



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration

## REPORT

NOVEMBER 2016

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## Cooking the Books on Border Enforcement—Caught!

**A**n internal Department of Homeland Security (DHS) document reveals that the Obama administration's claim that it apprehended 81 percent of illegal border crossers in FY 2015 is false. According to DHS's own audit, only 54 percent of people entering the United States illegally were apprehended. The report was completed in May, but was withheld from Congress and the American public until it was leaked to the Associated Press.

The 98-page DHS document found that the now discredited 81 percent apprehension figure was only reached by including people who turned themselves in to the Border Patrol upon crossing the border and then immediately applied for asylum. About 140,000 illegal entrants turned themselves in to the Border Patrol in 2015, compared with only about 20,000 a decade ago. Under Obama policies, virtually all of these 140,000 people were released into the United

CONTINUED ON PAGE 2

## Want to See the True Stories of American Victims of Immigration? Watch our New Series.

**F**or years, advocates for illegal aliens have attempted to gain sympathy for immigration lawbreakers by playing on the emotions of the American people. Almost any enforcement of immigration laws, or even the potential threat of enforcement, has been met with efforts to portray the people who break our laws as victims of a broken system.

In fact, it is the American people who are being victimized by mass illegal immigration and our government's failure, or under the Obama administration, refusal to enforce most immigration



CONTINUED ON PAGE 3

COOKED BOOKS *continued*

States pending a hearing. These Notices to Appear (NTAs) could be years in the future and are more accurately referred to as “permisos” by illegal aliens because they grant permission to stay in the country while they await their appearance in already backlogged immigration courts. About 80 percent of NTAs are ignored by those who are released from custody.

When questioned about why the department did not release a report that was completed in May, spokeswoman Marsha Catron made the astonishing admission that, “DHS does not believe it is in the public interest to release, and it would be irresponsible to make policy or other judgments on the basis of analysis that is incomplete and remains a work in progress.”

The findings of the suppressed report came as no surprise to the people who patrol our borders. “We’ve refuted those numbers forever,” said Brandon Judd, president of the National Border Patrol Council,

referring to the administration’s debunked 81 percent apprehension claim. “I know those numbers just aren’t true... It’s just disappointing that they’ve been lying to the American people for so long,” Judd continued.

“I know those numbers just aren’t true... It’s just disappointing that they’ve been lying to the American people for so long,” says Brandon Judd, president of the National Border Patrol Council.

In addition to the people who claim to have a credible fear of returning to their home countries, Judd noted Border Patrol officers are also required to release anyone apprehended at the border who says he or she was in the United States prior to January 2014. Under

an administration policy adopted in November 2014, illegal aliens who were present in the U.S. prior to that January are not considered a “priority” for removal under administration policies. Given all of these factors, Judd believes that even the 54 percent apprehension rate claimed by the internal DHS document may be vastly overstated. According to Judd, the number of illegal border crossers who succeed in entering the United States is actually closer to 75 percent.

These latest revelations are disturbingly consistent with a pattern of deceit on the part of the Obama administration when it comes to all aspects of immigration enforcement. Over the course of the last eight years, the administration has systematically undermined immigration enforcement, while disseminating false and misleading information intended to create the appearance of vigorous enforcement.

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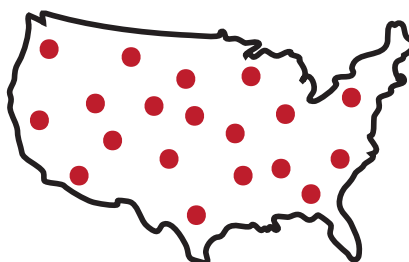
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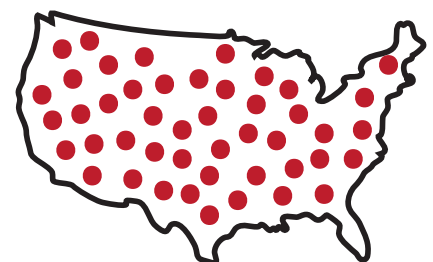
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**Illegal Border Crossers Caught by U.S. Border Patrol****CLAIMED:**

● 81% Apprehended  
● 19% Undetained

**ACTUAL:**

● 54% Apprehended  
● 46% Undetained



## Stay Tuned for Post-Election Analysis

Because of the constraints of a monthly newsletter, the copy, layout and mailing must be completed long before the FAIR Immigration Report arrives in your mailbox. As such, the current edition was completed before the elections took place.

The upcoming December-January edition of the FAIR Immigration Report will include extensive analysis of how the outcome of the 2016 elections are likely to impact immigration policy. In the meantime you can find real-time analysis and other information at FAIR's website, [www.FAIRus.org](http://www.FAIRus.org).



