



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration

## REPORT

OCTOBER 2015

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## The Shocking Truth: Illegal Aliens Commit Serious Crimes at an Alarming Rate

**T**he July 1 murder in San Francisco of Kate Steinle by a seven-time convicted illegal alien felon galvanized public attention on the dangers of non-cooperation policies and our nation's unsecured borders. In stark contrast to calls for tighter gun controls, background checks and other precautions that routinely occur after other tragic and needless killings, or calls for reforms in

law enforcement policies when police are involved, the official response to needless crimes committed by illegal aliens is to try to hide the truth.

Although the federal government collects detailed, race-specific data on crimes committed in the U.S., information regarding arrests of illegal aliens is markedly absent. This practice of not compiling statistics on illegal alien crime is consistent

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## Kerry: U.S. Will Admit 185,000 Aliens as "Refugees" over the Next Two Years Despite Public Safety Concerns

**A**s the worldwide migration crisis grows, Secretary of State John Kerry announced that the United States will increase admissions of refugees. At news conference in Berlin, Kerry indicated that the U.S. will incrementally increase the number of refugees from 70,000 a year to 85,000 in FY 2016 and 100,000 in 2017. It is widely believed that a large percentage

of these slots will be filled by Syrians. Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) indicated that the numbers could be significantly greater if the Obama administration claims the authority to parole additional Syrian nationals into the country.

Kerry was in Germany to discuss the migration crisis sweeping across the continent as a result of wars and the

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## Bob Dane Named New Executive Director of FAIR

In 36 years of operation, FAIR has had just three executive directors. On September 8, Bob Dane took the helm of FAIR's day-to-day operations as the organization's fourth executive director. The appointment was unanimously confirmed by FAIR's board of directors.

Bob joined FAIR in 2006 as director of communications. Through thousands of radio, television and print interviews, he has advocated for sensible immigration policies that put Americans' interests first. Prior to joining FAIR, Bob spent 20 years in network radio, marketing and communications. He also served in a policy and budgeting position within the Reagan administration. Bob holds a degree in public administration and management from George Mason University in Fairfax, Va.

According to a statement by FAIR's president, Dan Stein, "We are sure that Bob will continue to courageously guide FAIR's important public policy programs. His strong leadership skills and results-oriented management style will amplify FAIR's impact on U.S. immigration policies."

### CRIMINAL ALIENS *continued*

with the Obama administration's practice of rarely even acknowledging the victims of such crimes. However, according to an investigation by Fox News, illegal aliens commit serious crimes at a

rate far disproportionate to their representation in the population.

Though illegal aliens make up about 3.5 percent of the U.S. population, they account for . . .

- 13.6% of all offenders sentenced for crimes committed in the U.S. including:
- 12% of murder sentences
- 20% of kidnapping sentences
- 16% of drug trafficking sentences

FAIR has documented at least ten serious felonies committed since the Steinle murder by illegal aliens who were either protected from removal by state and local sanctuary policies, or by the Obama administration's self-declared priority system for removal. These crimes included murders, sexual assaults and other violent crimes.

The public has an urgent need to know about the safety threats posed by illegal alien criminals and policies that protect them. Rep. Mo Brooks (R-Ala.) has introduced H.R. 3151, the Arrest Statistics Reporting Act, which would require that arrest reports sent to the FBI by state and local governments include the best known immigration status of the arrestee. Second, it requires the federal government to publish illegal alien crime data in the FBI's annual crime reports.

The bill will likely be opposed by advocates for illegal aliens and their allies in Congress because its enactment would expose an inconvenient truth: Illegal immigration poses a major threat to public safety.

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MIGRATION CRISIS *continued*

collapse of governance in Syria and other nations in the Middle East and Africa. Europe is struggling to cope with the ceaseless influx of refugees and migrants from a growing number of failed states. The magnitude of the problem is evident from the fact that Germany, which has agreed to accept as many as 800,000 migrants, now expects that even that number will be exceeded.

