



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

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Arizona: If Washington Won't Enforce Immigration Laws, We'll Do It Ourselves

Arizona has been coping with the consequences of the federal government's failure to enforce immigration laws for decades. In April, state leaders finally decided that they could no longer wait for a federal response to a chronic problem that is draining public resources and endangering the security of Arizonans.

On April 23, Gov. Jan Brewer signed into law the Support Our Law Enforcement

and Safe Neighborhoods Act, also known as S.B. 1070. Authored by State Senator Russell Pearce, a long-time champion of immigration enforcement, the new law is intended to deter "the unlawful entry and presence of illegal aliens and economic activity by illegal aliens in the United States." The law, which will go into effect later this summer, declares attrition through enforcement to be the official policy of Arizona.

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Obama's Aunt Gets Political Asylum

After years of defying a deportation order issued by a federal court, Zeituni Onyango was granted political asylum by a federal immigration judge on May 17. Onyango's case attracted international attention because she is President Obama's aunt, but is most noteworthy because it provides a textbook example of how our asylum policies can be abused.

After overstaying her visa, Onyango filed a petition for political asylum that was



Zeituni Onyango

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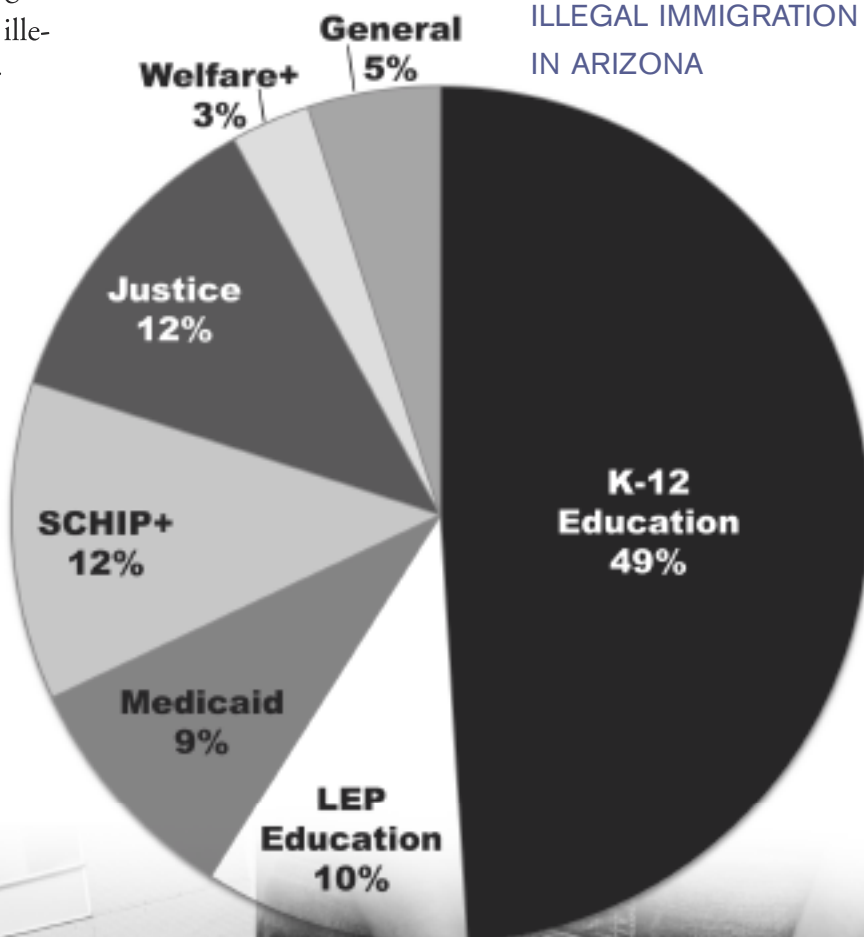
Illegal Immigration Costs Arizonans \$2.7 Billion

Arizona legislators and Gov. Jan Brewer were addressing a real problem for their state when they enacted S.B. 1070 in April. According to a new study by FAIR, the taxpayer cost of providing basic services to illegal aliens and their families was \$2.7 billion in 2009. In a 2004 report, FAIR estimated that K-12 education, unreimbursed health care, and incarceration of criminal illegal aliens cost Arizonans about \$1.2 billion. The newly released study includes additional costs for English language instruction and other expenditures.

Public K-12 education for the children of illegal aliens — both those who are themselves in the country illegally and those born in the U.S. — accounts for nearly half the tab picked up by Arizona taxpayers. Health care, criminal justice, English instruction, and general welfare account for the remaining 51 percent of Arizona's illegal immigration costs.

