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Reid Rebuffed in Attempt to Attach DREAM Act Amnesty to Defense Bill

An effort by Senate Majority Leader Harry Reid (D-Nev.) to attach the DREAM Act amnesty as an amendment to the Defense Authorization bill failed when he was unable to muster the 60 votes necessary to proceed with consideration of the Defense bill. The DREAM Act would have granted amnesty to millions of illegal aliens under the age of 35 and provided them with access to taxpayer subsidized tuition benefits and grants.

The DREAM Act was first introduced in 2000 and has consistently failed to win congressional approval on its own merit. In what was widely viewed as a transparent attempt to

bolster his re-election bid in Nevada by appealing to Hispanics, Reid announced his intent to attach the illegal alien amnesty provision to the Defense Authorization bill, S. 3454, a mere seven days before it was scheduled to be considered by the Senate. The attempt to tie amnesty for illegal aliens to support for our military drew sharp criticism even from members of his own party and senators who have



Senate Majority Leader Harry Reid

. . . REID ANNOUNCED HIS INTENT TO ATTACH THE ILLEGAL ALIEN AMNESTY PROVISION TO THE DEFENSE AUTHORIZATION BILL A MERE SEVEN DAYS BEFORE IT WAS SCHEDULED TO BE CONSIDERED BY THE SENATE.

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Mass Immigration Comes at the Expense of American Kids, Finds New Report from FAIR

Excessive immigration to the United States — both legal and illegal — is harming the interests of Americans in many ways. A new report by FAIR demonstrates how our poorly conceived and poorly enforced immigration policies are harming American school children. *Immigration and English Language Learners in Nevada: A Case Study of Clark and Washoe Counties* finds that coping with the rapid increase in the number of non-English proficient students is taking a dramatic toll on resources and education quality in one highly affected state.

Between 1989 and 2009, the number of students in Nevada public schools classified as Limited English Proficient (LEP) grew from 5,173 to 78,732 and now accounts for 18 percent of total enrollment. During the

same period, the performance of Nevada schools plummeted, as measured by student performance on standardized tests, and now ranks 50th out of 51 public school systems in the country, surpassing only the District of Columbia.

Nevada now spends \$730 million a year on LEP education — an average of \$9,273 for each non-English proficient student, some 30 percent more than is spent on educating kids who are fluent in English. Those additional resources, plus the time spent by teachers providing special attention to English learners, comes at the expense of the education received by

other Nevada school children. A 2009 FAIR study found a similar impact on children in Prince George's County, Maryland.

The report provides a case study for why FAIR believes that immigration to the United States must be reduced significantly and our immigration policies dramatically overhauled. Sensible immigration reform must recognize the impact of immigration on American citizens. When, as in the case of school kids in Nevada, immigration is impeding their ability to receive a quality education, policymakers must place citizen interests first.

The full report, *Immigration and English Language Learners in Nevada: A Case Study of Clark and Washoe Counties* as well as an executive summary, can be found at FAIR's website, www.fairus.org.

Immigration REPORT

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Immigration and English Language Learners in Nevada: A Case Study of Clark and Washoe Counties

Nevada has had one of the fastest growing foreign-born populations in the U.S. over the past three decades. One result of this growth was the rapid increase in the number of Limited English Proficient (LEP) students enrolled in Nevada's public schools.



Clark and Washoe Counties, Nevada

Read the full report.

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Latest News

Latest from FAIR

Arizona 801070

FAIR Nevada Education Report Lauded by State's Leading Newspaper

FAIR's new report detailing the impact of mass immigration on education in Nevada, *Immigration and English Language Learners in Nevada: A Case Study of Clark and Washoe Counties*, received widespread media attention in the state. The report was the subject of a lengthy story in the *Las Vegas Review-Journal* and was discussed on television and radio in Nevada.

The findings of FAIR's report were also the subject of a hard-hitting September 8th editorial in the *Review-Journal*, succinctly titled, "Not cheap." Below is the editorial lauding the report and FAIR's work:

Editorial: Not Cheap

Folks who favor amnesty for illegal immigrants aren't bashful about labeling as ignorant racists those who support the enforcement of existing law. Marginalization helps them avoid actual policy discussions.

Enter a study by the Federation for American Immigration Reform, which aims to show the burdens placed on public school systems by illegal immigrants and their children. The study, to be released soon, contains some startling figures and reasonable conclusions on topics the pro-amnesty crowd doesn't want debated. Among its key conclusions:

- Teaching children with limited English proficiency costs the state of Nevada \$722 million per year.
- The standardized test score achievement gap between students who are proficient in English and those who aren't is 12.1 percentage points in math, 30 points in reading, 53.5 points in science and 55.2 percentage points in writing.
- The diversion of funding and instruction time toward English language learners – many of whom are illegals or the children of illegals – comes at the expense of the education of the general student population.
- Nevada's poor national rankings in student achievement are due in large part to the presence of so many non-English speakers in the state's classrooms. According to the state, there were 71,000 limited English proficiency students enrolled last school year.

