



**FAIR** FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration

## REPORT

OCTOBER 2013

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## Obama Expands His Illegal Amnesty Program

One year after unilaterally implementing the Deferred Action for Childhood Arrivals program—a de facto amnesty for illegal aliens under the age of 31 that was rejected by Congress—the administration significantly broadened the universe of illegal aliens whom it would exempt from immigration enforcement. On August 23, acting Immigration and Customs Enforcement Director John Sandweg invoked broad discretionary authority and issued a memo to ICE personnel instructing

them to further limit immigration enforcement.

Under the policy directives in the memorandum, “Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities,” ICE defined three new categories of illegal aliens who will be protected from detention and removal. These include illegal aliens who are parents or legal guardians (1) who are primary caretakers of minor aliens (including minors in the country illegally); (2) who have a direct interest in family or child welfare

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## HHS Secretary Urges Passage of Amnesty to Cover Illegal Aliens Under Obamacare

Advocates for illegal immigration have many reasons for wanting amnesty for illegal aliens. Secretary of Health and Human Services Kathleen Sebelius has another, very expensive, one: To make millions of illegal aliens eligible for taxpayer subsidized health care coverage under Obamacare.



Speaking to an immigration advocacy group, Sebelius assured the audience, “there will be continued access for undocumented.”

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## Immigration Reform Activists Rally in Omaha to Remember a 93-Year Old Victim of Illegal Alien Criminal

Immigration reform activists came together in Omaha, Nebraska, on September 13, to remind national and local politicians why the United States has immigration laws and why they need to be enforced. FAIR worked with local immigration reform groups in Nebraska to organize a vigil to remember Louise Sollowin, a 93-year-old grandmother who was raped and murdered in her home in July. Sergio Martinez-Perez, a 19-year-old illegal alien from Mexico, is charged with the brutal crime. Sadly, the case of Mrs. Sollowin is not unique.

According to Rep. Steve King (R-Iowa), who addressed the crowd gathered across the street from where Martinez-Perez was having a pretrial hearing, thousands of innocent Americans would be alive today if our immigration laws were being effectively enforced. “The violent rape and murder of 93-year-old Louise Sollowin was a 100 percent preventable death,” King said. “What we needed to do was enforce our existing laws. We didn’t even

need to pass a new one.” Rep. King was joined by local political leaders, including Nebraska State Senator Charlie Janssen, who is a candidate for governor. Also present were local media personalities and members of Mrs. Sollowin’s family.

In 2008, Martinez-Perez was apprehended trying to enter the United States illegally and was returned to Mexico. As is frequently the case, on a separate occasion, he succeeded in entering the U.S. illegally and managed to elude detection until he was arrested for Mrs. Sollowin’s murder. His illegal presence in the United States was aided by selective enforcement policies under which ICE makes little or no effort to apprehend and remove il-

legal aliens until after they have committed serious or violent crimes.

The activists, political leaders, media personalities, and family members who attended the vigil demanded an end to selective enforcement and local sanctuary policies that have resulted in needless crimes that have been perpetrated against innocent citizens across the nation.

Our nation’s laws exist to protect the interests and security of the American people. The federal government’s refusal to enforce many immigration laws, coupled with local sanctuary policies that shield illegal aliens from detection and removal, have real consequences.

## True Immigration Reformers Take Their Message to House Speaker John Boehner

Thanks to the efforts of a coalition of activist groups that work closely with FAIR, House Speaker John Boehner got an unequivocal reminder that the American people still care about enforcing immigration laws, and are adamantly opposed to amnesty for illegal aliens.

A key component of the amnesty lobby’s strategy is to convince members of Congress that Americans no longer oppose their open borders agenda. The media has dutifully reported the results of their countless push



# Immigration REPORT

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## Illegal Alien Advocates Demand Unconstitutional Amnesty

Although the legislative calendar for the remainder of 2013 is growing short, and with all the budgetary and foreign policy issues demanding Congress's attention, there is still the possibility that the House of Representatives will consider legislation that includes some form of amnesty this year.

Just as FAIR is remaining active, so are the well-financed organizations and special interest groups supporting amnesty. While they continue to pressure the House leadership to bring an amnesty bill to the floor, they have also begun pressuring the Obama administration to declare an all-encompassing amnesty if the House does not act. Under what is being described as Plan B, the Obama administration would issue yet another policy directive offering deferred action and work authorization to virtually all non-criminal illegal aliens. The administration has already instituted the Deferred Action for Childhood Arrivals program for illegal aliens under the age of 31 and is exercising prosecutorial discretion to exempt broad categories of illegal aliens from immigration enforcement.

