



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration

REPORT

MAY 2013

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Senate Gang of Eight Introduces Amnesty Bill

After months of closed door meetings, the Senate “Gang of Eight” finally released its long-anticipated illegal alien amnesty bill in mid-April. The Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744), weighing in at 844 pages, includes a sweeping amnesty for illegal aliens, the admission of more foreign labor — skilled and unskilled — to satisfy the demands of business interests, and promises of better enforcement against illegal immigration in the future.

The eight senators finally rolled out their bill on April 17, as Schumer appeared on the Senate floor at about 2:00 AM to formally introduce it. The

introduction marked the culmination of a process during which the eight senators cut deals with various interest groups in an effort to hold together a fragile coalition with often competing demands.

The coalition, and the bill it produced, is so fragile in fact that the Gang and the Senate leadership intend to rush it to the floor with minimal hearings (stacked with supporters) and limited opportunities for amendment. Any changes to the legislation could result in important special interests withdrawing their support for the bill.

The best-laid plans of the Gang of Eight and the Senate leadership were immediately complicated by events oc-

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THE GANG OF EIGHT: CHUCK SCHUMER (D-N.Y.), DICK DURBIN (D-ILL.), ROBERT MENENDEZ (D-N.J.), MICHAEL BENNET (D-COLO.), MARCO RUBIO (R-FLA.), LINDSEY GRAHAM (R-S.C.), JOHN MCCAIN (R-ARIZ.), AND JEFF FLAKE (R-ARIZ.)



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Big Business and Big Labor Cut Deal on Immigration

The AFL-CIO and the U.S. Chamber of Commerce are two important constituencies supporting amnesty for illegal aliens and increases in immigration flows to the United States. However, labor interests and business interests have been at loggerheads over business's demand for even broader access to guest workers. The AFL-CIO has adamantly opposed increases in guest workers in the belief that such programs undermine efforts to unionize workers.

In 2007, the inability of these core Democratic and Republican constituencies to agree, along with overwhelming public opposition, contributed to the defeat of immigration legislation. In March, the AFL-CIO and the Chamber announced they had reached an agreement on business's demand for increased access to low-wage foreign labor.

Under the deal, a new W visa would be created to increase business's access to low-skilled workers, in spite of overwhelming evidence that an

excess of such labor already exists. Although W visa holders would be admitted to fill alleged labor shortages, these workers would not be required to remain with the same employer the way guest workers are. In addition, after one year, W visa holders could self-petition for green cards and remain in the country permanently.

During the first year after enactment, 20,000 W visas would be issued. That number would increase to 35,000 in the second year, 55,000 in the third, and

75,000 in the fourth. In the fifth year, the number of foreign workers granted W visas would be tied to the unemployment rate, the ratio of job openings to unemployed workers and other factors. The program would be capped at 200,000 new workers per year, one-third of which would go to businesses with fewer than 25 employees. No more than 15,000 visas per year would go to construction occupations.

A new government agency, known as the Bureau of Immigration and Labor Market Research,

would be created within U.S. Citizenship and Immigration Services to set annual allocations of W visas. The agency would determine the labor needs of businesses across the country, decide if labor shortages exist, and set wages and working conditions.

However, no sooner was the deal sealed than various components of the business lobby began complaining that the scope of the W visa program was insufficient to satisfy their demands. The infighting suggests that the fragile

UNLIKE THE AFL-CIO, FAIR CONTINUES TO SUPPORT THE INTERESTS OF AMERICAN WORKERS IN THIS DEBATE AND WILL OPPOSE INCREASES IN THE ADMISSION OF NEW WORKERS, BE THEY GUEST WORKERS OR PERMANENT IMMIGRANTS.

agreement between business and labor could fall apart, thereby jeopardizing chances of passage.

The business/labor deal was struck just days before the March unemployment data were released, showing anemic job creation and sharp increases in American workers dropping out of the labor market in despair. Unlike the AFL-CIO, FAIR continues to support the interests of American workers in this debate and will oppose increases in the admission of new workers, be they guest workers or permanent immigrants.