The costs of illegal immigration would likely be even higher today had voters and legislators not enacted earlier measures aimed at discouraging illegal immigration. According to Department of Homeland Security estimates, the illegal population in Arizona declined by about 17 percent between 2008 and 2009.

FISCAL COSTS OF
ILLEGAL IMMIGRATION
IN ARIZONA



Immigration
REPORT

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FAIR 25 Massachusetts Ave., NW • Ste. 200 • Washington, DC 20001
(202) 328-7004 • info@fairus.org • www.fairus.org



Americans Voice Overwhelming Support for Arizona Law

We know that illegal aliens and amnesty advocates don't like Arizona's new anti-illegal immigration measure. We've heard the righteous indignation of city councils in Los Angeles, San Francisco, and Seattle, which have resolved to boycott Arizona. We know that U.S. Attorney General Eric Holder and Homeland Security Secretary Janet Napolitano decided they didn't like it even before they read it. But how do people in Arizona and the rest of the country feel about S.B. 1070?

Despite the shrieks of protest from opponents of immigration enforcement, most Americans are in favor of police inquiring about immigration status when they reasonably suspect someone is in the country illegally. Shortly after Gov. Jan Brewer signed S.B. 1070 into law in April, a Rasmussen poll found that 70 percent of Arizonans approved of the measure.

Even outside of Arizona, the idea of local enforcement of immigration laws enjoys strong public support. A poll conducted by the Pew Center for the People and the Press in early May found that 59 percent of Americans approved of the Arizona law, compared to 32 percent who disapproved.

A *Wall Street Journal*/NBC poll conducted around the same time also found overwhelming approval for the Arizona law. Sixty-four percent of respondents said they supported Arizona's approach to enforcement (48 percent "strongly support" the law), while only 34 percent opposed it. The same poll also found that only 37 percent of Americans believe that immigration is benefiting the nation, while 53 percent think it is hurting the country.

These and other poll results demonstrate, yet again, that Americans want a sensible immigration enforcement strategy in place that protects their interests and security. If the federal government refuses to uphold its responsibilities, people all across the country are more than happy to let local police do the job.

Another Outline, Still No Amnesty Bill

Heading into late-May, no amnesty bill had been introduced in the Senate, and there may not be any in this session of Congress. It appears that the Senate Democratic leadership is more intent on deflecting the anger of the amnesty lobby by blaming Republicans for their failure to enact legislation than they are in trying to get a bill passed.

In March, Senators Charles Schumer (D-N.Y.) and Lindsey Graham (R-S.C.) outlined an illegal alien amnesty proposal in a *Washington Post* op-ed. The op-ed was not followed up with the expected legislation and Sen. Graham seemingly changed his mind about working with Democrats on an immigration bill. On April 29, Schumer tried again — this time offering a more detailed outline with his Democratic colleagues, Majority Leader Harry Reid (D-Nev.) and Robert Menendez (D-N.J.).

THE REID-SCHUMER-MENENDEZ OUTLINE CALLS FOR TOUGHER BORDER, INTERIOR AND WORKSITE IMMIGRATION ENFORCEMENT. HOWEVER, BASED ON PREVIOUS EXPERIENCE, THE AMERICAN PUBLIC HAS LITTLE REASON TO BELIEVE THAT THE ENFORCEMENT MEASURES WOULD EVER BE IMPLEMENTED.

Without a single Republican prepared to line up with them, the Democratic leadership appears to be reluctant to move ahead with an amnesty bill that is broadly opposed by the American public. President Obama personally phoned several Republican senators seeking their support, but to no avail.

The Reid-Schumer-Menendez outline essentially dusts off the failed 2007 McCain-Kennedy legislation that was resoundingly rejected by the American public.

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What Arizona's immigration law really says *It's not about racial profiling; it's about upholding the law.*

By Dan Stein

Published April 30, 2010 • *Los Angeles Times*

FAIR's president Dan Stein separates fact from fiction about Arizona's S.B. 1070.

"As we exercise the right to advocate our views, and as we animate our supporters, we must all assume responsibility for our words and actions before they enter a vast echo chamber and reach those both serious and delirious, connected and unhinged." Those words were written by former President Clinton in a *New York Times* op-ed marking the 15th anniversary of the Oklahoma City bombing.

While Clinton's finger-wagging was directed at critics of the Obama administration, his caution against overblown rhetoric might also be heeded by the vast echo chamber bent on whipping up hysteria in response to a recently passed Arizona law designed to effectively address illegal immigration.

