The RAISE Act: An Immigration Bill that Finally Gives American Families a Break

While President Trump’s executive orders, aimed at undoing much of the damage inflicted on our immigration system during the past eight years, have grabbed national attention. A bill introduced in the U.S. Senate on February 7 would have the most significant and positive effect on reforming the nation’s immigration policy.

The proposed Reforming American Immigration for Strong Employment Act (RAISE Act), introduced by Senators Tom Cotton (R-Ark.) and David Perdue (R-Ga.), would overhaul our nation’s legal immigration system and cut admissions by about half. The RAISE Act would abolish the nepotistic family chain migration system that has been in place for more than half a century and replace it with one that selects new immigrants based on individual merit.

According to its sponsors, the RAISE Act is intended to protect the interests of American workers, particularly lower skilled American workers who have been harmed by mass immigration, as well as the

The Public Supports Trump Actions on Immigration

For all the Sturm und Drang over President Trump’s temporary admission ban for citizens of seven terror prone nations, his policy has been met with wide support from the American public. According to a National Consult/Politico poll, conducted a week after the executive order was signed, 54 percent of registered voters approved of the admissions pause compared with 38 percent who disapproved of it. Thirty-five percent of those surveyed indicated that they “strongly support” the president’s policy.

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President Trump got right to work fulfilling his campaign pledges to restore the integrity of immigration enforcement. Under the guise of setting “priorities,” former President Obama effectively placed about 87 percent (according to the Migration Policy Institute) of all immigration law violators off-limits to enforcement.

On January 25, President Trump made a visit to the headquarters of the Department of Homeland Security (DHS), where he signed “Enhancing Public Safety in the Interior of the United States,” an executive order directing executive departments and agencies to employ all lawful means to enforce Federal immigration laws. This executive order effectively put an end to Obama-era policies that gutted immigration enforcement, punished State and local governments that attempted to enforce immigration laws, and up-ended the concept of “prosecutorial discretion” to a point where it rendered many immigration laws meaningless. “From here on out, I’m asking all of you to enforce the laws of the United States — America — they will be enforced, and enforced strongly,” President Trump told the assembled Immigration and Customs Enforcement (ICE) agents, Border Patrol officers, and other law enforcement personnel. “We do not need new laws. We will work within the existing system and framework.”

The Enhancing Public Safety in the Interior of the United States executive order addresses the following issues:

**Sanctuary Jurisdictions**

Federal law explicitly prohibits sanctuary policies that impede cooperation between federal, state, and local officials when it comes to the sending, requesting, maintaining, or exchanging of information regarding a person’s immigration status. Some 300 jurisdictions across the United States maintain some form of sanctuary policy. The president’s order gives the Attorney General and DHS Secretary the authority to ensure “that jurisdictions that willfully refuse to comply with [federal statutes] are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes.” Moreover, the order states explicitly that, “it is the policy of the executive branch to ensure, to the fullest extent of the law” that all jurisdictions in the United States comply with the law prohibiting sanctuary policies.

The threat of withholding federal grants puts teeth into this executive order. It will also be up to Congress to include specific language in appropriations measures barring sanctuary jurisdictions from receiving other types of federal funds. Congressional leaders previously bailed at defunding sanctuary jurisdictions because of a likely veto by President Obama. President Trump has indicated clearly that he will sign such measures.

**Rolling Back Obama-era Non-enforcement Policies**

While maintaining priority for removing violent criminals and others who pose security risks, the Trump administration ended Obama policies that exempted entire classes of immigration lawbreakers from enforcement and removal. In order to ensure that ICE has the capacity to carry out these new missions, the RAISE Act would restore public interests and reestablish the balance of power between immigration enforcement and the rest of the immigration system.

Similarly, the poll found strong support for Trump’s executive order denying federal funds to sanctuary jurisdictions. Fifty-five percent of voters supported the action versus 33 percent who opposed it. A plurality of voters, 48 percent, indicated support for construction of the wall along the U.S.-Mexico border, compared with 42 percent who opposed it.

The president’s executive orders on immigration were by far the most popular of those signed during his first two weeks in office. These included his scrapping of the Trans Pacific Partnership, his plans to repeal the Affordable Care Act, approval of construction of the Keystone XL Pipeline and other measures. In fact, his immigration enforcement directive proved to be more popular than Trump himself who enjoyed a slim 47 percent approval to 46 percent disapproval rating after his first two weeks as president.

According to models created by professors at Princeton and Harvard Universities, overall admissions would decline from about 1 million annually to 638,000 in the first year, and level out at about 540,000 within a decade. Most importantly, the RAISE Act would restore public interests objectives for U.S. immigration policy along the lines of what FAIR has advocated for decades. Immigrants — without regard to race, ethnicity, or national origin — would be admitted based on an objective assessment of their likelihood to succeed economically and assimilate into the American mainstream. The people admitted would complement the existing labor force, not compete with it. Moreover, cutting admissions by 50 percent would significantly slow population growth in the United States to more sustainable levels.

The RAISE Act would also restore overall immigration levels to historic norms, in line with the recommendations made by the bipartisan Jordan Commission during the 1990s. The elimination of extended family preferences would result in a 41 percent reduction in legal immigration admissions in the first year and a 50 percent reduction from current levels within 10 years.
President Trump’s executive order restores the program as it was intended by Congress to allow local jurisdictions to assist in immigration enforcement. **Countries that Refuse to Accept Return of their Citizens**

There are approximately 250,000 aliens with final orders of deportation — including some 60,000 with criminal records — who cannot be returned to their countries of origin because those governments refuse to accept them. Under President Trump’s executive order, these recalcitrant governments could face a cutoff of new visas issued to their citizens.