As always, however, amnesty backers attack the messenger. Because FAIR makes no secret that it opposes illegal immigration, the hyperliberal Southern Poverty Law Center has called the organization a "hate group." That's ridiculous.

Nevada Superintendent of Instruction Keith Rheault said he agreed with the FAIR report's conclusions, saying he has raised the concerns in meetings. But overall, school officials claim that the issue is beyond their control, that a U.S. Supreme Court ruling requires them to admit children regardless of their citizenship and immigration status.

Illegal immigration has huge fiscal and social costs in Southern Nevada. The voting public needs information on these effects to shape their own decisions. In this regard, FAIR's study is a welcome addition to the debate.

FAIR
IN
THE
MEDIA
Editorial

Pew Hispanic Center Report Confirms Illegal Immigration Can Be Controlled

One of the most common arguments for granting another amnesty to illegal aliens is that most are here to stay, and there is little we can do to get them to return home. It is an argument that FAIR has long disputed, and a new report by the Pew Hispanic Center confirms that illegal immigration can be deterred and illegal aliens already in the U.S. can, over time, be convinced to self-deport.

The Pew report, released in September, finds that illegal immigration to the United States decreased dramatically in the last two years. According to the Pew study, the annual influx of illegal aliens to the United States between March 2007 and March 2009 was two-thirds smaller than it had been between March 2000 and March 2005. Dur-

ing the early part of the decade, an estimated 850,000 illegal aliens settled in the U.S. each year. That number fell to 300,000 a year as the decade came to a close.

Along with the decline in the number of new illegal aliens settling in the country, Census Bureau data indicate that a growing number of illegal aliens already here made the decision to return home. According to Census estimates, the number of illegal aliens living in the U.S. fell by some 800,000 between 2008 and 2009.

The period examined in the Pew Study coincides with stepped up immigration enforcement efforts implemented during the tail end of the Bush administration. After the defeat of amnesty legislation in 2007, the Bush adminis-

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Arizona Update: FAIR Aids Members of Congress in Preparing Legal Brief in Support of SB 1070

FAIR's legal affiliate, the Immigration Reform Law Institute (IRLI), is once again playing an important role in the effort to defend Arizona's immigration enforcement law, known as SB 1070. Large sections of the law went into effect on July 29, but an injunction issued by U.S. District Court Judge Susan Bolton blocked other key provisions from taking effect.

Among the provisions enjoined by Judge Bolton is one requiring law enforcement personnel to inquire about immigration status when they have reasonable suspicion that the individ-

ual is an illegal alien. A second key provision blocked by the judge makes it a state misdemeanor for noncitizens not to carry their alien registration documents.

Arizona is appealing Judge Bolton's ruling before the Ninth Circuit Court of Appeals. The case is expected to be heard in early November. On September 2, 66 members of Congress — five senators and 61 representatives — filed an amicus brief supporting full implementation of SB 1070. IRLI and the American Center for Law and Justice assisted in draft-

ing the amicus brief filed by the members of Congress.

The brief argues that Judge Bolton relied on case law that had been rendered inapplicable by subsequent congressional legislation, and ignored the express will of Congress that state and local governments should participate in immigration enforcement.

In addition to the 66 members of Congress, eleven states have joined in filing an amicus brief siding with Arizona as it appeals SB 1070.

Appeals Court Upholds Injunction Against Hazleton Ordinance, Setting Up Showdown in U.S. Supreme Court

The issue of how far state and local governments can go to deter illegal aliens from living and working within their jurisdictions appears to be headed to the U.S. Supreme Court. A ruling by the Third Circuit Court of Appeals, upholding a lower court's injunction of an ordinance enacted by the city of Hazleton, Pennsylvania, conflicts with decisions handed down by other courts, including the Ninth Circuit, which have upheld laws similar to Hazleton's.

The Hazleton ordinance requires businesses seeking a license to "sign an affidavit . . . affirming that they do not knowingly utilize the services or hire any person who is an unlawful worker." The ordinance encourages the use of the federal E-Verify system by exempting businesses that use the program from any penalties under Hazleton's law. The ordinance also seeks to prevent landlords from renting to illegal aliens by requiring prospective tenants to show proof of legal citizenship and/or residency in order to rent housing. IRLI worked closely with Hazleton Mayor Lou Barletta in drafting the ordinance.