Arizonans have endured decades of federal neglect of immigration enforcement. Half of illegal border crossings now occur in Arizona, and our study found that state taxpayers spend more than \$2 billion a year on education and healthcare for illegal immigrants and their children. The porous border is virtually a welcome mat for criminal organizations that run drugs and other contraband through the state. Kidnappings in Phoenix are at an all-time high, and the killing last month of rancher Robert Krentz – police suspect by an illegal immigrant – is

only the latest graphic example of the impact that rampant illegal immigration has on ordinary Arizonans.

Faced with an ongoing crisis and little help from Washington, Arizona has been forced to respond to protect its residents and its financial resources. This month, the legislature passed and Gov. Jan Brewer signed SB 1070. Among other things, this law requires all law enforcement officers in Arizona to act on reasonable suspicion that an individual is in the country illegally.

The reaction from advocates for illegal immigrants to SB 1070 – which, according to opinion polls, is supported by some 70% of Arizonans – can only be described as incendiary and irresponsible, not to mention patently inaccurate. Los Angeles Cardinal Roger Mahony invoked images of Nazi Germany and Soviet totalitarianism. Reform Immigration for America, an umbrella coalition of pro-amnesty groups, warned ominously that "it's racial profiling, and it encapsulates the hatred we are fighting." ACORN's Bertha Lewis declared, "If this bill passes, Arizona is declaring itself an apartheid state."

SB 1070 is not a mandate for Arizona police to seek out illegal immigrants. It conforms

FAIR Explains the Arizona Law to the Nation

As Arizona's new immigration enforcement law gripped the media's attention perhaps the most consistent element of the coverage was their reliance on FAIR to provide concise and accurate information to their listeners, viewers and readers.

FAIR has worked hard over many years to earn our reputation as a reliable source of information and commentary on all matters relating to immigration policy. As the debate about the Arizona law raged, FAIR's media spokespeople were in high demand by national, international and local media.

Between mid-April and mid-May, FAIR representatives appeared on, or commented in:

- 78 national, international and local radio programs
- 24 national, international and local television programs
- 30 print news stories (some of which were syndicated in hundreds of newspapers)



FAIR's Media Director
Ira Mehlman

fully with the Constitution's 4th Amendment protections against unreasonable search and seizure. Under the law, Arizona police are prohibited from racially profiling or stopping anybody merely because of appearance or ethnicity. They may inquire about immigration status only if there is justification for the stop under the Constitution – such as investigating a possible crime – and there is reasonable suspicion that the individual is in the U.S. illegally.

And what is reasonable suspicion? Reasonable suspicion might include the lack of any sort of valid U.S. identification documents that police officers routinely request from anyone who is lawfully stopped. The law expressly states that race, color or ethnicity does not constitute reasonable suspicion of illegal presence in the U.S. In reality, SB 1070 does nothing more than require police in Arizona to protect the citizenry and uphold responsibilities abrogated by the federal government.

A ruling by the U.S. 1st Circuit Court of Appeals this year provides firm legal footing for Arizona's law. In *Estrada vs.*

Rhode Island, the court affirmed that the failure of an alien to possess alien registration documents represents probable cause for state or local police to arrest the person for a federal misdemeanor committed in the officer's presence, or detain that person until the individual's status can be verified.

Predictably, those who have consistently opposed all efforts to enforce U.S. immigration laws are resorting to a campaign of lies and distortions to fight implementation of the law.

SB 1070, plain and simple, will allow police to identify and detain people because of the laws they violate, not because they happen to meet a particular racial or ethnic profile. What it demands is that state law enforcement officers no longer turn a blind eye in situations in which they reasonably suspect that an individual they have encountered is violating U.S. immigration laws.

ARIZONA LAW *continued*

Drafted with the aid of FAIR's legal affiliate, the Immigration Reform Law Institute (IRLI), S.B. 1070 is carefully crafted to conform to federal laws and to protect the civil rights of all legal residents and visitors to Arizona.

Among its key provisions, S.B. 1070:

- Prohibits the adoption of sanctuary policies by any jurisdiction within Arizona.
- Directs police, during lawful stops, to determine the immigration status of individuals they reasonably suspect to be illegal aliens.
- Requires non-citizens who are lawfully present to carry their documents with them at all times.
- Prohibits illegal aliens from applying for or soliciting work in public places.
- Makes it illegal to transport, harbor or encourage illegal aliens to remain in the United States.
- Allows legal residents of Arizona to sue a government agency that adopts a policy that limits the enforcement of federal immigration laws.

Sound Police Work, Not Profiling

Even before Gov. Brewer affixed her signature to the bill, opponents of immigration enforcement launched a full-scale misinformation campaign about S.B. 1070. The most frequent attack against the law (which is still not in effect) is that it sanctions, or even mandates, ethnic and racial profiling. It does not. In fact, S.B. 1070 specifically prohibits police from using ethnicity or race as a basis for inquiring about immigration status.

