REPORT

JUNE 2014

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## Grassroots Pressure Continues to Thwart House GOP Leadership's Amnesty Attempts

**H**ouse Republican leaders desperately want to pass some form of amnesty—incremental or comprehensive. Their most recent gambit was H.R. 2377, the Encourage New Legalized Immigrants to Start Training (ENLIST) Act, a deceptive piece of legislation that would grant amnesty and immediate green cards to illegal aliens who sign up for military service. The bill is sponsored by Rep. Jeff Denham (R-Calif.).

In April, House leaders thought they saw an opportunity to include the ENLIST Act as an amendment to the

National Defense Authorization Act, the omnibus military authorization bill, during the Armed Services Committee's mark-up of the legislation. That effort was rebuffed by Chairman Buck McKeon (R-Calif.)—a cosponsor of H.R. 2377—on procedural grounds. However, McKeon left open the possibility that H.R. 2377 would be offered as an amendment to the NDAA when the bill comes before the full House.

In the weeks leading up to the NDAA reaching the House floor, true immigration reform activists around the country, many of whom responded to FAIR

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## DHS Releases 36,000 Criminal Aliens in 2013, Says Report

**T**he Obama administration's consistent excuse for systematically undermining the enforcement of most immigration laws is that they want to focus their limited resources on apprehending and removing dangerous felons from American society. Turns out, they're not even doing a very efficient job of deporting criminal aliens.



CONTINUED ON PAGE 7

## FAIR and Other True Immigration Reform Groups Share Our Views with DHS Secretary Jeh Johnson

After years of meeting exclusively with illegal alien advocacy groups and business lobbyists on the topic of immigration reform, the Obama administration finally sat down with advocates for immigration limits and enforcement.

Julie Kirchner, FAIR's executive director, was one of several leaders of true immigration reform groups invited to meet with Department

of Homeland Security Secretary Jeh Johnson on May 7. Others at the meeting included the Center for Immigration Studies, Numbers USA, Progressives for Immigration Reform, and the Eagle Forum. The meeting marked the first time that the Obama administration acknowledged the American people as "stakeholders" in U.S. immigration policy.

The meeting occurred amidst a DHS review of deportation practices ordered by President Obama in March. The review is widely expected to result in additional classes of illegal aliens being declared off-limits from immigration enforcement.

FAIR and the other groups participating in the meeting were neither naïve, nor did they harbor any illusions that the meeting would result in any significant changes to the administration's anti-enforcement policies. The most obvious reason Secretary Johnson accepted the meeting was to deflect criticism that he and the administration were only listening to those who agree with them on immigration policy and enforcement.

However, Johnson listened carefully and respectfully to the views expressed by FAIR and the other groups represented. The area in which he seemed most receptive to our position was state and local governments undermining federal immigration enforcement (what little there is) by refusing to honor

ICE detainer requests for criminal aliens in their custody.

While Johnson indicated his own frustration with these non-cooperation policies, he did not commit to taking any action to hold these jurisdictions accountable. In contrast to states and localities that act to enforce immigration laws that the president opposes, the administration has never penalized jurisdictions that impede enforcement.

The groups also weighed in on the review of deportation policies, arguing DHS has a legal obligation to enforce immigration laws that have been constitutionally enacted by Congress. Prioritizing the removal of dangerous criminal aliens need not and should not preclude the enforcement of laws against illegal aliens who have not been convicted of other offenses.

FAIR is fully cognizant that one meeting with the secretary of DHS is not going to result in any dramatic shift in policy by an administration opposed to enforcing immigration laws. Nevertheless, Johnson is the highest ranking immigration official in the current administration and opening a dialogue is valuable. Neither FAIR, nor the other groups present, will refrain from sharply criticizing the administration's rogue policies simply because Secretary Johnson has listened to our concerns.



