



FAIR

FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

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Immigrants Use Welfare at a Higher Rate and Collect More in Benefits

In 2010, FAIR published its groundbreaking report, *The Fiscal Burden of Illegal Immigration on United States Taxpayers*, which found that illegal aliens and their dependents cost federal, state, and local governments about \$113 billion annually.

New research by the Center for Immigration Studies (CIS) examines the fiscal burdens of both legal and illegal immigration and finds that they are significant. The report finds that 51

percent of immigrant-headed households rely on at least one welfare program, compared with just 30 percent of households headed by someone who is native-born. Moreover, immigrant-headed households receive significantly higher levels of public assistance, \$6,234 per year, than the typical native-headed household, \$4,431 per year.

Breaking down the costs, immigrant households receive 33 percent more cash assistance than natives, 57

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Unaccompanied Minors to Get \$3,000 More in Benefits than the Average Social Security Recipient

Under President Obama's proposed FY 2017 budget, illegal alien unaccompanied minors (UAMs) will fare significantly better than American senior citizens. To deal with the accelerating surge of UAMs across our southern border, President Obama is requesting \$1.3 billion to address their needs. Though the phenomenon has been highly predictable and driven

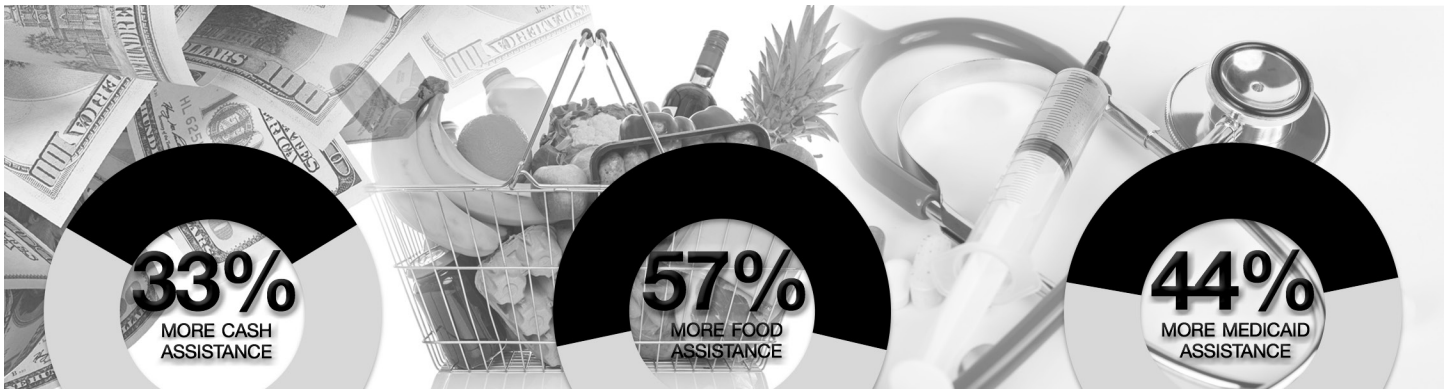


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IMMIGRANTS AND WELFARE *continued*

The result of these immigration policies is the large-scale importation of people who must rely on a variety of public assistance programs to meet their basic needs.

percent more in food assistance and 44 percent more in Medicaid benefits. Drilling down further, the data show that households headed by immigrants from Mexico and Central America receive the highest levels of welfare, averaging \$8,251 annually.

The costs associated with America's failed legal immigration policies are even greater than the fiscal burdens imposed by the refusal of the government to enforce laws against illegal immigration.

Legal immigrants, although they are admitted under the condition that they not become public charges, use an average of \$6,378 in public assistance compared with \$5,692 for households headed by illegal aliens.

The high dependence on public assistance among legal immigrants is not surprising. Only about 6 percent of all legal immigrants to the United States are admitted because they have skills and training that are

likely to benefit the country. The vast majority of legal immigrants are admitted because they are relatives of other recent arrivals in this country. As such, they are admitted irrespective of their job skills and education. The result of these immigration policies is the large-scale importation of people who must rely on a variety of public assistance programs to meet their basic needs. ■

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Intel Lays Off 12,000 Workers Even as It Seeks More Guest Workers

Changes in technology and how people use that technology are happening so rapidly that even pillars of the industry, like Intel, are having trouble staying ahead of the trends. The shift away from personal computers to mobile devices seems to have caught Intel, the world's largest chip maker, off guard. As a result, the tech giant announced it would lay-off about 12,000 employees, or about 11 percent of its workforce.