Beyond the overwhelming numbers of people attempting to gain entry to EU countries – particularly Germany – the mass influx is raising serious security concerns. Hans-Gerog Maassen, the head of the BfV, Germany’s domestic intelligence agency, warned, “There is a big worry that Islamists in Germany, on the pretext of offering humanitarian help, could try to take advantage of the migrants’ situation to convert and recruit those seeking asylum.” The BfV also cautioned that many young, unaccompanied men arriving in Germany are being greeted and recruited by radical Islamist organizations that have operated in the country for many years. *(It is worth remembering that the 9/11 terrorist attack was planned and executed by the so-called Hamburg Cell.)*

The same security concerns are being raised by lawmakers in this country in response to Kerry’s plan to increase admissions of Syrians. “Many Americans are understandably concerned about the threat posed by inadequate security screening procedures,” said Rep. Mike McCaul (R-Texas), chairman of the House Homeland

Security Committee. Given the utter chaos in Syria and other countries producing large numbers of migrants, conducting adequate background checks to screen out people who pose a security threat to the country would be impossible.

Even under less adverse circumstances, security screening has failed to flag potential terrorists who were granted refugee status in the U.S. Most notably, the Tsarnaev brothers, who were responsible for the deadly Boston Marathon bombing, entered the country as refugees. In 2013, the FBI conceded that “several dozen” suspected terrorists had gained entry to the U.S., while McCaul stated, “I wouldn’t be surprised if there were many more than that.”

Adding to the concerns are reports that ISIS and other terrorist organizations are attempting to exploit the migration crisis they have caused to infiltrate Western countries. The British publication, *The Daily Mail*, reports that ISIS fighters are purchasing Syrian

passports in order to seek asylum in the EU. There is a strong likelihood that ISIS and other terrorist organizations will employ similar methods to embed fighters among those seeking refugee or asylum status in the U.S. Moreover, so long as the Visa Waiver Program remains in place, terrorists who are admitted to the EU and eventually gain citizenship will have easy access to the U.S.

The crisis in Europe indicates that the United States and other Western nations are going to need to develop new strategies, other than mass resettlement, for addressing massive flows of refugees and migrants triggered by the collapse of social order in countries around the world. The vast number of people on the move is likely to exceed the capacity of Western nations to absorb more than a small fraction of even those who are legitimate refugees. Moreover, the legitimate security threats resulting from the current chaos add to the unfeasibility of large-scale resettlement.



# Across the Country. . . FAIR *in Action*



## California

Responding to several high profile murders in California committed by illegal aliens who had been released from police custody as a result of local sanctuary policies, or because ICE did not gather sufficient information to

identify an illegal alien in police custody as a public safety danger, Los Angeles County Sheriff Jim McDonnell decided to reinstate minimal cooperation with ICE. In a Sept. 22 letter to the County Board of Supervisors, which voted in May to bar ICE from county jails, McDonnell informed supervisors that he had decided that, “Full access into the County’s jails and our databases will...be authorized in order for ICE to conduct thorough investigations.” McDonnell also noted that his move will establish the same level of cooperation with ICE as Los Angeles County maintains with “other justice system partners at the local, state and federal level.”

But even though ICE will have access to L.A. County jails, McDonnell emphasized that cooperation with ICE will still be minimal. Under the Obama administration’s self-declared Priority Enforcement Policy (PEP), ICE targets only the most serious criminals for removal. In addition, the County would only honor detainer requests for those who also meet criteria for cooperation established under the California Trust Act. Despite these federal and state policies that would limit ICE from taking custody of all but the most serious threats to public safety, McDonnell’s decision was still met with howls of protest from illegal alien advocates, revealing that their true goal is to prevent anyone – including hardened criminals – from being deported.



## Missouri

Advocates for true immigration reform scored a major victory in Missouri as both houses of the State Legislature overrode Governor Jay Nixon’s veto of Senate Bill 224 that prohibits illegal aliens from receiving a taxpayer-funded scholarship,

called the A+ Scholarship. The legislature overrode the veto by a 114-37 vote in the House and a 28-4 vote in the Senate. The A+ Scholarship program is a taxpayer-funded scholarship that pays two years of tuition at Missouri’s community colleges for students who meet certain grade, attendance, and community service requirements. S.B. 224 limits eligibility of this scholarship to only citizens and immigrants who are lawful permanent residents. With limited funding available to help deserving students seeking a higher education, “The main thing was to preserve and protect Missouri resources for Missouri residents,” commented Senator Gary Romine, sponsor of S.B. 224.”



