



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

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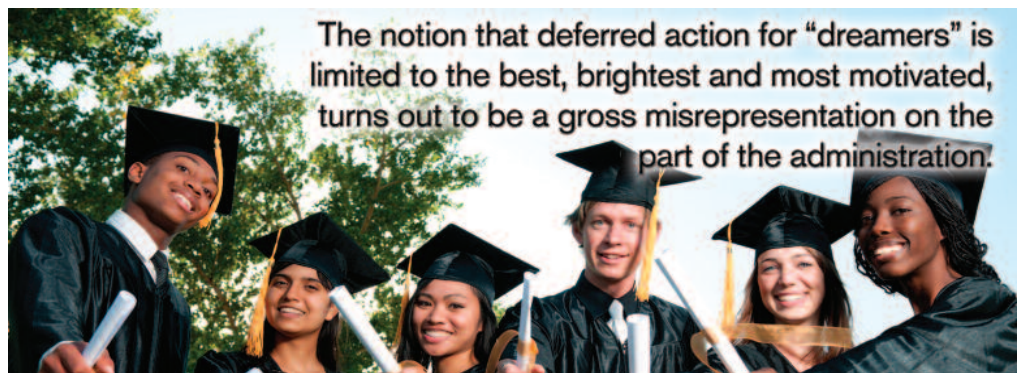
Illegal Amnesty Unleashed: Implementation of Illegal Backdoor Amnesty Begins Rules to Be Made Up as the Administration "Plays it by Ear"

On August 15, the Obama administration began implementing the unlegislated illegal alien amnesty it announced in June. Less than two weeks before implementation began, the Department of Homeland Security (DHS) issued vague guidelines for how what it calls "deferred action" will be carried out, guidelines that created more questions than they answered. Since the June announcement that the administration intended to carry out the DREAM Act amnesty in spite of the fact that the legislation was defeated in Congress as recently as December 2010, the estimate of the number of beneficiaries has more than doubled from the ad-

ministration's original figure of about 800,000. The Migration Policy Institute — an amnesty advocate group — now estimates the number of potential beneficiaries at 1.76 million, barring massive fraud.

Massive fraud is a distinct possibility. The DHS guidelines, issued on August 3, do not specify what forms of documentation an illegal alien must show to receive deferred action and work authorization. The guidelines state vaguely that medical, financial, and educational forms may be accepted to demonstrate that an illegal alien meets the administration's criteria for amnesty. They do not specify

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American Taxpayer to Pick Up Most of the Tab for Administration's Amnesty

Among the many questions to arise from the Obama administration's deferred action program for illegal aliens who would have qualified for the DREAM Act is the cost of administering the program and who will pay for it. According to the Associated Press, the price tag could run to \$585 million. However, since estimates of the number of beneficiaries continue to be revised upwards, nobody really knows for certain how much the amnesty program will eventually cost.

What is apparent is that whatever the final tally, it will be the American taxpayer who will be on the hook for all or most of the cost. In the guidelines released on August 3, the Department of Homeland Security (DHS) made a point of highlighting the \$465 in fees to be collected from those who apply for deferred action

(although the fees may be waived due to a variety of hardship factors).

But even the \$465 cost to the applicants is deceptive. Of that total, \$380 will cover the cost of processing applications for work authorization, which are to be submitted simultaneously with the request for deferred action. Of the remaining \$85, that is the fee for collecting biometric identification from applicants. Thus, there will be nothing left over from the \$465 to offset the costs of processing applications for deferred action,

background checks (if there are any) and other administrative costs.

Aside from the additional burden on American taxpayers and the impact on the already prodigious budget deficit, federal law requires applicants for immigration benefits to bear the costs for the services. But, of course, the implementation of an unlegislated amnesty and the issuance of work authorization to millions of people who are ineligible for employment violate federal law.

■

RECOMMENDED READING

Since 2009, the Obama administration has systematically gutted effective immigration enforcement policies, moved aggressively against state and local governments that attempt to enforce immigration laws, and stretched the concept of "prosecutorial discretion" to a point where it has rendered many immigration laws meaningless. Remarkably, the administration has succeeded in doing all this with barely a peep of protest from Congress.

President Obama's Record of Dismantling Immigration Enforcement

This new report from FAIR details how the Obama administration has carried out a policy of de facto amnesty for millions of illegal aliens through executive policy decisions.

President Obama's Record of Dismantling Immigration Enforcement

READ THE FULL REPORT
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FAIR FEDERATION FOR AMERICAN IMMIGRATION REPORT

Immigration REPORT

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Smith, Grassley Charge that Amnesty Program Invites Fraud

When the Obama administration first announced in June that it would implement the DREAM Act amnesty that Congress rejected in December 2010, the White House estimated that some 800,000 illegal aliens would benefit. By the time the amnesty began accepting applications on August 15, illegal alien advocacy groups were claiming that about 1.76 million illegal aliens would be eligible for “deferred action” and work authorization. But that estimate did not include the likelihood of fraud.