The possibility of the president acting unilaterally is being used by Sen. Marco Rubio (R-Fla.) to pressure House members to pass legislation similar to the Gang of Eight amnesty bill that was approved by the Senate in June. The president may be "tempted to issue an executive order like he did for the DREAM Act kids a year ago, where he basically legalizes 11 million people by the sign of a pen," Rubio warned.

The White House is attempting to downplay suggestions of a sweeping backdoor amnesty for illegal aliens, insisting that it is focused on winning a legislative amnesty. President Obama deflected questions earlier this

year about whether he would invoke executive authority to implement a broad amnesty along the lines of DACA. "I am not a king," he told Telemundo. Of course, in the year leading up to his administration's DACA program, the president twice asserted that he did not have the constitutional authority to implement an administrative amnesty program. Moreover, internal U.S. Citizenship and Immigration Services documents indicate that contingency plans for administrative amnesty were drawn up as early as 2010.

In another interview with Telemundo on September 17, President Obama again indicated that he was limited in implementing an amnesty by executive fiat. In response to a question, he commented that expanding the deportation deferment program "would be ignoring the law in a way that would be very difficult to defend legally." Nevertheless, given his previous action with the DACA program and the fact that Congress has not acted to halt the program or restrain this administration's abuse of claimed discretionary authority, a broad administrative amnesty program is a distinct possibility. As one prominent amnesty advocate indicated, it is a strategy that is being actively pursued. "...if legislation fails, we definitely will need to start pressuring the administration to act," said a spokeswoman for a group with close ties to the administration.

WITH KEY MEMBERS OF THE HOUSE LEADERSHIP SYMPATHETIC TO A LIMITED OR COMPREHENSIVE AMNESTY, FAIR IS CONTINUING TO MAINTAIN PRESSURE ON HOUSE MEMBERS TO **NOT** FOLLOW THE LEAD OF THE SENATE.

# Did You Know...?

53% of Americans feel that illegal aliens harm American workers by accepting jobs at lower wages.





## FAIR in Action: Across the Country

### California

Even as California was deeply mired in fiscal crisis as the 2013 legislative session came to an end, the Sacramento Legislature passed a slew of bills adding new benefits and protections for illegal aliens and further blurring distinctions between citizens and non-citizens.

- AB 60 allows illegal aliens to obtain driver's licenses. *Similar legislation was repeatedly vetoed, but Gov. Jerry Brown immediately indicated he would sign the latest bill.*
- AB 4 bars California law enforcement agencies from honoring detainer requests from Immigration and Customs Enforcement. *Gov. Brown vetoed an earlier version of the bill in 2012 on grounds that it would endanger public safety. With a few modifications designed to address Gov. Brown's concerns, the Legislature approved the bill again in 2013.*
- AB 35 grants unemployment benefits to illegal aliens who have qualified for the Deferred Action for Childhood Arrivals program.
- SB 141 grants in-state tuition rate benefits to U.S. citizen children living abroad because their illegal alien parent(s) was deported or voluntarily departed.
- AB 263 bars employers from taking any adverse action against employees who provided false identification and subsequently attempt to update that personal information.
- AB 817 allows non-citizens to serve as poll workers.
- AB 1401 allows non-citizens to serve on juries.