### IMMIGRATION VICTIMS *continued*



**Igor Zubko, Shayley's  
Estes' killer.**

laws. The result is widespread hardship and harm inflicted on American citizens. While some people lose jobs or income because of unenforced immigration laws, others tragically lose their lives.

FAIR has produced a series of videos demonstrating the heartbreak

inflicted on families of the victims of illegal aliens who could have and should have been removed from the United States before they had the opportunity to take the lives of innocent citizens. The series, so far, includes the stories of three victims, as told by their loved ones, who lost their lives unnecessarily because the system failed to uphold its most basic responsibility to them.

The videos include the story of Tessa Tranchant, a 16-year-old from Virginia Beach, Virginia, who, along with her friend Ali Kunhardt, was killed by an illegal alien drunk driver who was on the streets after multiple convictions because of local sanctuary policies.

A second video features a moving interview with the mother of 21-year-old Sarah Root, an Omaha, Nebraska, woman who had graduated from college with a degree in criminal investigations the day before she was hit and killed by an illegal alien who

was drag racing while intoxicated. Her killer, Eswin Mejia, an illegal alien from Honduras, posted bond and remains a fugitive from justice.

The most recent addition is the story of 22-year-old Shayley Estes of Phoenix, Arizona, who was stalked and murdered by her ex-boyfriend Igor Zubko, a Russian illegal alien. Estes' repeated pleas for protection were ignored by authorities even after she informed them that Zubko was here on an expired visa.

The "Stolen Life" videos can be viewed at FAIR's website [www.FAIRus.org](http://www.FAIRus.org). They provide the perfect response to the claim that illegal immigration is a victimless crime—in the very moving words of victims' families.



## Deputy Secretary of DHS Resigns Under Cloud of Ethics Breaches, Follows from IRLI-FAIR Pressure

**D**eputy Secretary of Homeland Security, Alejandro Mayorkas, the second highest ranking official in the department, resigned his post in October over allegations that he used his position to fast-track visas for several companies under the fraud-ridden EB-5 program. The alleged abuses occurred while Mayorkas was director of U.S. Citizenship and Immigration Services (USCIS), the agency that dispenses immigration benefits. The EB-5 visa program grants foreign investors a green card if they invest between \$500,000 and \$1 million into a new business that creates a certain number of jobs for U.S. workers.

His resignation followed a Freedom of Information Act (FOIA) request by FAIR's legal arm, the Immigration Reform Law Institute (IRLI), which showed that neither DHS nor the Office of Government Ethics (OGE) investigated major ethics violations relating to Mayorkas's actions when he was the director of USCIS. In March 2015, the DHS Inspector General (IG) issued a report finding that Mayorkas improperly influenced the approval of EB-5 visas as USCIS Director. Yet, despite the confirmation of wrongdoing and federal regulations that require DHS to report and OGE to investigate, neither agency took any action.

Mayorkas is alleged to have personally intervened to gain EB-5 approval for politically influential applicants. While he was the USCIS Director, Mayorkas used his position to fast-track visas for several companies, including GreenTech Automotive, a company run by Tony Rodham, brother of Hillary Clinton, and Terry McAuliffe, a close confidant of the Clinton family and current Governor of Virginia. The IG investigation into Mayorkas began in 2012 following allegations of impropriety by at least 15 career USCIS employee whistleblowers regarding his personal involvement in certain EB-5 visa applications, including GreenTech.

GreenTech's EB-5 petition was initially denied and the company appealed to the USCIS Administrative Appeals Office (AAO) for reconsideration. The IG report

found that prior to AAO issuing its final decision, Mayorkas intervened and told his staff that he wanted to review the decision before it was issued. At a meeting with his staff on GreenTech, Mayorkas said that he would take the AAO decision and rewrite it because "he felt bad about asking the AAO to do more work." The career staff involved in the adjudication process told the IG that they believe the request was improper. One official said that it made it appear that Mayorkas was "dictating results."

**Despite suspicions of ethical misconduct, Mayorkas was appointed DHS Deputy Secretary in 2013. He resigned less than three years later.**



During Mayorkas's tenure at USCIS, the IG criticized the agency for what he termed a "get to yes" ethos, under which agency personnel were pressured to approve questionable applications for immigration benefits. Earlier in his public career, as U.S. Attorney for the Central District of California during the administration of President Bill Clinton, Mayorkas was criticized by the House Committee on Government Reform for his role in gaining clemency for the son of a prominent Los Angeles businessman who was serving a 15-year sentence for drug trafficking.

Despite the ethical clouds hanging over Mayorkas, President Obama nominated him for the number two position at DHS in 2013. He was confirmed for that position only because then-Senate Majority Leader Harry Reid (D-Nev.) suspended the normal rule requiring 60 votes in the Senate before his nomination could be sent to the floor for final approval.

