



FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration REPORT

MARCH 2016

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## Broken Promises: Illegal Aliens Get \$750 Million in Obamacare Subsidies

One of the big battles over the Affordable Care Act (ACA), aka Obamacare, was over whether illegal aliens would be eligible to enroll. FAIR strongly opposed including illegal aliens under the ACA for two reasons: First, covering them would represent another step in acknowledging and regularizing their status in the United States. Second, the ACA provides taxpayer subsidies for those whose household incomes are less than 400

percent of poverty level—a level that virtually all illegal aliens fall below.

In part because of FAIR's objections, Congress decided they would not be covered. But, according to a Senate report released in February, many illegal aliens are receiving Obamacare subsidies anyway. The report, released by Sen. Ron Johnson (R-Wis.), chairman of the Senate Homeland Security and Governmental Affairs Committee, examined the Centers for Medicare and

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## In Early GOP Nominating Races, Immigration Spoke Louder than Money

In the first two Republican nominating contests of the 2016 campaign—the Iowa caucuses and the New Hampshire primary—immigration was a crucial issue in voters' decisions. The issue came up repeatedly in the numerous debates leading up to Iowa and New Hampshire and, when it came time to vote, the candidates with the strongest positions on immigration enforcement, opposition to amnesty, and even reductions in overall immigration came out on top.



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OBAMACARE FOR ILLEGALS *continued*

Medicaid Service's (CMS) practice of distributing cost assistance in the form of tax credits to Obamacare enrollees. Chairman Johnson's inquiry found that, as of June 2015, "the administration awarded approximately \$750 million in tax credits to more than 500,000 individuals who were later determined to be ineligible because they failed to verify their citizenship, status as a national, or legal presence."

The Senate report accuses the administration of turning a blind eye to abuse of the system by people, many of whom are likely illegal aliens, and for lacking a coherent plan to recoup the \$750 million that has been paid out. "The information provided to the Committee by the IRS and HHS reveals a troubling lack of coordination between the two agencies ... and demonstrates that the IRS and HHS neglected to consider how they would recover these wasteful payments," states the report.

Indeed, the administration's practice of doling out Obamacare benefits to people who cannot prove legal residency (dubbed "pay and chase" by Sen. Johnson) bears a remarkable resemblance to the administration's "catch and release" policy at the border. The Senate re-

port found that the plan to recoup taxpayer outlays is "ineffective and insufficient." Moreover, it is doubtful that many of the people who received illegitimate benefits would have the means to repay those subsidies even if the IRS could track them down.

These revelations reinforce numerous studies by FAIR which found that illegal aliens receive taxpayer benefits despite being legally ineligible. Lack of coordination between government agencies, between federal and state governments, or willful blindness, results in illegal aliens being able to claim billions of dollars in benefits, services and subsidies every year.

**Visit our publications library at [FAIRus.org](http://FAIRus.org) to learn more.**

NOMINATING RACES *continued*

In polling leading up to the first two contests, 81 percent of Iowa Republicans said illegal aliens drive down wages for American workers, as did 77 percent of New Hampshire GOP voters. Eighty-eight percent of Iowa Republicans said they thought illegal aliens "harm national security," as did 83 percent of New Hampshire Republicans.

Holding positions on immigration issues that reflected voters' concerns far outweighed massive campaign spending on behalf of other Republican contenders in these states. Super PACs supporting candidates who have supported amnesty spent lavishly in Iowa and New Hampshire, but failed to win over voters. Jeb Bush finished sixth in Iowa and fourth in New Hampshire, while Marco Rubio finished a respectable second in Iowa and a disappointing fifth in the Granite State.

Conversely, the winners in the first two contests—Ted Cruz in Iowa and Donald Trump in New Hampshire—had far less Super PAC money spent on their behalf with much better results.

On the Democratic side, the impact of immigration on the nominating process is less clear. Both leading candidates, Hillary Clinton and Bernie Sanders, have adopted nearly identical positions in support of comprehensive amnesty and vast increases in immigration. Thus, it is impossible to gauge how much of a factor immigration has been in Democratic voters' decisions.