**Trump Promises Action on Border Wall**

One of Donald Trump’s signature campaign pledges was the construction of a wall along key stretches of the U.S.-Mexico border. During his first week as president, Trump took an important step toward fulfilling that promise when he signed the “Border Security and Immigration Enforcement Improvements” executive order. The order not only makes good on his own campaign promise, but on a promise made to the American people by Congress in 2006 when they passed the Secure Fence Act. (That bill was supported by then-Senators Barack Obama, Joe Biden, Hillary Clinton and current Minority Leader Chuck Schumer.)

The executive order defines “wall” to mean a contiguous, physical wall or other similarly secure contiguous and impassable physical barrier. To implement the building of the wall, funds currently available for the wall will be used and then a long-term budget will be developed for Congressional approval. The president also directed the heads of each executive department and federal agencies to identify all the sources or direct and indirect foreign aid to Mexico for the past five years.

In addition to the construction of physical barriers to impede illegal entrants, the Trump executive order

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makes it more difficult for people to abuse our political asylum system by making fraudulent "credible fear" claims. More broadly, it attempts to end Obama-era "catch-and-release" policies under which inadmissible aliens were released into the United States, under a variety of pretexts, with little expectation that they would appear for future hearings. To halt these abuses, the president’s order mandates detention for all aliens pending the outcome of their removal proceedings or removal from the country.

To further enhance border security, the executive order calls for hiring and training an additional 5,000 Border Patrol agents and the construction of additional detention facilities to hold unlawful entrants who were being routinely released by the Obama administration.

The Border Security and Immigration Enforcement Improvements order also reins in the use of parole to allow otherwise inadmissible aliens to legally remain in the U.S. This authority was abused by the Obama administration to circumvent laws barring entry of people who had previously violated immigration laws and even to grant a backdoor amnesty to some illegal aliens.

By implementing these steps to carry out the promises made in the 2006 Secure Fence Act and eliminating catch-and-release policies, the Trump administration aims to discourage people from attempting to enter the United States illegally. Deterring illegal entry is the most effective way of securing our borders.

**Key Immigration Positions in Trump Administration Filled**

In contrast to the political appointees who filled the top immigration enforcement roles in the Obama administration who often displayed open hostility to the laws they were sworn to uphold, President Trump and Homeland Security Secretary John Kelly are filling those posts with people who believe in upholding our nation’s immigration laws. Among those named to key immigration positions at DHS are:

**Thomas Homan, ICE Director.** Homan is a 33-year veteran of law enforcement and has nearly 30 years of immigration enforcement experience. He has served as an NYPD officer; a U.S. Border Patrol agent; a special agent with the former U.S. Immigration and Naturalization Service; as well as supervisory special agent and deputy assistant director for investigations at ICE.

Since 2013, Homan has served as the executive associate director of ICE Enforcement and Removal Operations (ERO). In this capacity, he led ICE’s efforts to identify, arrest, detain, and remove illegal aliens, including those who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of federal immigration laws and border control efforts.

**Ronald Vitiello, Border Patrol Chief.** Vitiello has more than 30 years of Border Patrol experience, including a stint as Acting Chief from December 1, 2015 until July 20, 2016, when he was appointed Executive Assistant Commissioner for Operations Support.

Vitiello has front-line experience in protecting the country’s borders. Throughout his distinguished career, he has held numerous leadership positions within the U.S. Border Patrol. Also, unlike his Obama-appointed predecessor, Vitiello has the respect of the men and women he will be leading. Brandon Judd, the president of the National Border Patrol Council, the union which represents Border Patrol agents, issued a statement saying that although he does not always see eye-to-eye with Vitiello, he believes the new Border Patrol Chief shares the rank and file’s desire to secure our borders and enforce our laws.

**1.6 billion Muslims are not affected by these temporary restrictions on admission to the United States. The countries covered by the president’s order were placed on the list because they are known to sponsor or support terrorism, or because terrorist organizations like ISIS, al-Shabab, and al-Qaeda operate from within their borders. In other words, they pose security risks. FAIR categorically opposes restrictions on immigration or admission of people based on characteristics such as religion, race, ethnicity or national origin. However, throughout our history, the United States has restricted the admission of people who adhere to violent or hateful ideologies. The beliefs of people who belong to, or identify with radical Islamic terror groups clearly fit within the definition of ideologies that should be kept from entering the United States. The temporary pause in admissions will allow for improvements in the screening process which are necessary to provide reasonable protection to the American public. Within days of issuing this executive order, a federal judge in Seattle issued a temporary restraining order (TRO) preventing the government from carrying it out. The Trump administration immediately appealed that ruling before the Ninth Circuit Court of Appeals. A three-judge panel of the Ninth Circuit Court of Appeals upheld the lower court’s ruling. FAIR and its legal affiliate, the Immigration Reform Law Institute, believe that the president has clear legal authority to bar the admission of foreign nationals. There is no guaranteed right of any noncitizen to enter the United States. Moreover, the president’s right to bar admissions of certain foreign nationals has been repeatedly affirmed by the Supreme Court. Regardless of the legal wrangling, the Trump administration is moving forward with a review of the screening process for the admission of refugees, immigrants and visitors so that only those who do not pose security risks, or otherwise abuse the terms of their admission to the United States, can be allowed to enter the country.**
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