Immigration REPORT

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Eye-in-the Sky and Eyewitness Testimony Confirm that Our Borders Are Not Secure

President Obama and Department of Homeland Security Secretary Janet Napolitano insist that our borders are secure. Technology, law enforcement personnel, and border area residents tell us they are not.

Although border security will not solve the illegal immigration problem by itself, convincing the American public that our borders are under control is seen as critical to efforts to enact amnesty. But there is a huge dif-

ference between saying our borders are under control and actually having them under control.

The use of a sophisticated radar system originally developed by the Pentagon to track the Taliban in Afghanistan has revealed that more illegal aliens are able to circumvent the Border Patrol than previously thought. The radar system, called the Vehicle Dismount and Exploitation Radar (Vader), was deployed to Ari-

zona in March 2012 and is now used three to four days a week, for eight to 12 hours a day, tracking movement along the border. Vader reveals that the Border Patrol is apprehending fewer than half of the people the radar system detects crossing the border illegally.

The technology confirms what people who live and work along the 2,000-mile U.S.-Mexico border already know. Arizona rancher Jim

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Cause and Effect: Illegal Border Crossings Surge as Amnesty Talks Heat Up

The number of people trying to get into the United States illegally has jumped by 13 percent this year, the Chief of the Border Patrol told a Senate committee in April. Chief Michael J. Fisher, testifying before the Senate Homeland Security and Government Affairs Committee, told lawmakers that the increase in illegal border crossings is attributable to congressional efforts to enact amnesty. In Fisher's opinion, foreign nationals are being lured to come here illegally in the expectation that they will be granted legalization. Border Patrol agents have reported that aliens who have illegally entered the country have recently begun to turn themselves in to the Border Patrol and ask where they can apply for the amnesty.



Even more dramatic increases have been noted in the numbers of unaccompanied minors attempting to enter the U.S. illegally, especially from countries in Central America. These increases coincided with the Obama administration's implementation of Deferred Action for Childhood Arrivals. Last year, nearly 14,000 minors were taken into custody (a figure that does not include a significant number of Mexican nationals who are simply returned across the border), more than double the previous year.

CONGRESS
SESSION

S. 744

ide for comprehensive immigration reform and for other purposes.

THE SENATE OF THE UNITED STATES

APRIL 17 (legislative day, APRIL 16), 2013

ER (for himself, Mr. McCAIN, Mr. DURBIN, Mr. GRAHAM, Mr. NDEZ, Mr. RUBIO, Mr. BENNET, and Mr. FLAKE) introduced the ng bill; which was read twice and referred to the Committee on the ry

A BILL

ide for comprehensive immigration reform and for other purposes.

*it enacted by the Senate and House of Representa-
f the United States of America in Congress assembled,*

ON 1. SHORT TITLE; TABLE OF CONTENTS.

) SHORT TITLE.—This Act may be cited as the r Security, Economic Opportunity, and Immigra- dernization Act”.

) TABLE OF CONTENTS.—The table of contents for is as follows:

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- ffective date triggers.
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SENATE AMNESTY BILL *continued*

curing simultaneously in Boston. By the day after S. 744 was introduced, it became apparent that the tragic bombing at the Boston Marathon had been perpetrated by terrorists who had slipped through our already overburdened immigration system

S. 744 WAS INTRODUCED AS THIS EDITION OF THE FAIR IMMIGRATION REPORT WAS GOING TO PRINT. FUTURE EDITIONS WILL INCLUDE DETAILED ANALYSES OF THIS LENGTHY AND COMPLEX BILL. HOWEVER, WE HAVE INCLUDED A SUMMARY OF THE KEY PROVISIONS.

The Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744)

Key Provisions

Amnesty

Illegal aliens who have lived in the United States since on or before December 31, 2011, would be eligible to gain temporary legal status within six months of enactment of the legislation. That status would allow them to work legally in the U.S. After ten years they would be eligible to apply for green cards and achieve citizenship three years later. Full legal status would be conditioned on vaguely defined border security requirements being met. However, it is extremely unlikely that those in temporary legal status

would be denied green cards after a full decade, even in the likely case that border security and other enforcement promises are not kept.