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## Harry Reid Wants You to Pay for Lawyers for Illegal Aliens

**“U**nder current U.S. law, there is no right to appointed counsel in non-criminal immigration removal proceedings, even if the person in question is a child. Imagine that,” Senate Minority Leader Harry Reid (D-Nev.) said as he introduced the Fair Day in Court for Kids Act on February 11. Reid, along with co-sponsors Dick Durbin (D-Ill.), Patty Murray (D-Wash.), Patrick Leahy (D-Vt.), and Robert Menendez (D-N.J.) would like to ensure that not just children, but many others fighting removal from the United States, are afforded legal representation at taxpayers’ expense.

Rather than being a sincere attempt at dealing with the ongoing crisis at our southern border, the legislation appears to be an effort to perpetuate the claim that our nation’s immigration laws are inhumane.

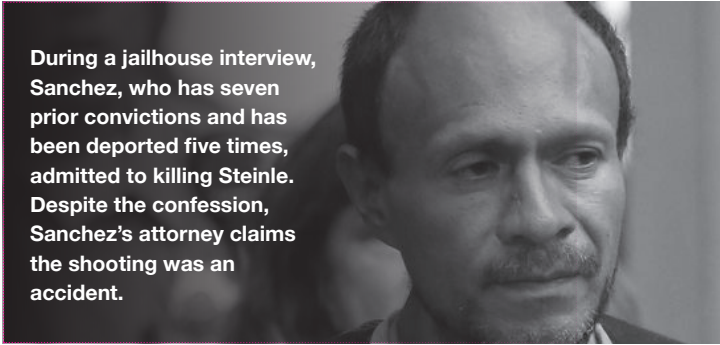
According to Reid, his far-reaching legislation “would also require DHS to ensure that immigrants at detention and border facilities have access to counsel and provide legal orientation programs so that detainees understand their rights. In an effort to improve accountability, this bill would require DHS to report how many qualifying individuals actually received counsel.”

The Fair Day in Court for Kids Act is another example of how Reid and his colleagues are working hand in glove with immigration attorneys to appeal to a political constituency in an election year. Rather than being a sincere attempt at dealing with the ongoing crisis at our southern border, the legislation appears to be an effort to perpetuate the claim that our nation’s immigration laws are inhumane. Given that Democrats are in the minority in both houses of Congress, there is almost no chance the legislation could pass.

## Kate Steinle’s Killer Wants Murder Charges Dismissed

**T**he attorney representing Francisco Sanchez, the illegal alien who shot and killed Kate Steinle in San Francisco on July 1, has asked the judge to dismiss the second-degree murder charges against his client. Sanchez, who has seven prior convictions and has been deported five times, admitted to killing Steinle during a jailhouse interview. Despite the confession, Sanchez’s attorney claims the shooting was an accident and therefore lacks the intent element required for a second-degree murder charge. The judge will hear arguments on the motion on March 24. If the judge dismisses the second-degree murder charge, the prosecutor is allowed to refile a lesser charge against Sanchez.

The bullet that killed Steinle was fired by Sanchez from a gun that was reported stolen from a Bureau of Land Management ranger. Sanchez claims to have found the weapon wrapped in a tee shirt underneath a bench on the San Francisco pier where Steinle was shot, and fired it accidentally. Ballistic evidence suggests that the bullet shot ricocheted off the pier’s concrete surface before striking Steinle.



During a jailhouse interview, Sanchez, who has seven prior convictions and has been deported five times, admitted to killing Steinle. Despite the confession, Sanchez’s attorney claims the shooting was an accident.

But even if Steinle’s death was a tragic accident, the circumstances that led up to it were not. Her death was the tragic consequence of Sanchez’s own deliberate and illegal actions, and San Francisco’s ideologically driven policies that put him on Pier 14 rather than turning him over to Immigration and Customs Enforcement (ICE) so they could deport him for a sixth time.

Congress must also bear some of the responsibility. Even after the Steinle killing and other high profile cases in which sanctuary policies provided criminals the opportunity to prey on innocent victims, Congress has failed to hold these jurisdictions accountable by cutting off certain federal funding.