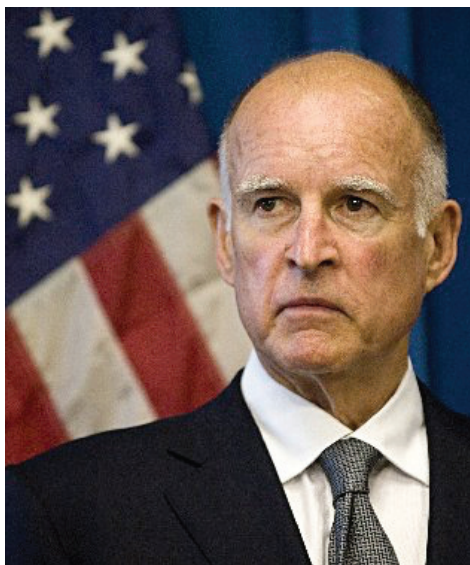
# Across the Country

## Texas

Texas officials warned the federal government that it will withdraw from the federal Refugee Resettlement program unless Washington fulfills the state's requests for information and assurance of adequate vetting of relocated refugees. If Texas withdraws, it would join 12 other states that refuse participation in the Refugee Resettlement program. While the federal government could still relocate refugees in Texas, formally withdrawing from the Refugee Resettlement program would ensure state taxpayer resources are not spent in the resettlement process. Texas's announcement also coincided with the Obama administration's decision to increase refugee admissions by some 30 percent in FY 2017.

## Illinois

Chicago is confronting a violent crime epidemic—more than 3,000 people shot and more than 500 homicides through the first nine months of 2016. Contributing to this crisis has been an influx of illegal aliens associated with violent gangs. Despite being a well-established sanctuary city, some Chicago officials want to do more to protect criminal aliens. Chicago's sanctuary policy bars police from cooperating with ICE except when the alien in question has an outstanding criminal warrant; has been convicted of a felony; is a defendant in a criminal case; or is identified as a gang member in a law enforcement database. Alderman Carlos Ramirez-Rosa wants to eliminate those exceptions to Chicago's sanctuary policy, a move he says is "the next important step to strengthen" the city's stance against cooperating with ICE.



### UPDATE: Gov. Brown Signs Special "Miranda Warning" Bill for Criminal Aliens in California

In the October newsletter we reported that the California Legislature had approved AB 2792, a bill that essentially gives criminal aliens veto power over whether they can be interviewed by Immigration and Customs Enforcement (ICE) before they are released from prison. At the time, Gov. Jerry Brown had not indicated if he would sign AB 2792 into law. On September 28, Gov. Brown did sign the bill, meaning that deportable criminal aliens will now have to consent, in writing, before speaking to an ICE officer.

## Supreme Court Won't Rehear Obama on Executive Amnesty

In June, the U.S. Supreme Court rejected the Obama administration's bid to overturn a lower court's injunction blocking it from implementing two massive executive amnesty programs announced in November 2014. With the Court split 4-4 in *United States v. Texas* the injunction imposed by Federal Judge Andrew Hanen in February 2015 remains in place. The case has now been returned to Judge Hanen's courtroom to rule on the merits of the Obama efforts to grant deferred action to some 4.7 million illegal aliens.

Despite a losing streak of six straight judicial rulings on the matter, the open borders lobby is still refusing to give up.

Because the Court did not have an outright majority sustaining the injunction, the ruling did not establish a legal precedent. As such, the Obama administration asked that the Supreme Court rehear the case rather

than returning it to Judge Hanen, who has strongly suggested that the administration's actions are unconstitutional. The Supreme Court denied that request.

Despite a losing streak of six straight judicial rulings on the matter, the open borders lobby is still refusing to give up. Armed with seemingly limitless special interest funding, advocates for illegal aliens have filed suit arguing that Judge Hanen's injunction should apply only in the three states covered by the Fifth Circuit Court of Appeals: Texas, Louisiana and Mississippi.

While advocates for illegal aliens consistently "forum shop," challenging legislated and voter approved actions to enforce immigration laws before carefully chosen judges, they take exception to Judge Hanen's ability to block implementation of the Obama amnesty programs nationwide. "What gives a federal judge in Brownsville, Texas, the authority to make decisions that alter [the lives of illegal aliens in the rest of the country]?" asked David Leopold, past president of the American Immigration Lawyers Association. ■

