Obama Administration Declares
Administrative Amnesty for Illegal Aliens
Cases Against Non-Criminal Aliens to be Dropped Unilaterally

In a policy statement posted on the White House website and in letters to leading members of Congress, the Obama administration declared what amounts to an administrative amnesty for nearly all illegal aliens without criminal records. Under the guise of setting enforcement priorities, the administration announced that it would review some 300,000 pending cases against deportable aliens, with the intent of dropping the cases, and would cease to initiate new proceedings against illegal aliens without criminal convictions.

The statement, posted on the White House website by Intergovernmental Affairs Director Cecilia Muñoz, lists broad categories of illegal aliens whose cases are likely to be dismissed under the new policy. Simultaneously, in letters to Majority Leader Harry Reid (D-Nev.) and other Senate Democrats who support the DREAM Act, Department of Homeland Security (DHS) Secretary Janet Napolitano stated that potential DREAM Act beneficiaries would no longer be subject to removal.

The August 18th policy announcement takes dead aim not just at the integrity of U.S. immigration law, but on the constitutional separation of powers. Under our constitution, Congress has the exclusive authority to make immigration policies. It is the constitutional responsibility of the Ex-
It was no accident that the Obama administration chose mid-August to announce sweeping changes in U.S. immigration policy by administrative decree. Congress, which has exclusive constitutional authority to make immigration policy, was in recess. The American public was otherwise engaged in summer vacations, preparing the kids to return to school, or watching the value of their stock portfolios drop 14 percent in a single week. The administration saw these conditions as an opportunity to pander to the illegal alien advocacy lobby, while escaping an immediate reaction from Congress and the American public.

As FAIR has often done when big immigration stories break, we provided the immediate response in the media to the administration’s policy announcement, and began to rally public opposition to this blatant attempt to enact a de facto amnesty without approval from Congress. During the first days after the administration’s announcement, FAIR blanketed national and local media informing the American public about what the administration had done and the unconstitutional means by which they sought to achieve their political objectives.

Within a few days, FAIR spokespeople had addressed the administrative amnesty plan on national and local television, including the CBS Evening News, the PBS Newshour, three Fox News broadcasts, Univision and Telemundo. FAIR’s comments and analysis appeared in dozens of leading newspapers, including the Los Angeles Times, USA Today, the Chicago Tribune, the San Francisco Chronicle, Seattle Times, and many others.

In addition FAIR was able to tap its strong ties with talk radio to speak directly to Americans about this issue. In dozens of talk radio appearances during the first week after the administration’s announcement, FAIR had the opportunity to let the public know what was happening and what they could do to respond.

Providing timely and factual information to the American public is at the core of FAIR’s mission and our ability to rally public opposition to an unwarranted and unconstitutional plan to grant amnesty to millions of illegal aliens.

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**Ten Years After the 9/11 Attacks**

FAIR has dedicated its report marking the tenth anniversary of the 9/11 terrorist attacks to the memory of the victims of that attack and their loved ones. The report surveys the change in the nation’s defenses over the past ten years and highlights where we remain vulnerable.

The report’s message is: We will not forget the victims of September 11, 2001, terrorist attacks. We will not forget that America remains in the crosshairs of foreign terrorist groups. We will continue to promote immigration reforms that will lessen the nation’s vulnerability to future attacks.
The administrative amnesty is clearly tied to President Obama’s re-election bid. The president has been under mounting pressure from Hispanic and illegal alien advocacy groups to take the steps his administration took on August 18. Concurrent with the policy announcements, the White House held a conference call with dozens of illegal alien advocacy groups to spell out the benefits that would be provided. The changes were greeted with praise by the illegal alien advocates. “Today’s announcement shows that this president is willing to put muscle behind his words and to use his power to intervene,” stated Rep. Luis Gutierrez (D-Ill.), Congress’s most outspoken amnesty supporter.