### North Carolina

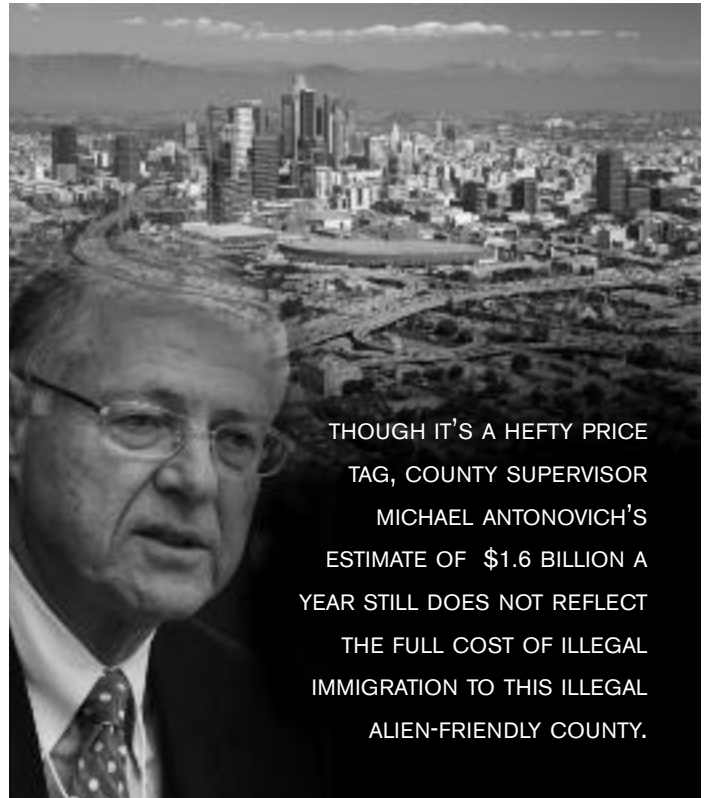
Under pressure from business and illegal alien interest groups, the North Carolina Legislature weakened the use of E-Verify by overriding Gov. Pat McCrory's veto of HB 786—a bill that creates a loophole in the state's E-Verify law by exempting workers who are employed for less than nine months from the state's E-Verify requirements. Previously, employers with more than 25 workers were required to use E-Verify for all employees on the payroll for more than 90 days. Gov. McCrory attempted to protect job opportunities for North Carolina workers, and has vowed to use whatever authority he has “to explore all legal and executive authority to ensure the letter and spirit of our nation's immigration law is followed in this state.”

## L.A. County's Costs for Illegal Immigration Exceed \$1.6 Billion a Year

The California Legislature closed out the 2013 legislative session by approving a slew of new benefits to illegal aliens (see: *Across the Country*). Meanwhile, some 400 miles to the south, Los Angeles County was tallying up how much illegal immigration is costing this already cash-strapped county. According to County Supervisor Michael Antonovich, “the total cost for illegal immigrants to county taxpayers exceeds \$1.6 billion dollars a year.” But this hefty price tag does not even reflect the full cost of illegal immigration to the illegal alien-friendly county.

Antonovich's estimate includes the cost of welfare benefits and food stamps paid to illegal alien-headed households with U.S. citizen children, and the cost of providing public safety, like police and fire protection.

Over and above the \$1.6 billion are the costs of education for the U.S.-born children of illegal aliens and children who are themselves illegal aliens. Antonovich's estimate also excludes the cost of public health care, much of which is absorbed by L.A. County.



THOUGH IT'S A HEFTY PRICE TAG, COUNTY SUPERVISOR MICHAEL ANTONOVICH'S ESTIMATE OF \$1.6 BILLION A YEAR STILL DOES NOT REFLECT THE FULL COST OF ILLEGAL IMMIGRATION TO THIS ILLEGAL ALIEN-FRIENDLY COUNTY.

## Southern Border's Asylum Request Surge Continues

As we reported in the September edition of the FAIR *Immigration Report*, the Department of Homeland Security has published guidelines on its website essentially coaching foreign nationals arriving at ports of entry on how to seek political asylum in the U.S. by claiming “credible fear” of persecution or torture.

In addition to a surge in Mexican nationals filing claims for asylum, there has been a significant increase in asylum seekers from South Asia arriving at ports of entry

along the southern border. According to news reports, Indian nationals pay international smugglers as much as \$35,000 to transport them from India to Central America and eventually to a U.S. port of entry. During the first nine months of Fiscal Year 2013, data of the U.S. Citizenship and Immigration Services agency recorded nearly 2,000 Indian nationals have requested asylum.

As the number of Indian asylum seekers has grown, more are being released into the United States pending a formal hearing of their claims.

If history is a guide, many will not show up for those hearings but, instead, join the millions already living and working illegally in the U.S.

The vast majority of Indian asylum seekers are likely economic migrants who are using the Obama administration's relaxed asylum policies to gain entry to the U.S. As a State Department spokeswoman acknowledged, there are no new internal events or conflicts in India that would account for the increase in asylum seekers. One Indian couple profiled in an article in the

BACKDOOR AMNESTY EXPANDING *continued*

THE SANDWEG MEMO MAKES IT CLEAR THAT HAVING A CHILD IN THE U.S.  
IS A CLEAR PATH TO REMAINING IN THE U.S.

proceedings; and (3) whose minor children are physically present in the U.S. and are citizens or legal permanent residents.

This policy announcement marks the next step in implementing the broad exercise of prosecutorial discretion to not enforce U.S. immigration laws, first laid out in a series of memoranda issued by former ICE Director John Morton in 2011. Despite frequent objections by illegal alien advocates to use of the term “anchor babies,” the Sandweg memo makes it clear that having a child in the U.S., or even bringing one here illegally, is a clear path to remaining in the U.S.