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## Secretary Johnson Hints that “Secure Communities Program” May Be Curtailed, Further Gutting Enforcement to Dangerous Levels

**I**n the aftermath of the revelation that the Department of Homeland Security released, rather than deporting, 36,000 criminal aliens in 2013, you might expect that top officials at the department would be looking for ways to prevent criminal aliens from being returned to the streets. However, in an appearance of the PBS *News Hour* program, Secretary Jeh Johnson hinted at policy changes that would ensure that even **more** foreign criminals are allowed to remain in the United States.

Even though there is no requirement that illegal aliens must commit another crime in the U.S. in order to be deported (illegal presence alone is all that is required), advocates for illegal aliens have complained loudly that the Secure Communities pro-

gram results in the deportation of illegal aliens who have only committed “minor” offenses. Under the Secure Communities program, individuals who are arrested by state and local police for other crimes have their fingerprints run through federal databases, including a database of known immigration violators. In some cases, Immigration and Customs Enforcement issues a detainer request and the illegal aliens are remanded to their custody.

Johnson suggested that, as part of his department’s review of Secure Communities, requests for immigration holds may be limited to only those aliens who have already been convicted of criminal offenses. “In my judgment, Secure Communities should be an efficient way to work

with state and local law enforcement to reach the removal priorities that we have, those who are convicted of something,” Johnson said.

Placing such limitations on Secure Communities would further endanger the lives and safety of American citizens. Criminals who are arrested by local police for minor violations often go on to commit more violent offenses. There are numerous examples of deportable criminals who have been released from police custody going on to commit more serious crimes, including homicide—a situation Johnson said during his meeting with FAIR and other true immigration reform groups he hoped to avoid.

## Urgent: Business Groups Finance a Last Blast to Pass Amnesty and Mass Immigration Increase in 2014

**T**he year may already be half over, but in terms of time available to enact a sweeping amnesty and immigration increase, the legislative clock is running out. The U.S. Chamber of Commerce and other business and corporate lobby groups are committing significant amounts of money to try to influence House Republican lawmakers to pass a bill that would give them even greater access to foreign workers.

In early May, the Chamber launched a \$3 million ad campaign in support of Republican House members who support amnesty. Among the congressmen benefiting from the Chamber ads are Representatives David Valadao (R-Calif.) and Mike Coffman (R-Colo.), both of whom have been pushing the business lobby’s agenda in the House.

Speaking at a public forum, the Chamber’s president, Thomas Donohue boasted, “We’ve got a lot of heat on that [issue], and we’re go-

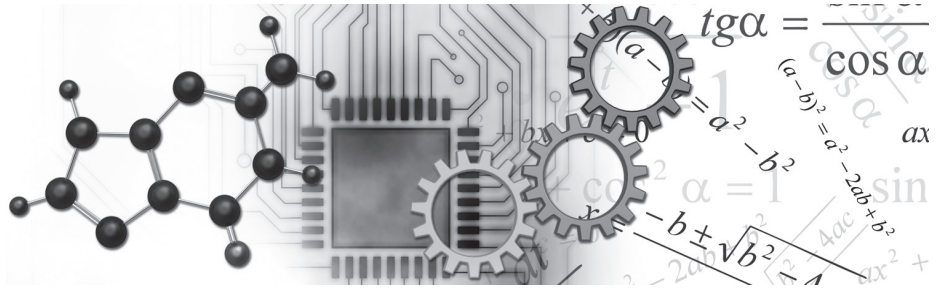


# Revisiting the Labor Shortage Myth

“There are jobs Americans won’t do.” How many times have you heard this, despite evidence to the contrary? As if perpetuating the myth that American workers will not perform physically demanding labor weren’t shameful enough, there is now a concerted effort to convince the public that there are no qualified Americans available for intellectually demanding jobs either.

Let’s be clear. **There is NO shortage** of American workers with science, technology, engineering, and math backgrounds. The U.S. produces more qualified STEM graduates than there are jobs created in the industry every year, and there are more than twice as many people in the United States with STEM degrees than are working in the industry.