The responsibility to block the administration from carrying out this amnesty plan now rests with Congress when it returns to session. House Judiciary Committee Chairman Lamar Smith (R-Tex.), who termed the plan a “backdoor amnesty,” has already introduced legislation aimed at curbing the administration’s abuse of prosecutorial discretion. The Hinder the Administration’s Legalization Temptation Act (HALT) — H.R. 2497 — was introduced in July with the clear objective of preventing the administration from carrying out the very policies that are being expanded by this recent announcement.

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FAIR immediately took a lead role in informing the American public about the policy and constitutional implications of the administration’s amnesty plan. In the aftermath of the announcement, FAIR spokespeople appeared on national and local television and radio, and in leading newspapers, denouncing the administration’s move. FAIR will also work with members of Congress in an effort to prevent the Obama administration from carrying out this harmful and unconstitutional quasi-amnesty.
Obama Administration Sues Alabama to Make Sure No One Enforces U.S. Immigration Laws

In a prelude to the August 18 announcement that virtually all illegal aliens who have not committed other crimes in the U.S. would receive administrative amnesty, the Obama administration filed suit against Alabama in an effort to prevent that state’s immigration enforcement policy from going into effect. The suit was filed in federal court in Birmingham, Alabama, on August 1. A federal judge issued a temporary injunction blocking the law’s implementation while she reviews the case.

Alabama’s immigration law, known as H.B. 56, would allow state and local police to inquire about immigration status when in the course of a legal stop they reasonably suspect that an individual is an illegal alien. The law mandates the use of E-Verify for all employers and imposes penalties against businesses found to be employing illegal aliens. Schools would be required to provide K-12 education as mandated by the U.S. Supreme Court, but school districts would be required to determine the immigration status of students.

Just as it did when it sued Arizona to prevent that state’s law from taking effect, the Obama Justice Department made it clear that it will not tolerate anyone enforcing U.S. immigration laws as it prepared to grant administrative amnesty to millions of illegal aliens. The federal suit argues that Alabama’s law “ignores many other objectives that Congress has established for the federal immigration system.” Among these are the interests of foreign governments (15 of which filed briefs in support of the lawsuit), which the Obama administration appears to take more seriously than the interests of Alabamans. The Obama administration also contends that Alabama’s law interferes with their ability to establish policy priorities — implicitly meaning the ability to not enforce laws against broad classes of illegal aliens.

“To put it in terms we relate to here in Alabama, you can only have one quarterback in a football game. In immigration, the federal government is the quarterback,” said Joyce Vance, United States attorney for the Northern District of Alabama. However, as the subsequent administrative amnesty announcement made clear, the quarterback is being ordered to kneel with the ball.

Gov. Robert Bentley and the H.B. 56’s sponsors in the Alabama Legislature have vowed to defend the law in court. The Immigration Reform Law Institute, FAIR’s public interest law affiliate, quickly filed an amicus brief supporting Alabama’s right to protect itself against the harmful effects of mass illegal immigration.

The repeated failure of the Obama administration to take legal action against state and local governments that enact laws and policies that protect illegal aliens demonstrates conclusively that the actions against Alabama and Arizona have nothing to do with protecting the federal government’s authority over immigration policy. Rather, the Department of Justice has targeted only states that attempt to implement laws to discourage illegal immigration.

The federal government’s message to the states is clear: Fall in line with its policy of non-enforcement, or face the costs of a federal lawsuit on top of the already formidable costs associated with illegal immigration.
The ability of state and local governments to protect the interest of citizens from mass illegal immigration may finally be tested before the U.S. Supreme Court. Arizona Governor Jan Brewer, who signed S.B. 1070 into law last year, demonstrated her continued commitment to protecting the interest of Arizonans by petitioning the Supreme Court to review a ruling by the 9th Circuit Court of Appeals which blocked implementation of key provisions of the law. Among those provisions was one that allows Arizona police to question people about immigration status when they reasonably suspect an individual is an illegal alien.

A ruling in the Arizona case would set a clear legal precedent for the roles state and local governments may play in immigration enforcement. Conflicting rulings by courts on a variety of state and local immigration enforcement laws makes it likely that the Supreme Court will hear Arizona’s appeal. Earlier this year, the Supreme Court upheld another Arizona law by a 5-3 margin (Justice Elena Kagan recused herself). In that decision, the Court majority asserted that Congress has granted states wide latitude to enforce existing federal immigration laws.