The legislation requires that illegal aliens remain employed while in temporary legal status, but it is highly questionable whether that provision would be enforced. Those in temporary status would also be required to maintain incomes of 125 percent of the federal poverty level. At 125 percent of poverty level, their U.S.-born dependents would be eligible for means-tested benefits, and they would pay little or nothing in taxes.

Amnesty beneficiaries would also have to submit to a criminal background check; however, it is not clear what offenses would disqualify an individual from gaining legal status and which ones would be overlooked. It is also not clear if criminal background checks would include investigation of criminal records outside the U.S.

Access to New Foreign Workers

The Border Security, Economic Opportunity, and Immigration Modernization Act would expand the number of legal immigrants admitted to the United States for employment purposes. The legislation seemingly ignores current high levels of unemployment and the lowest labor force participation rate since the 1970s, as millions of discouraged American workers have given up hope of finding jobs.

Foreign nationals who earn degrees in Science, Math, Engineering and Technology (STEM) would be allowed to remain and work in the United States after graduation. These new workers would be eligible to compete with American STEM workers seeking employment in a difficult economy.

An agreement worked out between the AFL-CIO and the U.S. Chamber of Commerce would create a new

flow of low-skilled immigrants, under a new category to be known as W Visas, who would be eligible to self-petition for green cards after one year in the U.S. The legislation would create a new bureaucracy within the U.S. Citizenship and Immigration Services agency that would determine if and where labor shortages exist, and determine wage scales. Beginning during the first year, 20,000 W Visas would be issued. However, that number could grow to 200,000 within five years.

Enforcement

As in other amnesty and cheap labor immigration bills, S. 744 includes provisions that promise enhanced enforcement designed to curtail future illegal immigration. The legislation would require the Department of Homeland Security (DHS) to come up with a plan within six months to secure our southern border. DHS would have to be able to maintain surveillance of the border using technology and drones, and be able to apprehend 90 percent of illegal border crossers in areas designated as “high risk.”

If DHS does not meet these goals within five years, a commission would be established to devise additional policies. If DHS does not or cannot implement the commission’s policies, it is unclear what happens next. Moreover, failure to meet border enforcement goals does not appear to jeopardize the amnesty or worker provisions of the bill.

The legislation would call for expansion of the work eligibility verification system and mandate that it be used by all employers within five years. Like the failure to meet border security goals, failure to fully implement a universal employment verification system does not appear to jeopardize full implementation of the illegal alien amnesty.

Amnesty Advocates Spend Big Bucks to Influence Congress

Even though the American people have made it clear that they want immigration admissions cut and the laws enforced, somehow amnesty for illegal aliens and increases in the admission of foreign workers is back on the congressional agenda. So how is this paradox possible? According to a report from the Sunlight Foundation—an independent monitoring group dedicated to government transparency—the answer is massive amounts of money.

The report, “Untangling the Webs of Immigration Lobbying,” found that business, educational, agricultural, and ethnic groups have spent \$1.5 billion on lobbying for amnesty and more immigration since 2007. The report details the most active sectors lobbying on immigration issues, the total immigration-related bills lobbied on, and the top two issues.

OF THE 8,000 LOBBYING REPORTS FILED SINCE AMNESTY LEGISLATION FAILED IN 2007, MORE THAN 6,000 INVOLVED IMMIGRATION LOBBYING. ALSO, OF THE TOP 20 INTEREST GROUPS SPENDING MONEY TO INFLUENCE IMMIGRATION POLICY, ALL BUT ONE WAS SEEKING AMNESTY FOR ILLEGAL ALIENS OR GREATER ACCESS TO FOREIGN LABOR.

According to the report, of the 8,000 lobbying reports filed since amnesty legislation failed in 2007, more than 6,000 involved immigration lobbying. Also, of the top 20 interest groups spending money to influence immigration policy, all but one was seeking amnesty for illegal aliens or greater access to foreign labor. Only the building trade union was spending money to **limit** admissions of H-2A guest workers.