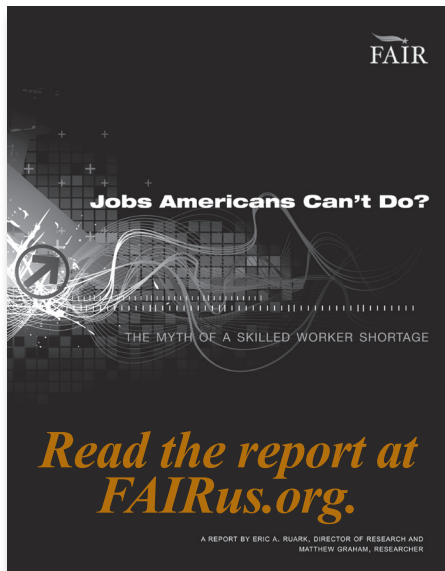
If there were a chronic shortage of these workers, as tech executives claim, salaries for these occupations would be rising sharply. In fact, earnings for tech workers have been depressed by the industry’s use of foreign guest workers, and in some cases have even decreased.



Behind the industry’s calls for guest worker programs that attract the “best and brightest” is the reality that U.S. tech companies are suppressing wages by discriminating against qualified American workers, all with the full complicity of the federal government.

It is astounding to realize that Americans are being denied job opportunities in America while at the same time politicians are calling for the expansion of guest worker programs that will exacerbate this problem.

FAIR’s 2011 publication, *Jobs Americans Can’t Do?: The Myth of a Skilled Labor Shortage*, reveals how business interest-driven immigration and guest worker policies are shutting American workers out of many of these jobs here in their own country.



In a post-industrial economy, STEM jobs were supposed to be the shining promise of the future for Americans who put in the hard work to train for careers in these fields. Instead, after significant investment of time, energy, and money, many STEM jobs are being outsourced to other countries, while corporations have nearly unfettered access to foreign workers to fill the jobs that remain here.

*Jobs Americans Can’t Do* provides detailed recommendations to reform work-based visa programs to reduce excessive levels of legal immigration and ensure that American workers have a chance to prosper in the 21st century economy.

## CALIFORNIA

California politicians can't seem to do enough for illegal aliens. In 2013, the Legislature approved driver's licenses for them, granted admission to the state bar, and blocked most criminal aliens arrested in the state from being turned over to federal authorities. On this year's agenda: A special taxpayer subsidized health insurance exchange for illegal aliens who are barred from the Obamacare exchanges, and professional licenses for illegal aliens seeking to work (illegally) in a variety of trades and professions.

Senate Bill 1005 would create a taxpayer-funded exchange to give health insurance to illegal aliens. In addition, the bill would make illegal aliens eligible for taxpayer-funded Medi-Cal benefits. To circumvent the prohibition in the Affordable Care Act against illegal aliens accessing federal benefits, SB 1005 creates the "California Health Trust Fund for All Californians" and adds a surcharge to qualified plans to cover the costs.

A second bill before the California Legislature would grant professional licenses to illegal aliens, in spite of the obvious federal prohibition against illegal aliens working in the United States. Senate Bill 1159, sponsored by Sen. Ricardo Lara, would allow about 40 state boards to accept a federal taxpayer identification number as proof of identification in lieu of a Social Security number. Under the bill, illegal aliens would be eligible for a variety of professional and trade licenses including doctors, dentists, nurses, barbers/beauticians, security guards, and many more.

## FLORIDA

Facing a tough re-election campaign in the fall, Republican Gov. Rick Scott threw his support behind legislation that grants in-state tuition benefits to illegal aliens. House Bill 851, which appeared dead in April, was suddenly revived and passed by the Republican-led Legislature. Gov. Scott promptly signed the bill making illegal aliens eligible for both taxpayer-subsidized tuition benefits and tuition waivers, with the cost being picked up by Florida taxpayers.