# Get to know FAIR

HOW WE'RE MAKING A DIFFERENCE IN IMMIGRATION POLICY

You receive the FAIR *Immigration Report* because you support our mission to reform immigration policy in the public interest. FAIR is a multifaceted organization and in the coming months we will introduce you to the various departments and the people who carry out the organization's mission.



**Susan Tully**  
NATIONAL FIELD DIRECTOR

Susan Tully leads FAIR's three-person field team, which mobilizes activists across the country. Each day is different, since she travels frequently, converses with activists, speaks before civic groups, organizes tours of the border, and works with rancher-activists on the front lines.

Susan started with FAIR as a consultant in 2002 after her work as a code enforcement manager in the City of Orange, California, where she directly encountered the impact of mass illegal immigration on jobs and the community. This experience led her to become an activist herself.

## Get involved.

Contact Susan at [tullys@fairus.org](mailto:tullys@fairus.org) or by phone at (202) 328-7004 to find out what you can do in your community today.

### What is the mission of FAIR's Field Department?

The Field Department cultivates grassroots immigration reform groups by working with key activists and helping them develop media, lobbying, and debating techniques and other skills that enable them to effectively educate the general public and legislators on immigration policy.

### How does the Field team work with other departments at FAIR?

Working closely with other departments is essential to supporting FAIR's basic mission to educate the public. The information provided by our Research department—whether it's in the form of a fact sheet, topical report, or perspective on an issue—is widely disseminated by the Field team to supporters and activist groups. In addition, the support and expertise from our State and Local legislative team empowers us to educate lawmakers and provide testimony for and against bills at the state and local levels.

### What initiatives have you undertaken?

We developed a program of 120 state advisors across the country—people who are passionate about the issue—who monitor legislation and supply us with information about how immigration policy is directly affecting their communities.

### What would you regard as your most recent accomplishment?

One of the biggest is building a working relationship with sheriffs across the country, many of whom have become activists. The Obama administration has tied their hands, but the sheriffs swore an oath to keep the people in their communities safe. They are the last line between order and chaos and they are determined to help us mitigate and change these insane national policies.

### What is the best way that the public can help?

People need to educate themselves on the issue and not merely rely on the assurances of elected officials. The best way to do that is to reach out to me and my Field team. FAIR has the resources to help empower people to make a difference. The political system is most responsive at the local level. Small victories, city-by-city, state-by-state, add up. Working with FAIR's Field team, citizens are achieving victories every day.



# Across the Country

**Florida** In early February, the Florida House of Representatives overwhelmingly approved HB 675, a bill that prohibits localities in the state from instituting sanctuary policies that impede the enforcement of immigration law. The bill sponsored by Rep. Larry Metz (R-Lake County), mandates that state and local officials must be allowed to initiate immigration status investigations, respond to requests by DHS for notification of the release date of an inmate, provide federal agents access to an inmate for an interview, and comply with immigration detainers. It closely resembles model legislation FAIR provided to supporters. FAIR alerted our members and activists about the merits of the bill, and it passed the House by an 80-38 vote. It is unlikely even to be considered by the Florida Senate, because Florida Senate Judiciary Committee Chairman Miguel Diaz de la Portilla (R-Miami) has declared he will not take up any immigration enforcement bills in his committee this session. “None of the immigration bills are going to be heard. So those are off the table as far as the judiciary committee is concerned.”

**Virginia** Two important immigration bills cleared their respective houses in the Virginia General Assembly in early February. The bills would prohibit cities and counties from releasing criminal aliens in their custody when an Immigration and Customs Enforcement (ICE) detainer request has been issued for that individual, and would effectively bar localities from implementing sanctuary policies that shield illegal aliens. House Bill 481 requires law enforcement to maintain custody of a criminal alien if ICE issues a detainer. It also takes the important step of compensating any person injured by a criminal alien released in violation of its provisions. The bill must now be approved by the Senate. Senate Bill 270 prohibits localities from enacting any ordinance, procedure, or policy that restricts the enforcement of federal immigration law, and strips funding from any locality that adopts a sanctuary policy. That bill now awaits action in the House. FAIR continues to engage our local supporters and work with local activist groups to promote the passage of good bills.