# Massachusetts

The Massachusetts legislature is considering a bill that would protect most criminal aliens who are arrested and charged with other crimes from removal by ICE. House Bill 1228 closely mirrors California's Trust Act. In response to this irresponsible legislation, Bristol County Sheriff Thomas Hodgson offered blistering testimony opposing passage, charging that the bill "asks law enforcement officers to violate their oath" and "forbids us from detaining serious criminal illegal aliens from going back into our communities to victimize more innocent people." Proponents of H.B. 1228 are promoting this bill despite several high profile cases in which illegal alien criminals protected by similar sanctuary policies have gone on to commit other serious offenses.



# Arizona

The United States District Court for the District of Arizona rejected a claim by opponents of Arizona's S.B. 1070 that the provision of the law requiring law enforcement to make a "reasonable attempt... to determine the immigration status," during a lawful stop

was resulting in discrimination against Hispanics. All the more notable is that the ruling was handed down by Judge Susan Bolton, who has been the go-to judge for illegal alien advocates fighting attempts by Arizona to enforce immigration laws. Judge Bolton also upheld a provision of S.B. 1070 allowing state law enforcement to transport illegal aliens to federal facilities. These were among the provisions of the law that were upheld by the U.S. Supreme Court in 2012. The latest ruling further vindicates Arizona's policy and bolsters the ability of state and local governments seeking to protect communities against the impact of illegal immigration to do so.

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## **Jeh Johnson Criticizes Sanctuary Policies While Ignoring DHS's Own Sanctuary Policies**

**D**epartment of Homeland Security Secretary Jeh Johnson criticized sanctuary policies that bar local law enforcement from honoring Immigration and Customs Enforcement (ICE) detainer requests, calling them counterproductive and unacceptable. Johnson made these remarks September 15 in San Francisco, address-

ing local policies that resulted in Juan Francisco Lopez-Sanchez, a seven-time convicted illegal alien felon being released from custody instead of turned over to ICE for removal. Lopez-Sanchez subsequently killed 32 year-old Kate Steinle on July 1.

## This Administration at Work: Obama Could Use Executive Power to Unilaterally Increase Refugee Admissions

Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) warned that the Obama administration may attempt to bypass congressionally approved limits on refugee admissions by paroling many thousands of Syrian migrants into the United States. Grassley's warning was issued after an early September meeting with Secretary of State John Kerry. In response to the growing crisis in Europe, the administration announced plans to admit 10,000 Syrians as refugees over the coming year.

Over the course of its nearly seven years in office, the Obama administration has repeatedly asserted discretionary power to exceed statutory limits on immigration and to grant de facto amnesty to entire classes of immigration lawbreakers.

"[T]he administration indicated that they were considering opening the floodgates and using emergency authority to go above what they proposed to Congress... The administration also has not ruled out potentially paroling thousands of Syrians into the United States," Grassley reported. Parole is a limited power afforded the president to allow otherwise inadmissible aliens, on a case-by-case basis, to enter the United State temporarily.

Over the course of its nearly seven years in office, the Obama administration has repeatedly asserted discretionary power to exceed statutory limits on immigra-

tion and to grant de facto amnesty to entire classes of immigration lawbreakers. Among the limited executive powers that President Obama has abused is power to parole otherwise inadmissible aliens into the United States for permanent resettlement. Parole power is intended to allow the president to admit people temporarily on a case-by-case basis for urgent humanitarian or national interest purpose.

In recent year, the president has abused parole power to admit inadmissible aliens, or to allow foreign nationals already in the country to remain here. In 2014, the administration announced that it would admit Haitians who have family members in the U.S. under a broad exercise of parole power. Also last year, the administration announced it would use parole power to admit children and adults from El Salvador, Guatemala and Honduras to join family members in this country. And in 2013, the president granted "parole in place" (a power for which no statutory authority exists) to allow illegal alien family members of military personnel and veterans to remain permanently in the U.S.