## NEW YORK

In May, political leaders, including President Obama, gathered in New York City for the opening of a museum and memorial at Ground Zero, where nearly 3,000 people lost their lives on September 11, 2001. The 9/11 Commission found that access to government-issued identification documents facilitated the terrorists' ability to carry out their attack. Despite inescapable evidence that New York City is still in the crosshairs of international terrorists, the City Council issued its own identification documents to people who are in the country illegally. The measure, known as Intro 253, would create city-issued documents that would be accepted as proof of identity and residency for access to city services, including acceptance of the card by banks and other public and private institutions. New York State Senator Greg Ball warned bluntly that these documents "will be used as breeder documents, not just by illegal alien workers, but by criminals and terrorists looking to open bank accounts, board planes and trains, execute lease agreements and ultimately harm New Yorkers." Intro 253 has the strong support of Mayor Bill DeBlasio.



## ENLIST ACT *continued*

alerts, registered their displeasure with the ENLIST Act. In addition, FAIR further educated the American public about the possibility of a military amnesty on numerous talk radio appearances. These efforts seem to have had an impact.

As the House vote on the NDAA approached, Majority Leader Eric Cantor (R-Va.), a supporter of the ENLIST Act, announced that he would prevent it from being added as an amendment to the defense bill. (As of completion of this edition of the FAIR newsletter, no floor action had been taken on the NDAA.) Cantor's spokesman also indicated that the majority leader would oppose bringing H.R. 2377 up for a vote as a free-standing bill.

Cantor's retreat (for now) represents an important victory for true immigration reformers. There is no question that Cantor and the other House Republican

leaders wanted to move H.R. 2377 as an amendment or as free-standing legislation. They were deterred from doing so, however, by the negative response from voters around the country.

Much like DREAM Act supporters, backers of the ENLIST Act are attempting to sell it as an innocuous piece of legislation designed to provide "innocent" illegal aliens who were brought here as children an opportunity to earn legal status by serving in the military.

Notwithstanding Cantor's statements, House leaders will continue to look for openings to revive H.R. 2377. Senator Carl Levin (D-Mich.), who chairs the Senate Armed Services Committee, and Senator Dick Durbin (D-Ill.), who chairs the Defense Appropriations Committee, have both indicated that they are likely to seek inclusion of the ENLIST Act when the Senate takes up the NDAA. ■

## The ENLIST Act: *Flawed and Dangerous*

*FAIR's analysis of H.R. 2377 reveals the flaws in the bill that would provide a much broader amnesty, and may not even require many beneficiaries to actually serve in the armed forces.*

**NOT JUST FOR KIDS.** H.R. 2377 does not include any upper age limit for qualification. Under current law, individuals up to the age of 42 may enlist in the military. Thus the ENLIST Act amnesty could provide green cards for illegal aliens well into adulthood.

**GREEN CARDS WITHOUT MILITARY SERVICE.** The bill guarantees immediate green cards upon enlistment and expedited citizenship. The beneficiary is not required to fulfill the full term of enlistment and could potentially be guaranteed a green card for just one day's service.

**NATIONAL SECURITY THREAT AND BURDEN ON THE MILITARY.** The legislation opens the possibility of terrorists and others with hostile intent serving in our military. It burdens the military with the impossible task of doing adequate background checks on people whose true identities may not be known. It is also an inherently bad idea for the nation to be defended by foreign nationals whose primary motivation for service is amnesty.

**NO DHS DISCRETION FOR DENYING GREEN CARDS.** Once an illegal alien has enlisted, DHS would be required to grant green cards even if they have reason to believe the individual poses a threat to the nation or has committed fraud.

**AMNESTY FOR FAMILY MEMBERS.** Under an Obama administration policy memo issued in November 2013, illegal alien family members of U.S. service personnel and veterans are being granted "parole in place." Under the parole in place policy (never authorized by Congress), these family members are eligible for green cards and citizenship.