**New Mexico** is currently one of two states (the other is Washington) that issues driver's licenses (as opposed to driving privilege cards) to illegal aliens. Unless the state ends that practice, its licenses will soon be invalid for federal identification purposes, such as boarding a commercial airliner. It now looks like New Mexico will join with a number of other states and create a two-tiered license system that provides illegal aliens a driving privilege card that cannot be used for federal identification purposes. A bill in the New Mexico House would require that illegal aliens provide fingerprints when applying for a driving privilege card that could be checked against the FBI's database. (Under the Obama administration the FBI does not allow state DMVs access to the database.) The Senate bill omits that requirement. FAIR opposes both driver's licenses and driving privilege cards to illegal aliens.

## Pressure to Crack Down on “Sanctuary” Cities Mounting

**R**ep. John Culberson (R-Texas), Chairman of the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, sent a strongly worded letter to Attorney General Loretta Lynch on February 1, making it clear that he “expects” her to deny certain Department of Justice (DOJ) grants to sanctuary jurisdictions and take legal action against state and local jurisdictions that prohibit sharing immigration-related information with the Department of Homeland Security.



The attorney general should be expected to ensure that state and local governments are complying with federal laws without not-so-subtle reminders from congressional appropriators.

## Illegal Immigration Is Plummeting? Let's Check the Math...

**Y**ou may have heard the news: The Washington Post reported that there has been a “precipitous drop” in the illegal alien population of the United States.

First of all, even if that claim were true—we’ll get to why it isn’t in a moment—the problem isn’t exactly solved. The Center for Migration Studies (CMS), which produced the report purporting to show a decline in the illegal alien population still places the number at 10.9 million. That’s still 800,000 more people, more than live in the entire state of Georgia, the nation’s eighth most populous state.

Second, the claim also seems to defy simple math. The Department of Homeland Security reported in January that 527,127 foreign nationals overstayed temporary visas last year and that about 416,500 are likely still here. Another term for a visa overstay is illegal alien.

But that’s only one way illegal aliens get here. Many also cross the border illegally. Despite improvements in border security, many people still successfully enter the country by sneaking across the border.

The Border Patrol apprehended 337,117 people at

CONTINUED ON PAGE 7

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### SANCTUARY CRACKDOWN *continued*

Culberson, whose subcommittee holds the DOJ’s purse strings, laid out an explicit list of expectations. He cited the Edward Byrne Justice Assistance Grant program, Community Oriented Policing Services program, and State Criminal Alien Assistance Program, all administered by DOJ, as funding programs that should be withheld from jurisdictions that maintain “illegal sanctuary policies.” “If they refuse, the Department should seek injunctive release to compel the jurisdiction to comply with Federal law,” Culberson added.

The full House approved similar legislation last July in the aftermath of the killing of Kate Steinle by an illegal alien felon who was released from custody as a result of San Francisco’s sanctuary policies. The Enforce the Law for Sanctuary Cities Act, sponsored by Rep. Duncan Hunter (R-Calif.) passed by a 241-

“The bottom line is very simple. State or local law enforcement agencies are expected to work cooperatively with Federal law enforcement.”

179 margin, but was blocked in the Senate by Minority Leader Harry Reid (D-Nev.). There was another attempt to cut off funding for sanctuary jurisdictions in the must-pass omnibus spending bill approved in December, but congressional Republican leaders declined to fight for its inclusion in the bill.

Of course, the attorney general should be expected to ensure that state and local governments are complying with federal laws without not-so-subtle reminders from congressional appropriators. But, while DOJ has repeatedly sued state and local governments that try to enforce immigration laws that do not suit the administration’s political policies, it has never taken action

against a jurisdiction that actively impedes federal immigration enforcement.