Two senior members of Congress, Rep. Lamar Smith (R-Texas) and Sen. Chuck Grassley (R-Iowa) believe that fraud will be rampant. In a letter addressed to Homeland Security (DHS) Secretary Janet Napolitano, the Chairman of the House Judiciary Committee and the ranking Republican on the Senate Judiciary Committee warned that “This administration will undoubtedly preside over one of the most fraud-ridden immigration programs in our history.” Based on how DHS designed the amnesty program, massive fraud may well be the administration’s desired outcome.

The legislators’ concerns are well-founded based on the widespread fraud documented in the 1986 amnesty, which had similar loose documentary requirements. In addition to the likelihood of widespread fraud in this new back-door amnesty, the concerns raised by Smith and Grassley also present the real possibility that criminals and terrorists may easily gain legal status in the U.S. The lack of any sort of meaningful vetting process for the millions of people likely to apply for deferred action will not only affect the job availability, tax dollars, and educational opportunities of Americans, but could also be a threat to our security. ■



Rep. Lamar Smith and Sen. Chuck Grassley

AMONG THE GLARING DEFICIENCIES AND LOOPHOLES NOTED BY SMITH AND GRASSLEY:

- “THERE SEEMS TO BE LITTLE IF ANY MECHANISM IN PLACE FOR VETTING FRAUDULENT APPLICATIONS AND DOCUMENTATION.
- “MERE AFFIDAVITS WILL BE SUFFICIENT TO MEET SOME ELIGIBILITY REQUIREMENTS FOR DEFERRED ACTION.”
- “VERIFIED SCHOOL TRANSCRIPTS [WILL] NOT BE REQUIRED FROM APPLICANTS.”
- “FRAUD PREVENTION AND DETECTION METHOD... [CONSIDERED] ‘TOO EXPENSIVE’ OR ‘TIME CONSUMING’ OR THAT WOULD ‘UNDULY IMPACT’...OTHER RESPONSIBILITIES” WILL NOT BE USED.
- “IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) COULD NOT USE THE INFORMATION IN DEFERRED ACTION APPLICATIONS IN SUBSEQUENT REMOVAL PROCEEDINGS.” NO EXCEPTION IS MADE FOR FRAUD.
- THE PARENTS OF THOSE GAINING DEFERRED ACTION “WILL NOT BE PENALIZED FOR BREAKING THE LAW” AND “MAY ALSO BE ALLOWED TO WORK AND COMPETE WITH UNEMPLOYED AMERICANS.”

Arizona Gov. Blocks Deferred Action Beneficiaries from Receiving State Benefits

On the same day that the Obama administration began implementing its unauthorized deferred action program for millions of illegal aliens, Gov. Jan Brewer moved swiftly to protect Arizona taxpayers from being further burdened by illegal immigration in her state. Brewer issued an executive order stating that the president's unilateral action "does not entitle them to any additional benefits" in the state of Arizona.

The governor's action is consistent with the objectives of a 2004 voter-approved Arizona initiative that bars illegal aliens from receiving non-essential, non-emergency state benefits and services. FAIR worked closely with activists in the state to qualify the initiative for the ballot and to counter a well-funded effort by the opposition to discredit the measure. In her executive order, Brewer noted that the president's action does not "confer upon [deferred action beneficiaries] any lawful or authorized status" that would entitle them to services denied to illegal aliens under Arizona law. Specifically, the

executive order states that Arizona's estimated 80,000 deferred action beneficiaries will not be entitled to "state identification, including a driver's license."

Gov. Brewer's executive order also highlights the chaos created by the unilateral policy adopted by the Obama administration. The administration is quite literally making up rules as it goes and failing to address myriad questions about what benefits, services and privileges will be afforded to those who get deferred action. Important questions such as whether deferred action by the Obama administration makes illegal aliens eligible for state-issued driver's licenses, or state-funded in-state tuition benefits have not been addressed.

These unanswered questions, which will have enormous impact on government and budgets at all levels, add to the imperative that Congress exercise its oversight responsibilities and prevent the administration from carrying out its policy of mass deferred action.

GAO Finds Dangerous Deficiencies in Student Visa Process

As we learned tragically on 9/11, our lax and poorly monitored student visa process is not just an invitation to abuse, but a mortal threat to our security. In spite of the horrendous price we paid, and in spite of explicit warnings by the commission that investigated the 2001 attacks, a new report by the Government Accountability Office (GAO) finds that many of the same dangerous practices persist.