But one constant is the desire of the industry to reduce labor costs and limit the mobility of their workers through the use of the H-1B guest worker program.

Neither the downsizing of its labor force, nor the sudden availability of 12,000 qualified American tech workers, has stopped Intel or other multi-

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UAM'S WILL GET MORE BENEFITS THAN AMERICAN SENIOR CITIZENS *continued*

by his own policies, the president said the funds are needed because of “unexpected urgent refugee and migration needs.”

U.S. Customs and Border Protection (CBP) reports that 4,240 UAMs—most from Central America—plus 4,452 family units were apprehended by the Border Patrol in March alone. CBP expects the numbers for 2016 and 2017 to approach 75,000. Virtually all are released into the U.S. with Notices to Appear (NTAs) for a hearing set some time in the distant future. The government’s own data indicate that the overwhelming majority of NTAs are simply ignored.

80% of the primarily Central American UAMs who entered the country between February 2014 and September 2015 were released to the custody of “sponsors” who are also illegal aliens.

What has also been revealed is that the vast majority of UAMs who enter the country are being released to the custody of other illegal aliens in the United States. According to information obtained by the Associated Press through a Freedom of Information Act request, of the 71,000 primarily Central American UAMs placed with adult sponsors between February 2014 and

September 2015, an astounding 80 percent were placed in the custody of a sponsor not here legally.

Based on the administration’s \$1.3 billion budget request, the typical UAM will cost U.S. taxpayers \$17,643 a year. By contrast, the typical Social Security recipient, who paid into the system for decades, gets \$14,772 in annual benefits—or about \$3,000 a year less than someone who just walked across the border.

This growing burden on American taxpayers is the result of a loophole in the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. Under that law, UAMs from Central America cannot be promptly returned to their home countries. Nevertheless, Congress refuses to close this expensive loophole despite incontrovertible evidence that it is being exploited by people who are not being trafficked, but rather using the law as a means to gain entry to the U.S.

More Central American Minors Arriving Under Obama Program

Even as the numbers and the costs associated with UAMs and families with children arriving in the U.S. illegally soar, the Obama administration is allowing still more Central American minors to enter the country to be reunited with a “qualifying parent” under yet another unilateral executive program it began implementing in 2015.

Under the Central American Minor (CAM) Refugee/Parole Program the federal government grants either refugee or parole status to children from Guatemala, Honduras, or El Salvador when a qualifying parent who is “lawfully present” in the U.S. files an application for refugee status on behalf of their child currently living in one of those countries. “Lawfully present” does not necessarily mean a U.S. citizen or legal permanent resident. Rather, the list of qualifying parents includes various categories of illegal aliens who have been granted deferred action or parole by the Obama administration or who have qualified for Temporary Protected Status (TPS) in the U.S.

In essence, the Obama administration unilaterally created a program to allow illegal aliens to use the laws of the United States governing refugees and parole to bring in their relatives living outside the U.S. Rep. Paul Gosar (R-Ariz.) has introduced legislation to end this further abuse of executive authority by the administration. Gosar’s bill, the Central American Amnesty Termination Act of 2016 (H.R. 5141), would prohibit the use of any federal funds to “implement, administer, or carry out” the CAM program or “any successor program.” According to Gosar, CAM recipients receive cash, loans for flights, medical assistance, and, most importantly, are put on a path to citizenship.

One More Thing States Can Do to Discourage Illegal Immigration: Fight Back Against Identity Theft

Despite the Obama administration's efforts to chill state and local efforts to discourage illegal immigration, local governments have a broad array of tools they can use if they choose to use them. Add one more to the court-tested list: Criminalizing employment-related identity theft.

In early May, a three-judge panel of the Ninth Circuit Court of Appeals unanimously upheld an Arizona law that makes it a crime to steal someone's identity for the purpose of obtaining employment. The ruling was in response to a challenge by illegal alien advocates to a 2008 Arizona law to address high rates of identity theft. In *Puente Arizona v. Arpaio*, illegal alien advocacy groups challenged the measure, arguing that federal im-

migration law regulating employment authorization in the United States preempted the legislation. The Ninth Circuit disagreed, reasoning that it was a valid exercise of state police power because it applied equally to citizens, immigrants, and illegal aliens.