The vast discrepancy in lobbying money illustrates the formidable challenges confronting FAIR and other groups that advocate on behalf of reducing immigration and enforcing immigration laws. As Congress has begun another round of debate on amnesty and increased access to low-wage labor, we expect these groups to increase their spending on lobbying.

We will continue to rely on the active involvement of the American people to once again beat back the efforts of the pro-amnesty/open borders lobby to buy immigration policies that serve their narrow political and economic interests.



Be a Part of the Fight Against Amnesty!

Citizen activism is the most powerful weapon we have in the battle for stopping an illegal alien amnesty and the increased admission of foreign workers.

While the pro-amnesty and cheap labor lobbies may be able to outspend us, we have the support of the vast majority of Americans behind us as we fight to protect the integrity of our nation's immigration laws.

The voice of the American people defeated amnesty legislation in 2007 and we can defeat it again in 2013, but only with your help.

As the new bill moves forward on Capitol Hill, a rapid response will be crucial to making a difference. We urge our members and supporters to visit our new “**AMNESTY 2013**” page on our website, FAIRus.org, and sign up to receive legislative alerts.

Our amnesty page and action alerts will provide you with contextual information, up-to-the-minute developments, and the necessary tools for you to make your voice heard in this growing amnesty battle.

You can also follow us on Twitter and Facebook and spread the word to your friends and family.

Join the fair fight for immigration reform today!

Illegal Aliens and Supporters March for Amnesty

On April 10, illegal aliens and their supporters gathered in Washington, D.C., to lobby members of Congress and hold a rally on the grounds of the Capitol. Public demonstrations demanding amnesty for illegal aliens were held in cities around the country on the same day.

Unlike the marches that took place in 2006 and 2007, which drew hundreds of thousands of people, last month's marches and rallies attracted just a small fraction of that number. A Chicago television report estimated that the march in that city drew just 500 people. Organizers of this year's marches took great care to avoid the public relations disaster of illegal aliens demanding amnesty while holding flags of their homelands. However, in spite of those efforts, foreign flags were still flown prominently.

Amnesty marchers held placards portraying themselves as victims of U.S. immigration policies and blamed enforcement of immigration laws for the separation of families. Much the same message was delivered to mem-



bers of Congress as protesters fanned out across Capitol Hill on lobbying visits.

The marches in Washington and other cities were timed to coincide with the expected introduction of amnesty legislation by the Senate Gang of Eight. In 2006 and 2007, much larger demonstrations that were intended to bolster support of amnesty legislation were cited as factors in generating public opposition as many Americans were offended by lawbreakers demanding to be rewarded for their actions.

BORDER SECURITY *continued*

Chilton, whose property spans five miles of the international border, and who goes to work each day with a rifle and a hand gun, states emphatically, "NO! The border is not secure."

These assessments of the state of the border are confirmed by law enforcement officers who work along the border. A national coalition of sheriffs — law enforcement officers who are directly responsible to voters — appeared at a Capitol Hill news conference organized by Sen. Jeff Sessions (R-Ala.) to refute claims that

our borders are adequately controlled. The sheriffs, many of whom serve counties at or near the border, told reporters that illegal border crossings still pose a significant threat to the safety and well-being of the people they serve.

Even a prominent pro-amnesty senator, Thomas Carper (D-Del.), acknowledged that disturbing security issues persist. At a Senate hearing he chaired, Carper recounted a recent trip to the Arizona border where he witnessed hilltops on the U.S. side of

the border that are under the control of Mexican drug cartels who use them to direct smuggling traffic. "It blows my mind," said the senator.

The continued lack of security has taken on added significance since the Senate legislation does not require that our borders be under control before illegal aliens receive amnesty. All that is required is that DHS develop a plan to secure the border within six months of enactment.

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cordially
invited to
join.*



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The name Seventh Generation Legacy Society is taken from the great law of the Iroquois Confederacy: "In our every deliberation, we must consider the impact of our decision on the next seven generations."

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