S.B. 1070 does not allow police to randomly pull people over and inspect their documents. Inquiries into immigration status may only occur in cases in which police are making a lawful stop for some other offense. Police must then have reasonable suspicion that an individual is an illegal alien — using factors such as the lack of any government issued documents, or evasive answers to questions — before checking

immigration status. Reasonable suspicion is the standard used by all police in deciding when to investigate whether other illegal activity is occurring.

Under the new law, any individual who can present a valid federal, state or locally issued identity document that requires legal presence for issuance, or a foreign passport with evidence of legal entry, such as a valid U.S. visa, must be presumed to be legally present in the country.

FAIR has been at the forefront of state and local efforts to implement policies that discourage illegal immigration. With the expert input of IRLI, we believe that S.B. 1070 will withstand legal challenges from the illegal alien advocacy network and will serve as a model for other state and local governments that, like Arizona, decide they can no longer wait for the federal government to secure the border and enforce our immigration laws.

ASYLUM FOR ONYANGO *continued*

denied in 2004. A judge then ordered her deported, but instead of complying with the ruling, Onyango moved into a public housing project in Boston and remained in the U.S. illegally. Despite being in defiance of an immigration court order to leave the country, she was given a second opportunity to petition for political asylum in 2009. According to her attorney, Onyango sought asylum based on poor health and periodic political turmoil in her native Kenya — neither of which is grounds for being granted asylum under U.S. law.

Onyango's case exemplifies how illegal aliens and their lawyers routinely use political asylum to avoid deportation. De-

termined illegal aliens and their attorneys are able to tie the judicial system in knots until they can find a judge who will rule in their favor, even while they are in defiance of orders issued by other federal judges.

FAIR has long fought for reforms to our asylum process, including an end to "defensive" asylum claims that are filed only after the alien has been identified as being in the country illegally. Multiple appeals of unfavorable decisions should be curtailed and individuals, like Onyango, who are in defiance of court orders should not be permitted to file new claims.

PENNSYLVANIA

Pennsylvania became the first state to formally unveil legislation similar to Arizona's state-based enforcement law. State Representative Daryl Metcalf introduced Pennsylvania's Save Our Law Enforcement and Safe Neighborhoods Act at a Harrisburg news conference on May 4. Metcalf has long been a forceful advocate of local immigration enforcement policies and has worked closely with FAIR and the Immigration Reform Law Institute. The legislation has 26 cosponsors in the legislature.

Metcalf cited FAIR's study, *The Costs of Illegal Immigration to Pennsylvanians*, as evidence for why such a law is necessary in his state. He and other immigration enforcement supporters were joined by FAIR's president, Dan Stein, at the Harrisburg news conference.

RHODE ISLAND

State Representative Peter Palumbo also introduced legislation modeled after the Arizona law in the Rhode Island legislature. The Cranston Democrat specifically cited boycott and other threats made against Arizona when he introduced H 8412. "I'm trying to show the people in Arizona that there are more people in support of them, than against them," said Palumbo. The bill has the support of Rhode Islanders for Immigration Law Enforcement (RIILE), a group that has worked closely with FAIR.

MICHIGAN

State Representative Kim Meltzer (R-Macomb County) announced in early May that she has begun drafting a state-based immigration enforcement bill similar to the new Arizona law. "State law enforcement officers must be given the proper training and authority to provide this basic level of protection that already exists at the federal level for our state" Meltzer said. In the past, Meltzer has sponsored legislation to deny any local municipality its share of statutory revenue sharing if it declared itself a sanctuary city for illegal aliens. FAIR has also been working closely with Rep. Dave Agema (R-Kent and Ottawa Counties) on legislation to block benefits to illegal aliens and require state agencies to use E-Verify to prevent the employment of illegal aliens.

NO AMNESTY BILL *continued*

ple. The latest outline proposes to grant amnesty to nearly all current illegal aliens, plus spouses and minor children who may live in other countries. The proposal also calls for increases in the flow of unskilled labor to the United States.

Like McCain-Kennedy, the Reid-Schumer-Menendez outline calls for tougher border, interior and worksite immigration enforcement. However, based on previous experience, the American public has little reason to believe that the enforcement measures would ever be implemented.

Although the window of opportunity to enact a sweeping amnesty bill in 2010 is closing quickly, FAIR still takes the threat of such legislation very seriously. We will staunchly oppose any legislation that includes amnesty for illegal aliens or expansion of our already excessive levels of immigration. We will continue to monitor legislative developments and keep our members and activists informed so that they can respond to any bill that rewards illegal immigration and undermines the interests of the American people.

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