Culberson’s letter includes no explicit threats if the attorney general does not meet the subcommittee’s expectations, but makes it clear that federal money must be used as leverage to rein in sanctuary jurisdictions. “The bottom line is very simple. State or local law enforcement agencies are expected to work cooperatively with Federal law enforcement. Communities that do not work with federal law enforcement officials, in violation of Federal law, should not expect to receive Federal grant funding from the Department of Justice,” Culberson stated.



DOING THE MATH *continued*

the border in 2015. Even at a ratio of one successful entrant for every illegal alien who is caught, that would add significantly to net new illegal immigration. Combined with 416,500 visa over-stays, illegal border crossings could raise the total number to more than 700,000 per year.

It also appears that many of the 337,117 people apprehended at the border were allowed to remain here. DHS recorded 165,935 people who were returned at the border. The rest, 171,182, were likely Central American minors and families with children who were allowed in pending a hearing. That would take the gross total to about a million.

We also know that DHS deported just 69,478 people from the interior of the country, which would bring net new illegal immigration to about 900,000 people for 2015.

CMS based its conclusion that the illegal population is declining on changes in migration patterns from Mexico. Over the past five years, Pew claims, there has been a net annual decrease of about 26,000 Mexican illegal aliens living in this country. Other illegal aliens have simply been reclassified as a result of extra-legal actions by the administration, such as beneficiaries of President Obama's unlegislated Deferred Action for Childhood Arrivals (DACA) program.

So, the math problem is this: If 416,500 overstayed visas and hundreds of thousands crossed the border illegally, while the population of Mexican illegal aliens declined by 26,000, how does that result in a "precipitous drop" in the illegal population?

The claims that the illegal population is in decline might be best explained as an effort by the political, economic and social elite to dismiss the concerns being expressed by voters as we enter a presidential election year. After decades of ignoring the public's concerns about illegal immigration, the elite are now trying to convince the American people that the problem no longer exists.

## Immigration by the Numbers

Americans are concerned about immigration because the issue affects every aspect of life in the U.S. Many try to dismiss those concerns as a case of mass hysteria. The numbers suggest otherwise...

In 2013, there were...

**990,553** legal admissions.

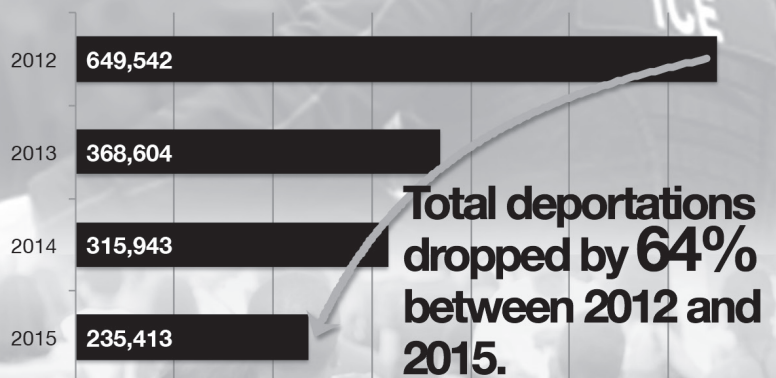
5,683 FROM "HIGH RISK" COUNTRIES

Only 64,386 of those admissions were skill-based.

In 2015 alone, there were...

**527,127** visa overstays.

(416,500 still present at the end of the year)



The foreign-born population is estimated to rise to **78.2 million** by 2065.



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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.



## Avoiding Capital Gains and Supporting FAIR Go Hand in Hand

Supporting FAIR while lessening your tax burden has never been easier. Making a charitable gift of securities, such as stock or mutual funds, to FAIR is not only a tax-wise choice but also a smart investment in the fight for common sense immigration policies.

Donating a gift of stock can help you avoid paying capital gains taxes on the appreciations. As an extra bonus, you also receive an income tax deduction for the market value of the stock at the time of your donation. If you consider these tax savings and the original cost of the stock, your gift could just be costing you pennies!

Transferring stock to FAIR is easy. Simply contact our broker, RBC Wealth Management:

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(202) 661-9500 • [diane.cabrales@rbc.com](mailto:diane.cabrales@rbc.com)

or

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