In its decision, the Third Circuit acknowledged that state and local governments have an interest and the legal authority to take steps to deter illegal aliens from residing and working within their jurisdictions. However, in the Court's opinion, the Hazleton policy would impose undue burdens on employers and could lead to discrimination against lawful residents who might be perceived as being illegal aliens.

FAIR and its legal affiliate, the Immigration Reform Law Institute (IRLI), believe that the Third Circuit's ruling is flawed and should be reversed by the Supreme Court. The ruling erroneously applied a 1976 Supreme Court decision which stated that state and local governments may not enact policies that determine "who should or should not be admitted into the country, and the conditions under which a legal entrant may remain." The decision cited by the Third Circuit made no mention of efforts with regard to illegal aliens. In addition, the decision of the Third Circuit ignored previous rulings by the

Ninth Circuit and a U.S. District Court in Missouri, which have upheld laws that go farther than Hazleton's by mandating that businesses use the E-Verify system.

"THE CITY OF HAZLETON FULLY INTENDS TO APPEAL THIS INCORRECT DECISION AND TAKE THE CASE ALL THE WAY TO THE UNITED STATES SUPREME COURT, IF NECESSARY.

—LOU BARLETTA, HAZLETON MAYOR

Even more egregiously, the Third Circuit took the position that because illegal presence in the United States does not lead "instantly, or inevitably, to removal," and that the "federal government has discretion in deciding whether and when to initiate removal proceedings," local governments are therefore powerless to take action to deter illegal aliens from remaining. In essence, the position of the Third Circuit is that no one is an illegal alien until a federal court has ruled that an individual has no recourse to remain in the United States.

Responding to the ruling, Mayor Barletta called it a "loss for Hazleton and its legal residents," but vowed that "the fight is not over." Barletta stated, "The City of Hazleton fully intends to appeal this incorrect decision and take the case all the way to the United States Supreme Court, if necessary. . . . This frustration is not going away — and it will not go away until the federal government finally secures our borders and cracks down on illegal immigration."

Both FAIR and IRLI will continue to support the efforts of Hazleton and other state and local governments that are acting to protect residents against the harmful effects of illegal immigration. IRLI, which worked closely with the city as it defended its law before the Third Circuit, plans to take an active role when this and similar cases come before the Supreme Court.

DREAM ACT *continued*

THANKS TO THE RESPONSE OF THE AMERICAN PEOPLE AND THE ABILITY OF ORGANIZATIONS LIKE FAIR TO KEEP THEM INFORMED, PASSAGE OF THE DREAM ACT AMNESTY WAS BLOCKED.

supported the DREAM Act and other amnesty proposals in the past. Sen. Lindsey Graham (R-S.C.), an amnesty supporter, denounced the effort as an “all-time low” and “very offensive.”

The DREAM Act would allow illegal aliens between the ages of 12 and 35, who had entered the U.S. before age 16, to gain amnesty if they took two years of college courses or enlisted in the military. With open enrollment in community colleges, millions of illegal aliens could have qualified for the DREAM Act amnesty. In addition, the legislation provides the Department of Homeland Security broad discretion to waive the education or military service requirements, or to extend indefinitely the initial six-year term for compliance.

The DREAM Act would also have repealed a 1996 law that essentially prevents states from offering in-state tuition subsidies to illegal aliens attending public colleges and universities. Thus, even illegal aliens who did not qualify for the amnesty would have benefited from its enactment. In addition to in-state tuition subsidies, DREAM Act beneficiaries could also have qualified

for a variety of government loan and grant programs to offset the costs of a college education.

Because existing law promotes family chain migration, approval of the DREAM Act would eventually result in millions more illegal aliens gaining legal status in the U.S. Once beneficiaries had attained citizenship they would have been eligible to petition for parents and other relatives to come or remain here legally.

In response to Sen. Reid’s announcement on September 14, FAIR began mobilizing public opposition to the inclusion of amnesty on the defense bill. Immigration reform activist networks in the home states of key senators began flooding their offices with calls and emails opposing the DREAM Act and Sen. Reid’s tactic of using a bill authorizing funding for our military as a vehicle to gain amnesty for illegal aliens. Over the course of the week between the majority leader’s announcement and the September 21 Senate vote, FAIR spokespeople helped inform the American public about what was happening, appearing on radio, television and in the print media. FAIR’s government

relations team worked around the clock to count votes and determine where to apply pressure to prevent the DREAM Act from being appended to the defense bill.