## Obama Administration Deaf to Danger: Increases Refugee Admissions by 30 Percent Over FAIR Objection

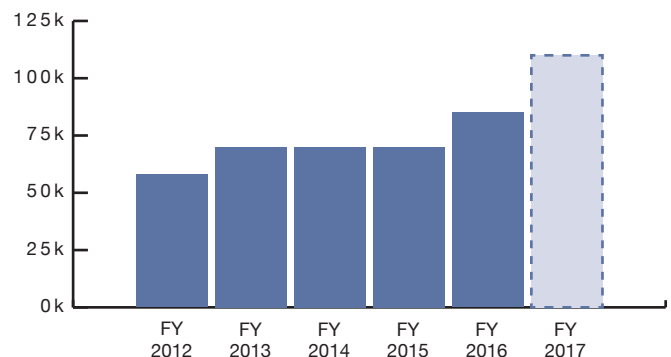
Despite dire warnings by top national security officials—including many who serve the current administration—the Obama administration announced plans to dramatically increase refugee admissions in FY 2017 (which began Oct. 1). The administration's goal is to increase refugee admissions to 110,000, a 30 percent increase from 85,000 in FY 2016 and a 57 percent increase over the number admitted two years ago. A large percentage of these refugees will be admitted from countries where effective vetting of applicants is virtually impossible.

During FY 2016, the United States exceeded the Obama administration's self-declared goal of resettling 10,000 Syrian refugees by more than 25 percent. The Department of Homeland Security (DHS) reported that 12,587 Syrians were admitted as refugees last year. Based on data from the first few weeks of the new

fiscal year, it is likely that the administration's targets for overall refugee admissions, and admission of Syrian refugees, will be exceeded in 2017.

ISIS and other terrorist organizations have vowed to use the refugee resettlement process to infiltrate

Refugee Arrivals  
FY2012-FY2017





## Oops: 858 Deportable Aliens Fraudulently Granted U.S. Citizenship

The Department of Homeland Security's Inspector General revealed that the federal government "granted U.S. citizenship to at least 858 individuals from special interest countries who had been ordered deported or removed under another name." By "special interest countries," the IG is referring to those that pose national security concerns, or have high rates of immigration fraud.

The report noted that the mistaken naturalizations occurred because the government is using antiquated technology to store fingerprints that could have been used to flag people who are using false identities. The IG found that "neither the digital fingerprint repository at DHS nor the repository at the Federal Bureau of Investigation (FBI) contains all old fingerprint records of individuals previously deported." The gaps in the system are significant. Approximately "148,000 fingerprint records of aliens from special interest countries who had final deportation orders or who are criminals or fugitives have yet to be digitized," the report stated. That means that potentially many more than the 858 identified in the report might have slipped through the cavernous cracks in the verification process used to naturalize new American citizens.

Worse yet, DHS has been aware of this problem since at least 2008, when it was discovered that 206 aliens had

used false identities to obtain citizenship. That fraud only resulted in two criminal prosecutions. "According to ICE, it previously did not pursue investigation and subsequent revocation of citizenship for most of these individuals," said the IG report.

The findings of the report have much greater implications than the 858 people who received citizenship fraudulently. Lawmakers in Washington have raised the prospect of another attempt at a massive amnesty bill in



Nearly 150,000 fingerprint records for criminal, deportable or fugitive aliens from special interest countries have never been digitized, making it easier to avoid detection by DHS.

2017. Besides overwhelming public opposition to rewarding illegal immigration, the report calls into question the government's ability to make good on any promises to screen amnesty applicants and prevent massive fraud as workers sift through millions of applications.

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### REFUGEE ADMISSIONS *continued*

operatives into Western nations. Security experts further warn that recent ISIS losses in key battles in Syria make it more likely that the group will retaliate by carrying out terrorist acts in the West.

In response to the Obama administration's zealous disregard for public safety and the impact on state and local taxpayers, Rep. Scott Perry (R-Pa.) introduced the Allow State

Sovereignty Upon Refugee Entry (ASSURE) Act, H.R. 6110. The ASSURE Act would give state governments greater approval over the resettlement of refugees. It would require that the Department of Health and Human Services, which oversees refugee resettlement to submit a detailed plan to each state where refugees are to be resettled. This plan must list costs expected

by the state for housing, education, health care, and any other subsidies. In addition, vaccination records, health records, criminal history, and possible terrorist ties of refugees must be disclosed in the report. After submittal of the plan to the state government, it must be ratified by the state legislature and signed by the governor in order for refugee resettlement to proceed.

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**11.29.2016**

#GivingTuesday is a national charitable day of giving and a chance to support the ongoing fight for comprehensive immigration reform that protects American interests.

Amnesty lovers depend on money from special interests that look to gain from millions of illegal aliens being granted citizenship. They do not care about how this would affect the American economy, jobs or environment.

FAIR counts solely on the tax-deductible contributions from supporters like you. We are fighting every day to achieve fair and enforceable immigration policies that serve the people.

On November 29th help FAIR continue to stand up against special interests that want to censor the immigration debate and jeopardize the safety and livelihood of Americans. Mark your calendar and join the thousands of Americans who are making a charitable gift to FAIR on #GivingTuesday.



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