According to a report released in June, the government is failing to provide adequate oversight of schools that enroll foreign students, resulting in the issuance of thousands of illegitimate F-1 student visas. Schools that admit F-1 students must be certified by Immigration and Customs Enforcement (ICE) every two years under the Student Exchange and Visitor Program (SEVP).

Even more alarmingly, the GAO found that ICE has permitted some flight training schools not certified by the Federal Aviation Administration (FAA) to receive certification to enroll foreign students. Moreover, ICE has not verified that other SEVP schools, which have previously had FAA certifications, are still valid.

The report found a systemic

Border Patrol to Close Nine Interior Stations

It is no secret that the Obama administration does not want to deport illegal aliens who have not been convicted of serious crimes. They'll tell you that themselves. A large percentage of non-criminal aliens who are deported are those who are apprehended by the Border Patrol as they enter the country illegally, or head for locations in the interior – which has been a source of irritation for illegal alien advocacy groups.

In July, the administration took steps to remedy that. If you don't catch them, you can't deport them. So, to minimize the possibility of catching illegal aliens that the administration is loath to deport, the Department of Homeland Security announced that it was closing nine interior Border Patrol stations. These interior stations are part of a second line of defense that allows the Border Patrol to apprehend people who manage to elude agents posted along the border.

The nine stations being closed include six in Texas – Lubbock, Amarillo, Dallas, San Angelo, Abilene and San Antonio – Billings, Montana, Twin Falls, Idaho, and Riverside, California. These locations are along important transportation corridors through which illegal aliens are moved to the interior of the country. Closing these stations, coupled with the administration's policy of refusing to accept illegal aliens arrested or detained by state and local police who do not meet their definition of high priority, ensures that illegal aliens who make it past the first line of defense are unlikely to be apprehended or removed by anyone.

The move was justified as a cost-cutting measure, but many dispute that premise. The Border Patrol states that closure of these stations will save the agency \$1.3 million annually. But that savings is likely to be more than offset by the cost of relocating personnel, breaking leases and other logistical considerations. Plus it will leave dangerous gaps in the Border Patrol's ability to interdict human trafficking and drug smuggling.

Career Border Patrol agents were among many to express concerns about the closure of the stations. Agent Robert Green, who runs the Amarillo station slated for closure, circulated a letter pointing out that the plan will leave many local police departments without assistance when they encounter illegal aliens. "At this time...there is no active plan for ICE assets to assist local authorities in this area when alien smuggling or alien transportation situations are encountered by your personnel." Which is, of course, precisely what the closure of the stations is intended to accomplish.



IRS Discourages Employees from Even Discovering Tax Giveaways to Illegal Aliens

Over the past year, we have reported about the Inspector General of the Treasury Department's (IG) report that illegal aliens collected \$4.2 billion in Additional Child Tax Credits (ACTC). We have also reported about several attempts by the House of Representatives to close this very expensive loophole and how Senate Majority Leader Harry Reid (D-Nev.) has blocked those efforts.

In July, yet another Inspector General's report was released revealing that IRS managers are discouraging agency personnel from even detecting tax fraud by people who file returns using Individual Taxpayer Identification Numbers (ITINs). Nearly all ITIN tax filers are illegal aliens who are ineligible for Social Security Numbers.

According to the latest report, IRS management "has not established adequate internal controls to detect and prevent the assignment of an ITIN to individuals submitting questionable applications." As an example of the willful blindness on the part of the IRS to likely tax fraud, the IG found that there were 154 instances in which the same mailing address was used by more than 1,000 applicants for ITINs.

The blatant disregard for fraud turned out to be very expensive. In 2011, ten addresses accounted for 53,994 tax returns submitted by ITIN filers. These tax filers received \$86.4 million in tax refunds, believed by the IG to be fraudulent.

In spite of billions of dollars lost to the Federal Treasury as a result of fraudulent tax refunds and tax credits being issued to ITIN filers, the IG notes that "no function of the IRS, including Criminal Investigation and the Accounts Management Taxpayer Assurance Program, is interested in dealing with ITIN application fraud." Moreover, the IRS does not even know (or care to know) if applicants for ITINs even exist.

"NO FUNCTION OF THE IRS, INCLUDING CRIMINAL INVESTIGATION AND THE ACCOUNTS MANAGEMENT TAXPAYER ASSURANCE PROGRAM, IS INTERESTED IN DEALING WITH ITIN APPLICATION FRAUD."

