



**FAIR** FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration REPORT

MAY 2010

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## DHS: Amnesty Would Mean “The Mother of All Backlogs”

Immigration reform advocates have consistently opposed an illegal alien amnesty for a lot of very sensible reasons: It's wrong to reward people who don't play by the rules; amnesty would further undermine American workers; it would invite further illegal entry; and it would impose crushing cost burdens on American taxpayers, to name just a few.

Testifying before the House Judiciary Immigration Subcommittee on March 23, Frank Deffer, the Assistant Inspector General for the Department of Homeland Security, added one more very practical reason for not granting amnesty to millions of illegal aliens. “Adding 12 million more people to the system would be the mother of all backlogs. Clearly to us the systems could not handle it now,” Deffer told the committee.

During the course of the hearing, Deffer conceded that the U.S. Citizenship and Immigration Services bureau (USCIS), the agency that would be tasked with processing millions of amnesty applications, is having trouble managing its current workload. In 2005, USCIS undertook a moderniza-

tion of its information technology, upgrading from a paper-based system, with some 55 million files spread out over hundreds of offices, to a 21<sup>st</sup> century system that stores information digitally. While noting progress over the past five years, Deffer acknowledged that “significant challenges remain” in the agency's efforts to manage and process information. Moreover, Deffer told the committee, USCIS receives about 7.5 million new immigration applications and petitions each year.

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—Frank Deffer  
Assistant Inspector General  
Department of Homeland Security

## Schumer and Graham Present Outline of Amnesty

On the eve of the March 21 illegal alien rally in Washington, Senators Charles Schumer (D-N.Y.) and Lindsey Graham (R-S.C.) unveiled an outline of a long anticipated bill that would grant amnesty to millions of illegal aliens. In a jointly signed op-ed in the *Washington Post* on March 19, the two senators proposed concrete benefits for millions of people who are in the country illegally and higher levels of legal immigration in exchange for promises of future enforcement against illegal immigration.

Significantly, the outline was not followed quickly by the introduction of a bill. As of mid-April no legislation had been introduced. Moreover, in response to what he considered heavy-handed tactics on the part of the congressional Democratic leadership to get the health care bill passed, Graham has sent mixed signals about his willingness to continue to work with Schumer and other Democrats on an amnesty bill. The Democratic leadership

has expressed reluctance to move an amnesty bill without the backing of some Republicans. Except for Graham, no Senate Republican has stepped forward to support an immigration reform bill that includes mass amnesty.

The outline offered by Schumer and Graham in their *Washington Post* op-ed included what they described as the “four pillars” of immigration reform:

- A biometric Social Security document that would be used to verify employment eligibility.
- Additional border security and interior enforcement.
- Expanded admission of temporary workers.
- A “path to legalization” (amnesty) for current illegal aliens.

FAIR has long supported mandatory use of verifiable biometric documents to reduce identity theft and unlawful employment. It is impossible to know at this

point if Schumer and Graham are proposing a workable and enforceable plan to improve the security of vital documents. The lack of such documents has proven to be the Achilles’ heel of the employer sanctions law and has resulted in the proliferation of fraudulent identity documents. However, there is little reason for the American public to believe — even if the Schumer-Graham plan includes effective document reform — that it would ever be implemented.

Five years after passage of the REAL ID Act, which requires states to adopt uniform standards for the issuance of driver’s licenses, the legislation has not been fully implemented and there are efforts in Congress, supported by the Obama administration, to repeal REAL ID.

FAIR has also strongly advocated additional border enforcement and tough interior enforcement. Again, promises for strengthened enforcement from Congress and successive administrations have



Senator Charles Schumer (D-N.Y.)



Senator Lindsey Graham (R-S.C.)

THE SCHUMER-GRAHAM OUTLINE IS A NEAR CARBON COPY OF THE MCCAIN-KENNEDY BILL THAT WAS SOUNDLY REJECTED BY THE AMERICAN PEOPLE IN 2007 AT A TIME OF MUCH LOWER UNEMPLOYMENT AND LOWER DEFICITS.

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**REPORT**

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## New Congressional Caucus Emphasizes Link Between Illegal Immigration and Unemployment

While the Obama administration's approach to dealing with America's high unemployment level is to spend billions of borrowed dollars to try to create new jobs (without even making sure they are reserved for American workers), a new congressional caucus has a different idea. The Reclaim American Jobs Caucus, formed in March, is seeking to enforce U.S. immigration laws and fill millions of jobs now held by illegal aliens with unemployed American workers.