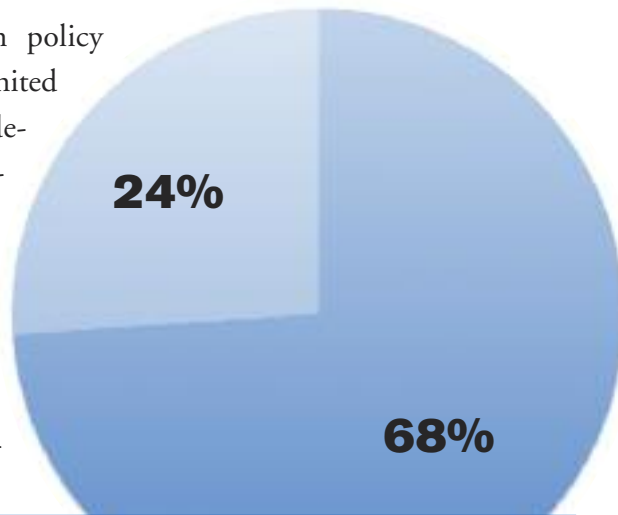
Swelling public opposition to inclusion of the DREAM Act and other provisions, just six weeks before Election Day, prevented the Senate from moving forward on consideration of S. 3454. Before the bill could move forward, Reid and the Senate leadership needed 60 votes to approve a Motion to Proceed. When the vote was taken, only 56 senators supported the motion, while 43 opposed it.

Without the ability to proceed with a debate and vote on S. 3454 there was no opportunity to offer or take a vote on the DREAM Act amendment. Once again, thanks to the response of the American people and the ability of organizations like FAIR to keep them informed, passage of the DREAM Act amnesty was blocked.

While blocking the DREAM Act is a huge victory for true immigration reformers, we can expect amnesty supporters to keep trying. In acknowledging the defeat, Sen. Reid stated his intent to bring the bill up again, perhaps as early as the lame duck session after the elections. FAIR is equally determined to continue its work of educating the American people and opposing all measures that reward illegal aliens with amnesty and other benefits.

So Where's the Controversy? Americans Overwhelmingly Support Enforcement and Oppose Amnesty

The immigration policy debate in the United States is often described as “controversial.” In fact, it is hardly controversial at all. There are few issues on which there is greater consensus among Amer-



BY A 68% TO 24% MARGIN, AMERICANS FAVOR STRICTER ENFORCEMENT OF IMMIGRATION LAWS OVER GRANTING AMNESTY TO ILLEGAL ALIENS.

ican voters. The latest poll to affirm widespread support for immigration enforcement and opposition to amnesty was conducted by Quinnipiac University in early September.

The poll of 1,905 voters found that by a 68% to 24% margin, Americans favor stricter enforcement of immigration laws over granting amnesty to illegal aliens. The poll also showed that a plurality of Americans support ending the practice of automatic birthright citizenship for the children of illegal aliens. The Quinnipiac poll also found that the public overwhelmingly disapproves of the way President Obama is handling immigration policy by a 60% to 28% margin.

FAIR maintains an extensive database of polling information on our website, www.fairus.org. These polls, conducted by numerous reputable polling organizations, are an important resource for members and activists to refute efforts by amnesty and open borders advocates to portray true immigration reform as controversial.

PEW REPORT *continued*

tration significantly increased interior immigration enforcement, especially in the workplace. Combined with the onset of the recession, this resulted in a decline in the number of jobs available to illegal aliens. Not surprisingly, fewer arrived and more departed during this time period.

The phenomenon noted by the Pew study and the Census Bureau supports FAIR's position that the illegal alien population can be dramatically scaled back by denying illegal aliens access to American jobs. Even in a healthy economy, consistent enforcement of laws against employing illegal aliens would limit the availability of jobs to illegal aliens and result in attrition of the illegal population.

While persistent high unemployment may make the return to the high levels of illegal immigration witnessed between 2000 and 2005 less likely, the Obama administration's abandonment of workplace enforcement means that when the labor market begins to recover, we are likely to see a new influx of illegal aliens seeking jobs in this country. However, it can no longer be argued that mass illegal immigration is an inevitable phenomenon that must be accommodated with amnesty for those who come illegally. Rather, large-scale illegal immigration is a political decision designed to satisfy narrow interests that benefit economically or politically at the expense of American workers and taxpayers.

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OUR GOALS ARE THE SAME AS YOURS.

- ▶ END ILLEGAL IMMIGRATION
- ▶ RESTORE COMMON SENSE TO IMMIGRATION POLICES
- ▶ ENFORCE IMMIGRATION LAWS
STOP TERRORISTS AT OUR BORDERS
- ▶ FIND A BALANCE BETWEEN PEOPLE
AND RESOURCES

The immigration issue has never been bigger or hotter – and that means the challenges we face – and the opportunities – are greater than ever. As America approaches a defining moment in its immigration history, your pledge to FAIR in the 2010 Combined Federal Campaign is needed now more than ever. Look for FAIR under our full name in your CFC brochure.


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