—INSPECTOR GENERAL OF THE TREASURY



AMONG THE GLARING DEFICIENCIES NOTED BY THE INSPECTOR GENERAL, IRS MANAGEMENT HAS ENABLED MASSIVE AND EXTENSIVE TAX FRAUD BY ILLEGAL ALIENS BY:

- CREATING AN ENVIRONMENT THAT DISCOURAGES TAX EXAMINERS FROM IDENTIFYING QUESTIONABLE ITIN APPLICATIONS;
- ELIMINATING SUCCESSFUL PROCESSES TO IDENTIFY QUESTIONABLE ITIN APPLICATION FRAUD PATTERNS AND SCHEMES; AND
- ESTABLISHING INADEQUATE PROCESSES AND PROCEDURES TO VERIFY EACH APPLICANT'S IDENTITY AND FOREIGN STATUS.

BACKDOOR AMNESTY continued

what kind of forms will or will not be accepted, nor do the guidelines require the presentation of original documents.

The susceptibility to fraud was noted by Rep. Lamar Smith (R-Texas), who charged that, “The lack of specific standards for employees processing the applications is an open invitation to fraud, especially because the administration is allowing illegal immigrants to submit third party affidavits as proof of at least one of the DREAM Act requirements.”

Increasing the likelihood of massive fraud, applicants will not be required to appear in person for interviews with officials from the U.S. Citizenship and Immigration Services (USCIS) agency. Thus, the human element of a USCIS officer trained to detect fraud has been eliminated.

Even the administration’s assurances that aliens with criminal records would not be eligible for

deferred action now appear to be significantly short of ironclad. While the August 3 guidelines purport to clarify the types of criminal convictions (“significant misdemeanors” in DHS’s parlance) that would disqualify an alien from deferred action, DHS asserts that it may choose to ignore those convictions. “[T]he absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion.” Simply put, DHS reserves the right to ignore its own guidelines and grant deferred action and work authorization even to aliens with criminal records.

Another area in which the goalposts have been moved (in favor of the illegal alien, of course) is with regard to the educational requirements for deferred action. Earlier, the administration stated that only illegal aliens who were enrolled in an educational institution as of the

day of the announcement, i.e., June 15, would be eligible for amnesty. However, that requirement changed under the guidelines issued on August 3. The administration indicated that illegal aliens must merely be enrolled in school as of the date they submit their application to qualify. This allows school drop-outs to re-enroll in a K-12 or trade school before applying.

Exposing the egregious tactics of the administration and exposing the gaping loopholes in the Obama amnesty has been left largely up to FAIR. With few exceptions, the response from Congress has been muted or non-existent. Filling the void, FAIR’s media team has appeared on hundreds of radio and television programs to inform the American public, while the field department has worked with activists to generate pressure on Congress to rein-in the administration’s ability to carry out an amnesty.

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STUDENT VISA PROCESS continued

failure on the part of ICE to evaluate the legitimacy of schools applying for SEVP certification, or to assess risk factors. The GAO’s investigation found sloppy recordkeeping by ICE and failure on the part of the agency to verify documentation from schools that are part of SEVP.

The evidence of inadequate supervision by ICE was so glaring that

the Chairman of the Senate Immigration Subcommittee, Chuck Schumer (whose home state of New York was attacked on 9/11), has called for legislation requiring ICE to fulfill its duties to monitor SEVP schools. The need for such legislation is self-evident and critical to protecting the security of the nation. It might also provide an important

precedent, as President Obama implements an unauthorized amnesty and refuses to enforce many immigration laws. Congress can demand that the Executive Branch carry out laws that Congress has enacted and prohibit the carrying out of measures that have not been enacted.

■

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A Heartfelt Thank You...

to all federal and state government employees who helped in the FAIR fight for sensible immigration policies by making a pledge to FAIR in the Fall 2011 Combined Federal Campaign and related State campaigns!

Today, immigration, legal and illegal, is running at its highest level in history. This isn't the result of any reasoned immigration policy but rather the result of concessions made over the years to special interests that profit politically or financially from mass immigration. It is time to put the nation's best interests ahead of the special interests. To that end, we believe that:

- Every immigrant should be a legal immigrant
- Illegal immigration must not be rewarded
- There should be a comprehensive ceiling on immigration to be fixed in accordance with the economic, environmental, and societal goals and priorities of the United States.
- Assimilation, which has historically benefited both immigrants and the nation as a whole, must be encouraged.
- Immigration must not be allowed to displace American workers
- U.S. immigration policy should not discriminate for or against persons of a particular race, religion, culture, or national origin

We work toward these goals through programs of research, education, community outreach, and public policy advocacy. We could not do it without you.

FAIR will participate in the Combined Federal Campaign again this fall. I hope we will have your continued support!



Cornerstone Contributors are the building blocks of FAIR's citizen-supported foundation. Time and time again, through their continuing support they have become key officers in our battle to end the destructive mass immigration that is debilitating our great nation.

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