The bipartisan caucus was founded by Representatives Lamar Smith (R-Tex.), Sue Myrick (R-N.C.) and Gary Miller (R-Calif.) and has 41 members. "If the immigration laws we have on the books

were enforced, we could cut unemployment in half," Smith asserted in announcing the formation of the caucus. Miller noted that in his home state some 2.2 million Californians are out of work, while about 1.9 million illegal aliens hold jobs in the state.

The Reclaim American Jobs Caucus held its first Capitol briefing on March 22 to inform congressional staff about the toll illegal immigration is taking on

American workers. Among those addressing the well-attended briefing was FAIR President Dan Stein, who emphasized the need for the government to protect the interests of U.S. workers. "It's about trusting that the government has the ability to manage immigration properly; that the laws against hiring illegal workers are going to be enforced properly; that employers . . . have obligations to respect that law."

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### RECLAIM AMERICAN JOBS CAUCUS MEMBERSHIP

Rep. W. Todd Akin (MO-02)

Rep. Rodney Alexander (LA-05)

Rep. Roscoe Bartlett (MD-06)

Rep. Spencer Bachus (AL-06)

Rep. Brian Bilbray (CA-50)

Rep. Gus Bilirakis (FL-09)

Rep. Rob Bishop (UT-01)

Rep. Marsha Blackburn (TN-07)

Rep. John Boozman (AR-03)

Rep. Dan Burton (IN-05)

Rep. Ken Calvert (CA-44)

Rep. Shelly Moore Capito (WV-02)

Rep. John Carter (TX-31)

Rep. Jason Chaffetz (UT-03)

Rep. K. Michael Conaway (TX-11)

Rep. Trent Franks (AZ-02)

Rep. Elton Gallegly (CA-24)

Rep. Phil Gingrey (GA-11)

Rep. Louie Gohmert (TX-01)

Rep. Parker Griffith (AL-05)

Rep. Duncan Hunter (CA-52)

Rep. Darrell Issa (CA-49)

Rep. Walter Jones (NC-03)

Rep. Steve King (IA-05)

Rep. Jack Kingston (GA-1)

Rep. Bob Latta (OH-05)

Rep. Kenny Marchant (TX-24)

Rep. Michael McCaul (TX-10)

Rep. Patrick McHenry (NC-10)

Rep. Mike McIntyre (NC-07)

Rep. Howard "Buck" McKeon (CA-25)

Rep. Gary G. Miller (CA-42)

Rep. Sue Myrick (NC-09)

Rep. Randy Neugebauer (TX-19)

Rep. Phil Roe (TN-01)

Rep. Dana Rohrabacher (CA-46)

Rep. Ed Royce (CA-40)

Rep. Pete Sessions (TX-32)

Rep. Lamar Smith (TX-21)

Rep. Todd Tiahrt (KS - 04)

Rep. C.W. Bill Young (FL-10)

## A Crushing Burden on Blacks

By Frank L. Morris, Sr.

Published March 22, 2010

*Washington Times*

Members of the Congressional Black Caucus (CBC) recently made the trip down Pennsylvania Avenue for a chat with a former member of the caucus, President Obama. According to news reports, it was not an entirely happy reunion.

Like just about everyone else, it seems, the CBC has its own list of grievances with the man in the White House. Chief among the concerns of black lawmakers is the president's failure to address a black unemployment rate that far exceeds that of the general population. Sixteen percent of black workers are unemployed, and among black teens, a staggering 44.9 percent are out of work.

There is ample blame to be laid at the White House door, but the 43 members of the CBC who represent largely black constituencies also bear a large share of the responsibility. While some 8 million existing U.S. jobs are estimated to be held by illegal aliens, the CBC, like Mr. Obama, has consistently opposed tough enforcement of laws against employing illegal aliens. Many of the jobs filled by illegal aliens could be filled by black Americans, especially the huge cohort of black youth who are neither in school nor part of the labor force.

Rather than press the president to fulfill his responsibilities to American workers and resume meaningful enforcement against companies that employ ille-



gal aliens, removing those workers from the country, the CBC marches in lockstep with the interests that promote illegal immigration. Since taking office last year, Mr. Obama has all but halted immigration enforcement in the workplace – a policy that enjoys the support of the CBC.