The repeated abuse of limited executive authority in immigration by President Obama – particularly his announced plans to grant deferred action and work authorization action to nearly 5 million illegal aliens last November – has led to congressional efforts to limit his ability to act unilaterally. In January, Rep. Robert Aderholt (R-Ala.) introduced the Repeal Executive Amnesty Act, H.R. 191. Among the executive powers that bill targets is the president's broad exercise of parole. Thus far, no action has been taken on the bill in the House.

FAIR strongly supports H.R. 191, and if the administration moves forward with plans to parole thousands of Syrian migrants into the United States, congressional action on this legislation will become all the more imperative.

## August UAM Crossings Reach All Time High: New Surge at the Southern Border

A new surge of illegal aliens is brewing along the southern border. The Border Patrol reports that it apprehended nearly 10,000 illegal border-crossers in August—a 52 percent increase over the levels of August 2014. The resurgent flow of illegal aliens attempting to enter the U.S. illegally included 4,632 unaccompanied minors (UAMs)—the most recorded in any single month since the Border Patrol began compiling UAM statistics in 2009. The remainder consisted mainly of adults in the company of children.

The August figures are especially alarming because typically harsh conditions in the hot summer months result in fewer people attempting to illegally cross the southern border. While the flow of illegal border-crossers has generally been lower than what it was in 2014, the numbers have remained high by historical standards.

The renewed surge undercuts the Obama administration's assertions that an ad campaign warning poten-

tial migrants from Central America of the dangers of the journey and claims that they would be quickly repatriated was effectively deterring many people from coming. Instead, migrants from Central America and elsewhere are responding to the reality that the vast majority of UAMs and adults in the company of children who arrived during the surge of 2014 have been allowed to remain in the U.S. In addition, an activist federal judge in California ordered the closure of family detention facilities, calling the detention of families and children “deplorable.” Judge Dolly Gee has given the government until Oct. 23 to comply with her order.

The spike in illegal immigration across our southern border has largely escaped the level of media attention it received in 2014, as the world's attention has been focused on the migration crisis in Europe. However, as the return to record levels of illegal border crossings in August indicates, our own migration crisis is far from over.

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### DHS SANCTUARY POLICIES *continued*

Johnson's criticism of San Francisco and other jurisdictions that refuse to honor ICE detainer requests is ironic in light of policies that the secretary himself has crafted. A series of DHS memos issued by Johnson in November 2014 are responsible for thousands of criminal aliens being returned to the streets of communities all across the country. These criminals, released as a result of Obama administration policies, have gone on to commit numerous crimes including murders.

While San Francisco's refusal to honor an ICE detainer resulting in the murder of Ms. Steinle has captured national attention, Johnson's policies of refusing to take custody of criminal aliens in local custody

unless they meet DHS's “priority” guidelines for removal have resulted in other dangerous criminals being turned loose.

The same month that Ms. Steinle was murdered, ICE refused to take custody of criminal aliens in San Luis Obispo County, California, and Lake County, Ohio. The criminal aliens, who were released rather than deported, went on to brutally murder two other women.

The Johnson memos have essentially made the federal government the biggest sanctuary provider of all. These memos were issued simultaneously with the Obama administration's executive amnesty programs last November. While the Deferred Action for Parents of

Americans (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA) programs have been blocked in the courts, DHS sanctuary policies have largely escaped public scrutiny.

FAIR has been working to ensure that those policies are rolled back as well.

FAIR supports H.R. 191, the Repeal Executive Amnesty Act, authored by Rep. Robert Aderholt (R-Ala.). That bill was introduced in January, but in light of numerous recent crimes that have resulted from DHS's federal sanctuary policies, the need for Congress to rein in these dangerous policies has become even more evident.

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# Our goals are the same as yours.



The immigration issue has never been bigger 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 2015 Combined Federal Campaign is needed now more than ever.

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