Gaining employment in the United States is the primary draw for illegal immigration. Using stolen identities is an easy way for illegal aliens to get around federal laws that prohibit their employment. But, besides un-



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12,000 AMERICAN WORKERS LAID OFF *continued*

billion dollar tech giants from demanding expanded access to H-1B guest workers. Just two weeks before announcing the mass lay-offs, Intel's director of Policy Communications and Government Relations, Lisa Malloy, lamented what she described as the industry's insufficient access to H-1B workers. "As we approach April 1, [the date on which companies can file H-1B applications for the coming fiscal year] we urge Congress to increase the H-1B visa cap to meet the demands of today's innovation economy." Currently, 85,000 H-1B visas are available each year.

Intel ranks 14th among U.S. employers of H-1B guest workers. Some 3,000 such foreign workers are employed by the company, including about 650 at the company's

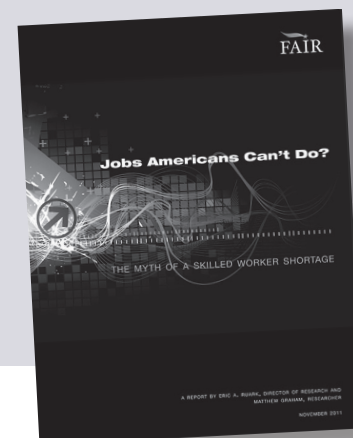
Portland, Oregon, facility which is expected to bear the brunt of the layoffs. And clearly Intel is not the only Fortune 500 company to escort American workers out the back door while it ushers H-1B workers in the front door.

The 12,000 skilled Intel workers—who will soon be available "to meet the demands of today's innovation economy" for other high tech employers—are far from being the only qualified American workers available.

The tech industry's relentless campaign for more H-1B workers, even as many companies lay off U.S. workers, affirms the complaints of many American workers that

guest worker programs are being used to undermine their jobs and wages.

According to a comprehensive report published by FAIR, *Jobs Americans Can't Do? The Myth of a Skilled Worker Shortage*, **65 percent of Americans** who hold degrees in Science, Technology, Engineering and Math (STEM) were working outside of those fields as recently as 2011.



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Across the Country

Louisiana

In early May, the Louisiana House of Representatives passed a pair of bills aimed at eliminating sanctuary cities in the state. HB 1148, authored by Rep. Valarie Hodges, prohibits state or local governments with sanctuary policies from borrowing any money from the state for new infrastructure projects, and bans state funds from being spent on the implementation or enforcement of sanctuary policies. The second bill, HB 453, authored by Representative Jay Morris, holds jurisdictions that implement sanctuary policies accountable for the consequences of those policies by allowing victims of crimes committed by illegal aliens released by sanctuary cities to sue the city or parish with such policies. Despite overwhelming support in the state House, the anti-sanctuary bills died in the Senate, under pressure from powerful business and immigrant advocacy groups. Republican State Senator Danny Martiny offered an amendment that effectively gutted the House legislation. "It does gut the bill ... because the bill doesn't make sense," boasted Martiny.

Nebraska

Nebraska's unicameral legislature overrode Gov. Pete Ricketts' veto of a bill that grants professional licenses to illegal aliens who are shielded from deportation by President Obama's Deferred Action for Childhood Arrivals (DACA) program. As a result of the override, an estimated 5,200 illegal aliens will qualify for any of the 170 occupations that are licensed by the state. In vetoing the bill, Ricketts argued that granting these illegal aliens permission to do everything from educating children, to practicing law, to working as doctors and nurses, is unfair to immigrants who have followed the law. "It's creating a fundamental injustice for the people who are doing it the right way and really subverts the rule of law," he said. The override vote in the legislature was 31-13.

Tennessee

In April, the Tennessee General Assembly passed legislation that would strengthen the state's E-Verify law. Senate Bill 1965 and House Bill 1830 (SB 1965/HB 1830) will make it harder for employers to hire illegal aliens and will increase penalties for failure to verify a new employee's eligibility to work in the United States. Specifically, SB 1965/HB 1830 amends Tennessee law to require all employers with 50 or more employees to use E-Verify. The bills also strengthen penalties for employers who knowingly violate work authorization verification requirements by creating a \$500 civil penalty per day if the employer fails to use E-Verify. The sponsors found that employers in the state were frequently violating the law and treating the risk of a one-time fine as a standard business expense. Governor Bill Haslam signed the legislation into law on April 21; the measure goes into effect July 1.