The CBC also has been front and center in the effort to enact amnesty for millions of illegal aliens and throw open the doors to still higher levels of future immigration. Late last year, representing her 42 colleagues, Rep. Yvette D. Clark, New York Democrat, whip of the CBC, stood shoulder to shoulder with Rep. Luis V. Gutierrez, Illinois Democrat, as he unveiled an illegal alien amnesty bill that would provide nothing for black Americans except more competition for jobs, educational opportunities and increasingly scarce government resources.

As members of the body that is crafting a federal budget projected to include \$1.5 trillion worth of red ink, the CBC knows full well that we do not have the ability to spend our way out of the unemployment crisis that disproportionately affects black Americans. What they and the Obama administration can do, however, is make sure that American workers – regardless of race or ethnicity – have access to millions of existing jobs now



filled by illegal workers, or any new jobs that may be created.

The CBC also should be the vanguard of the effort to reduce overall levels of immigration to the United States. During the 2000s, the growth of our labor force – fueled by the highest levels of legal and illegal immigration in our nation's history – outpaced the growth of jobs in our economy. As often has been the case throughout history, it is black workers who have suffered the most.

As leaders of the black community, members of the CBC are in a unique position to frame the immigration issue in terms of social justice and ensuring opportunity to all Americans. Latinos and other immigrants are not entirely to blame for unemployment that disproportionately afflicts black Americans. Rather, it is immigration policies that ignore the profound impact of millions of people entering our country – legally and illegally – that are a huge part of the problem.

Rather than compounding the damage that ill-conceived and unenforced immigration policies have inflicted on Americans generally and black Americans particularly, it is time for the CBC and America's first black president to confront and reform those policies. Reducing immigration to the United States and enforcing laws intended to protect the interests of American workers are not only the right things to do, they are the only viable things to do given the fiscal realities our nation is facing.

Reforming America's dysfunctional immigration policies and enforcing laws against illegal immigration will not magically cure unemployment and other problems in the black community. But, under current circumstances, there is likely nothing that the CBC and Mr. Obama could do that would have more immediate or beneficial impact on black Americans. Sadly, it is a step that black congressional leaders and the White House are unlikely to take.

*Frank L. Morris Sr., a member of the board of directors of the Federation for American Immigration Reform, is a former executive director of the Congressional Black Caucus Foundation.*

## BACKLOG *continued*

Ironically, some of the leading proponents of a massive illegal alien amnesty chastised Deffer and other DHS officials for the agency's continued inefficiency. Subcommittee Chairwoman Rep. Zoe Lofgren (D-Calif.) noted that USCIS "still continues to use a filing system that is predominantly paper-based." She also noted an internal July 2009 DHS report which found "that the transformation efforts were ineffective and plagued with problems."

Addressing USCIS Director Alejandro Mayorkas, who testified at the same hearing, another amnesty proponent, Rep. Sheila Jackson-Lee (D-Tex.), also noted the agency's difficulties. "I cannot imagine," Jackson-Lee declared, "if we pass comprehensive immigration reform, what a paper-based system will do."

In spite of their concerns about the ability of USCIS to carry out its current responsibilities, much less manage a massive amnesty, congressional amnesty proponents continue to promote the idea of a mass legalization program. Leaving aside the demerits of granting amnesty to illegal aliens, FAIR believes that congressional amnesty advocates have an obligation to present the American people with a plan for how such a mandate could be carried out without creating "the mother of all backlogs" and creating opportunities for massive fraud.

The testimony of DHS officials and the comments of the members of the subcommittee also underscore the need to heed FAIR's call for reforming and reducing government mandated immigration. Not only is our unprecedented level of immigration harming the interests of the nation, it far exceeds the ability of our government bureaucracies to manage the influx.

SCHUMER/GRAHAM *continued*

not been kept. A double-layer border fence, was quickly scaled back to a single strand of fencing and a “virtual fence,” which was supposed to fill the gaps has been moth-balled. Even as violence along the southern border increases, the proposed FY 2011 budget calls for cuts in Border Patrol manpower.

The Obama administration is systematically gutting interior and worksite enforcement. Worksite enforcement that removes illegal workers and penalizes employers who deliberately hire them has been all but eliminated and replaced by “musical chairs” paperwork audits. Employers are given the opportunity to fire illegal workers and escape penalties, while the illegal workers are allowed to remain in the country and seek employment elsewhere. At the same time, the Obama administration is limiting the ability of local police departments that participate in the 287(g) program to use the program to apprehend illegal aliens unless they are violent criminals.