**DENIES U.S. CITIZENS THE OPPORTUNITY TO SERVE.** H.R. 2377 is being considered at a time when the Pentagon is downsizing the military. The Army is in the process of reducing the force from 522,000 active duty soldiers to about 450,000, including a 30,000 reduction by late 2015. Thus, while American soldiers are literally being forced out of the military, the ENLIST Act would open the door to illegal aliens seeking amnesty.

**Get the latest on the ENLIST Act by signing up for updates and action alerts at [fairus.org](http://fairus.org).**

CRIMINAL ALIEN RELEASE *continued*

A report prepared by the Center for Immigration Studies reveals that in 2013, Immigration and Customs Enforcement freed 36,007 convicted criminal aliens who were awaiting the outcome of deportation proceedings. Many of those who were released into communities all across the United States—instead of being deported—are multiple offenders and easily fit the Obama administration’s own criteria for removal.

In response to the report, the Department of Homeland Security claimed that because of a 2001 Supreme Court ruling regarding indefinite detention, it had no choice but to release many of the criminal aliens whose home countries would not accept their return.

While fewer than 3,000 fell into this category, the majority of the releases were implemented at the discretion of ICE, or in direct contravention of the Immigration and Nationality Act.

The revelations about the release of criminal aliens comes on the heels of DHS Secretary Jeh Johnson’s admission before a congressional committee that the administration’s overall deportation numbers are being inflated by counting border apprehensions and removals as deportations. (See April 2014 edition of the FAIR *Immigration Report*.)

**Quick • Facts**

The 36,007 criminal aliens released in 2013 were collectively convicted of nearly **88,000** crimes in the United States, including:

- 193 homicides
- 426 sexual assaults
- 303 kidnappings
- 1,076 aggravated assaults
- 15,635 drunk driving offenses
- Get the full list at [cis.org](http://cis.org).

CHECK OUT NEW RESEARCH FROM FAIR

***The (Il)logic of Open Border Libertarians***

Much like the Tea Party, libertarianism is experiencing the growing pains that go along with transforming a limited movement into an effective political force. FAIR doesn’t promote or denigrate libertarianism, but we’d like to have an honest debate about immigration policy and corresponding political solutions.

**Read the entire essay and share your thoughts on our blog, [ImmigrationReform.com](http://ImmigrationReform.com)**

BIG BUSINESS ALL IN FOR AMNESTY *continued*

“WE’VE GOT A LOT OF HEAT ON THAT [ISSUE], AND WE’RE GOING TO PUT A LOT MORE.”

—Thomas Donohue, President, U.S. Chamber of Commerce

ing to put a lot more.” Even though there is no evidence that suggests that supporting amnesty and immigration increases would improve Republicans’ standing among Hispanic voters, Donohue quipped, “If the Republicans don’t [pass amnesty] they shouldn’t bother to run a candidate in 2016.”

At the same forum, Jay Timmons, president of the National Association of Manufacturers, complained that “There are 600,000 jobs in manufacturing that are going

unfilled today. This immigration bill [S. 744] can go a long way toward helping us fill those positions.”

Rather than spend money training or enhancing the skills of some 20 million unemployed or underemployed American workers (not to mention the millions more who have dropped out of the labor force), NAM is spending millions lobbying for more immigrant workers. In lobbyist-driven Washington, the idea that private industry has an obligation to train its own workers is apparently an antiquated concept. Instead, the federal government is now viewed as a personnel agency that supplies foreign workers on demand to businesses that choose not to invest in American workers.

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The name Seventh Generation Legacy Society is taken from the great law of the Iroquois Confederacy: "In our every deliberation, we must consider the impact of our decision on the next seven generations."

Recognizing FAIR and its mission in your estate planning is a fine way to honor your concern for the nation's future while helping ensure the cause of true immigration reform.

Establishment of your gift is all that is required to recognize you as an honoree of this distinguished group.

Please contact our planned giving officer for information about how we can help you with your estate planning. We welcome the opportunity to tell you more about how your gift will ensure that our work survives long into the future.

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