Oregon

On May 13, the Oregon U.S. District Court dismissed a lawsuit brought by five admitted illegal aliens and two illegal alien special interest groups that requested the court force the State of Oregon to grant driving privileges to illegal aliens. By a 66 percent majority, Oregon voters overturned a bill enacted by the state legislature that would have granted licenses to illegal aliens. "It is undisputed that Oregon voters rejected Measure 88; thus, SB 833 never went into effect, and no law authorizes the State to grant driver cards," wrote Judge Ann Aiken. Oregonians for Immigration Reform (OFIR) collected signatures to get Measure 88 on the 2014 ballot. OFIR was represented by FAIR's legal affiliate, the Immigration Reform Law Institute, and by Portland-based attorney Jill Gibson.

Correction

In the April edition of the FAIR newsletter we reported that having successfully challenged a misleading ballot title for a voter initiative that would mandate the use of E-Verify for most Oregon employers, the measure would be on the November ballot. However, subsequent to finalizing the April issue, Oregonians for Immigration Reform (OFIR) decided to postpone efforts to place the initiative on the ballot to a later date. In 2014, an OFIR ballot measure successfully overrode the legislature's decision to grant driver's licenses to illegal aliens.

Get to Know FAIR

HOW WE'RE MAKING A DIFFERENCE IN IMMIGRATION POLICY

Sarah Rehberg

DIRECTOR OF STATE AND
LOCAL GOVERNMENT
RELATIONS

Sarah Rehberg, director of the State and Local department, re-joined FAIR in 2015. She previously served as director of Government Relations, which operates at the federal level, then left FAIR to serve on staff for a member of the House Homeland Security Committee. She earned her J.D. from the University of the Pacific, where she focused on Public Law and Policy, and a B.A. from the University of Michigan in Political Science.

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What attracted you to the cause of immigration reform?

National security first brought me to the issue. It is beyond comprehension that so many years after 9/11, people still miss the connection to enforcement of our immigration laws. Although that's what got me in the door, I quickly realized the huge impact that illegal—and unchecked legal—immigration has on the economy and jobs

What does the State and Local department do?

Chiefly, we advise lawmakers and governors about sound immigration policy and advocate for the introduction of immigration enforcement legislation at the state and local level, like anti-sanctuary measures, mandatory E-Verify and denying public benefits to illegal aliens. Among other things, we provide model legislation and drafting assistance, along with writing fact sheets, issue briefs and bill summaries and analyses. We closely monitor legislative activity in all 50 states and alert our membership to any concerns.

What is your biggest challenge?

Tracking immigration legislation in all 50 states (not to mention localities) is no small feat. Timing is everything for us. So we prioritize where we can make the biggest impact and then ensure we are ready to educate and mobilize when the time is right. For instance, sanctuary cities are currently the area where we have the most interest and momentum, so much of our focus is on getting those bills across the finish line.

How can people help?

The phrase “all politics is local” is true. Real reform starts in our own backyards, especially given Congress's inaction on sanctuary cities or the lack of interior enforcement. This puts the onus on states and localities because they are directly affected when sanctuary policies put criminal aliens back on the streets. State and local governments also bear the majority of the cost of illegal immigration, including schools, hospitals and local welfare agencies. No victory for real reform is ever too small; get involved in your community and then see how far you can go. We all have to start somewhere.

FIGHT BACK AGAINST IDENTITY THEFT *continued*

dermining employer sanctions laws, identity theft creates nightmares for the people whose identities are stolen. The practice can result in financial and legal difficulties for unsuspecting citizens, who can spend years and many thousands of dollars trying to undo the damage caused

by identity thieves.

This latest ruling joins a long list of Arizona laws aimed at curbing illegal immigration that have passed judicial muster. In 2012, the U.S. Supreme Court upheld most of the provisions of SB 1070, just a year after upholding Arizona's law

mandating that all employers use E-Verify as part of the hiring process. Thus, even if the federal government refuses to protect the interests of citizens against illegal immigration, state and local governments have significant leeway to fill the void.