FAIR and the majority of Americans steadfastly oppose any legislation that would allow illegal aliens to remain in the country and gain legal status. In addition to rewarding those who broke the law, amnesty would create a bureaucratic nightmare, untold unfunded mandates for American taxpayers, runaway population growth, and serve as an inducement for increased illegal immigration.

Nor is there any justification for increasing the admission of temporary workers to the U.S. That proposal would only benefit employers who continue to clamor for more foreign workers who are willing to accept lower wages than Americans, and it ignores unacceptable levels of unemployment.

The Schumer-Graham outline is a near carbon copy of the McCain-Kennedy bill that was soundly rejected by the American people in 2007 at a time of much lower unemployment and lower deficits. If the Schumer-Graham proposal is formally introduced as legislation, FAIR will again work to educate the American people about the irreparable harm it would do to the nation.

## Illegal Aliens March on Capitol to Demand Amnesty

In an attempt to reenergize their political base, tens of thousands of illegal aliens and their advocates turned out on the National Mall on March 21 to demand mass amnesty. Organizers fell far short of the pro-illegal alien rallies of 2006, when many hundreds of thousands of illegal aliens and their supporters filled the streets of many American cities. However, the March 21 rally in Washington demonstrates the continued determination of the amnesty lobby to push their issue to the top of the legislative agenda.

President Obama expressed his support for the illegal aliens and their advocates in a pre-recorded video message that was shown on giant screens set up on the Mall. The president also promoted amnesty in meetings with illegal alien advocates during the weeks leading up to the demonstration. And, in an eleventh hour deal to seal the support of the Congressional Hispanic Caucus for his health care overhaul bill, President Obama promised a vigorous effort to move amnesty legislation forward in 2010.

The National Mall event was overshadowed by the final congressional vote on the president’s health care bill, which



CONTINUED on next page

## ILLEGAL ALIEN RALLY *continued*

occurred the same day. Nevertheless, the demonstration reminded millions of Americans of the amnesty lobby's desire to place their interests ahead of those of the American people. While Americans endure the most difficult economic crisis since the Great Depression and unprecedented federal, state and local deficits, the spectacle of illegal aliens demanding to be rewarded with permanent access to American jobs and social benefits was remarkable.

FAIR's response to these brazen efforts to reward illegal aliens at the expense of American workers and taxpayers is to ensure that the voices of the American people are heard loudly and clearly by the White House and Congress. Much as we did in 2006 and 2007, FAIR encouraged members and activists to meet with their congressional representatives and to flood their offices with phone calls demanding enforcement of U.S. immigration laws, not capitulation to the demands of the illegal aliens.



In numerous appearances on radio and television programs and print interviews, FAIR stressed the devastating impact amnesty would have on American workers and taxpayers. FAIR will closely monitor the efforts of the illegal alien lobby and their supporters in Congress and will educate our members and the American public about what they are proposing and how we can most effectively block their efforts.

## THE COUNTRY

### NEBRASKA

In a resounding voice vote in early April, Nebraska lawmakers approved a bill aimed at preventing businesses from making an end run around laws prohibiting them from hiring illegal aliens. Legislative Bill 563, sponsored by State Senator Steve Lathrop, will crack down on employers who misclassify workers as independent contractors. Doing so allows employers to avoid E-Verify work eligibility checks. Lathrop cited the complaints of law-abiding drywall contractors who claim that companies that hire illegal aliens as "independent contractors" can unfairly underbid them by as much as 30 percent. Gov. Dave Heineman opposed the bill because of provisions opposed by delivery businesses. Sen. Lathrop made some changes, but it is unclear at this time if the governor will sign it.

### FLORIDA

Two bills requiring state contractors and subcontractors to use E-Verify to check the eligibility of the workers they hire cleared an important legislative hurdle in late March. HB 219 and HB 421 were strongly supported by grassroots immigration reform groups like FLIMEN. Sponsors of the legislation also received input from the Immigration Reform Law Institute to make sure that the bill effectively protects American workers and can withstand legal challenges by illegal alien advocates.

### ARIZONA

Arizona lawmakers have passed one of the toughest immigration enforcement laws in the nation. Entitled the "Support Our Law Enforcement and Safe Neighborhoods Act," SB 1070 has passed both the Arizona House and Senate. Governor Jan Brewer, who has argued for stringent immigration laws, is expected to sign the bill into law. SB 1070 gives Arizona law enforcement important tools to help fight illegal immigration.

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