The new policy is also another clear reminder that no matter what enforcement language might be included in legislation that also grants amnesty to illegal aliens, the current

administration, and perhaps future ones, will simply refuse to carry out those provisions. That danger was noted by the Chairman of the House Judiciary Committee, Bob Goodlatte (R-Va.), who in recent months has indicated an openness to legislation that includes legalization for current illegal aliens. “President Obama has once again abused his authority and unilaterally refused to enforce our current immigration laws by directing U.S. Immigration and Customs Enforcement agents to stop removing broad categories of unlawful immigrants,” Goodlatte said.

Further reinforcing the conclusion that enacting legislation along the lines of the Senate-passed Gang of Eight bill would produce the same results as the failed 1986 law, Goodlatte noted that, “The primary

reason why our immigration system is broken today is because our immigration laws have largely been ignored by past and present administrations.”

The latest move by the Obama administration, and the ongoing failure of Congress to prevent the president from ignoring laws they have enacted or implementing unauthorized policies by executive decision, are further powerful arguments against final passage of a bill that purports to offer immigration enforcement in exchange for mass amnesty.

Polls show that few Americans trust the government to enforce immigration laws if an illegal alien amnesty is granted. In August, the Obama administration gave them even less reason to believe that the results of S.744, the bill being considered by Congress, would be any different from the results of the 1986 amnesty bill.

OBAMACARE FOR ILLEGALS *continued*

Speaking to an immigration advocacy group, Sibelius argues that since the Affordable Care Act bars illegal aliens from coverage, “that is another very keen reason why we need comprehensive immigration reform.” The Secretary assured the audience that “there will be continued access for undocumented,” noting that the federal government would continue to provide health care benefits to illegal aliens through other programs. The Obama administration has already doubled the size of the Public Health

Services Corps, which provides “culturally competent” services to illegal aliens.

Illegal alien-friendly state and local governments are also ready to step in and fill the void. For example, Philadelphia Mayor Michael Nutter has stated that his city is “doing our best in trying to provide services to folks, notwithstanding any language challenges, documentation status.”

“RALLY FOR AMERICA” IN BOEHNER’S DISTRICT *continued*

polls, running stories in which amnesty advocates claim a lack of vocal opposition to amnesty legislation at congressional town hall meetings and other events.

What the media conveniently failed to report is that at the prospect of getting an earful from unhappy constituents, more members avoided holding town hall meetings in their districts. Many of those who did hold meetings during the August recess did not widely publicize them in order to avoid a repeat of the public outcry of 2007. The media also neglected to report that some congressional leaders held numerous meetings with special interest groups that support amnesty and increased immigration, but have steadfastly refused to meet with supporters of true immigration reform.

The September 7 “Rally for America”—held in Speaker Boehner’s Ohio Congressional District—was organized by Ohio Citizens for Sensible Immigration, the Grassroots

Rally Team of Ohio, and the Southwest Ohio Patriots, who worked closely with FAIR’s regional field representative, Bob Najmulski. The rally drew some 600 activists from Ohio and surrounding states. The message they delivered to the Speaker is that the American public is paying attention, and that amnesty for illegal aliens and the admission of millions more new immigrants to compete for scarce jobs and public resources is not their idea of immigration reform.

The rally featured a diverse group of Americans urging Speaker Boehner and the House leadership to reject any effort to bring the Gang of Eight bill or similar measure to the floor of the House.

Among those addressing the hundreds of activists who gathered in West Chester, Ohio, were members of the Ohio Legislature, law enforcement officials, victims of crimes committed by illegal alien criminals, and representatives of



grassroots Black and Hispanic groups. The event also featured entertainment by the nationally known band, Madison Rising.

THE ASYLUM SURGE CONTINUES *continued*

ONE INDIAN COUPLE **ADMITTED** THAT THEY HAD NO INTENTION OF TURNING UP FOR THEIR ASYLUM HEARING.

*Arizona Republic* admitted that their motive for coming to the United States was economic, and that they had no intention of turning up for their asylum hearing.

In addition to abuse by economic migrants, the administration’s facilitation of asylum abuse poses a significant threat to homeland security. In the past, abuse of American asylum laws resulted in the admission of ter-

rorists to the United States. Security experts, including President Obama’s National Security Advisor Susan Rice, have warned that conflicts in the Middle East have increased the resolve of international terrorists to carry out new attacks in the United States. By aiding people to file specious asylum claims, and subsequently releasing them into the U.S. pending a hearing, the administration is recklessly endangering homeland security.



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cordially  
invited to  
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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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