Nearly 20,000 Criminal Aliens Released by ICE in 2015

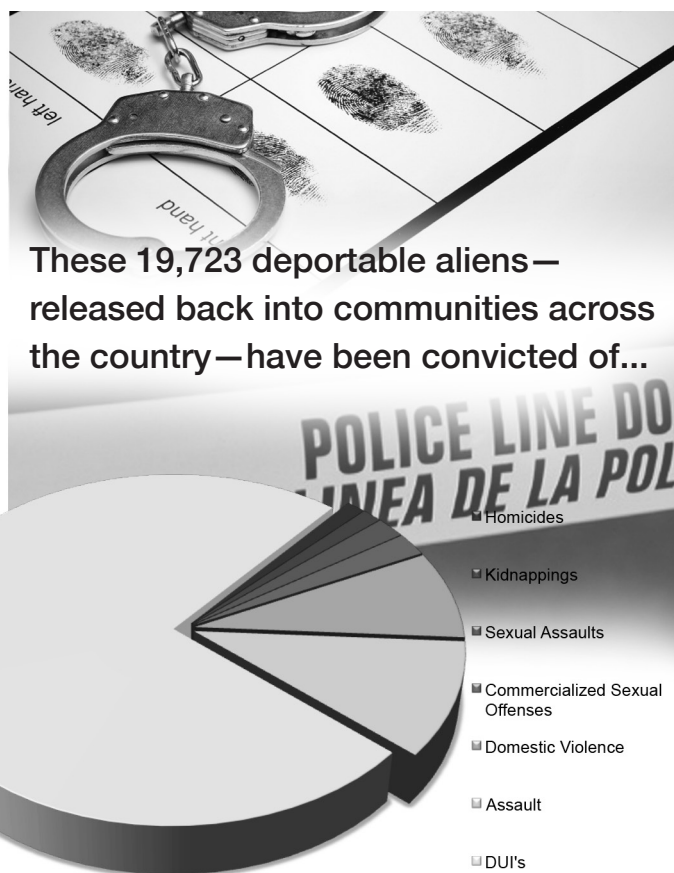
The Obama administration has attempted to justify its abandonment of immigration enforcement against the overwhelming majority of illegal aliens (87 percent, according to the Migration Policy Institute, which supports amnesty for illegal aliens) by claiming it is focusing its enforcement resources on the removal of criminal aliens from the United States.

Turns out they're not even doing a very effective job of deporting the criminal aliens they have designated as priorities for removal. Removal of criminal aliens in 2015 was the lowest it has been since President Obama came to office. According to information released by Immigration and Customs Enforcement (ICE) in late April, the agency released 19,723 criminal aliens with a total of 64,197 convictions in Fiscal Year 2015 alone. It should be noted that 64,197 is just the number of convictions; the number of crimes these deportable aliens committed is likely to be significantly greater.

Nor were the deportable aliens ICE released back into communities across the country just petty and non-violent criminals. The list of crimes these 19,723 foreign criminals were convicted of include 208 homicide related convictions, 216 kidnapping convictions, 320 sexual assault convictions, 352 commercialized sexual offenses, 1,347 domestic violence convictions, 1,728 assault convictions, and 12,307 driving under the influence convictions.

When ICE director Sarah Saldaña was called before the House Judiciary Committee to explain why ICE failed to deport these criminals despite having ample funds to do so, she attempted to lay the blame on a 2001 Supreme Court decision, *Zadvydas v. Davis*. In that case, the Court ruled that a convicted criminal alien who had completed his sentence but whose country of origin refused repatriation could not be detained indefinitely.

However, of the 19,723 criminal aliens released in Fiscal Year 2015, only 2,166—or 11 percent—were because of the *Zadvydas* case. In reality, 7,293 criminal aliens were released due to “ICE discretion,” meaning ICE could have kept them in detention but elected not



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to. Further, 10,175 criminal aliens were released due to an immigration judge's decision, which, in many cases, can be influenced by the way ICE attorneys argue for detention. Therefore, ICE could have decided to detain or fought to detain 89 percent of the criminal aliens released during the last fiscal year.

Saldaña was also called to answer questions before the House Oversight and Government Reform Committee about ICE's release of criminal aliens. That hearing included testimony from the parents of Casey Chadwick and Sarah Root, two recent victims of criminal aliens that ICE did not find sufficiently dangerous to remove despite their criminal records. Rather than take responsibility and commit to changes in policy, Saldaña charged that the committee was using the issue as a “political football” and admonished them to “focus on solutions, not political banter.”

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