FAIR and its legal affiliate, the Immigration Reform Law Institute (IRLI), worked closely with Arizona lawmakers to draft S.B. 1070, and have submitted amicus, or friend of the court, briefs in support of the law as both the lower court and the 9th Circuit considered the federal government’s suit. Both FAIR and IRLI expect to play an active role in supporting the state when an appeal is heard before the Supreme Court.

Black Angelinos Harmed by Illegal Immigration, Ignored by Leaders

Perhaps no group of Americans is harmed more by mass immigration than black Americans, and no group of black Americans has been hit harder than those who live in Los Angeles. In response to increasing calls for help from black Angelinos, FAIR’s Field Department organized a community meeting to help local residents make their voices and concerns heard.

The August 6 meeting drew about 100 people from across the greater Los Angeles area. Black Angelinos expressed their frustration about the impact of mass immigration — particularly illegal immigration — on their communities, their children’s schools, and on their ability to find jobs. Among those who addressed the group was Jamiel Shaw Sr., whose 17-year-old son Jamiel Jr. was murdered outside his home by an illegal alien gang member who had recently been released from police custody. Notably absent from the event were any of Los Angeles’ black political leaders. Twenty-two elected officials were invited to listen to the concerns of their constituents and not a single one bothered to show up.

The event was far more than just an opportunity to air grievances. As FAIR has done across the country when political leaders have refused to address the concerns of citizens, the event offered an opportunity for people in the community to organize and network to force change from the grassroots up.

Gov. Brewer Asks Supreme Court to Rule on S.B. 1070

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A Message from the Chairman, Roy Porter

In February, Dr. John Tanton, the original founder and first chairman of FAIR and a member of the Board of Directors for 33 consecutive years, decided not to seek another term on the board. Observing that at 77 years of age, “there is a time and place for everything,” he noted that some health problems encouraged that decision as well. Fortunately, he has agreed to stay involved as a member of the FAIR Advisory Board. A brief tribute to John and his legacy is planned for the upcoming Advisory Board Conference on October 1.

As the current chairman of the Board of Directors, I’d like to express the board’s immeasurable gratitude to John, a man of extraordinary leadership ability, wisdom, courage, and compassion. Long before social networking existed, while continuing to work as an eye doctor far outside the Beltway in a small Michigan town, he established FAIR in Washington as America’s first national immigration reform organization. Motivated by a deep concern for the well-being of his fellow Americans and the negative effects of a reckless and unfair immigration policy on their environment, security, and future quality of life, he worked tirelessly to fund, recruit, organize, and sustain FAIR as a nonpartisan, pragmatic, and intellectually credible advocate for common-sense policies that would serve the broad national interest. As a result, FAIR has grown into the country’s most effective and respected organization dedicated to educating Americans on the need for real immigration reform. One measure of FAIR’s impact has been the number of vicious and baseless personal attacks on John from some pro-amnesty groups. John’s steady courage in standing up to this well-funded smear campaign has been truly inspirational.
Who Was Briefed About the Administrations Amnesty Plan?

On the same day that the Obama administration announced its administrative amnesty policy in a posting on the White House website and in letters to pro-amnesty senators, the White House also provided a briefing to the people they consider “stakeholders” in U.S. immigration policy. As was the case this spring, when the White House conducted meetings about immigration policy, the “stakeholders” included only supporters of amnesty. (Partial list below)

- Angie Kelly, Center for American Progress (CAP)
- Alicia Menendez, National Democratic Network (NDN)
- Adam Luna, America’s Voice
- Addey Fisshea, National Immigration Law Center
- Ali Noorani, National Immigration Forum
- Ben Johnson, Immigration Initiative
- Bishop Wester, Archdiocese of Salt Lake City
- Bob Creamer, League of United Latin American Citizens
- Brent Wilkes, New Partners
- Cara Morris Stern, Vestar Capital Partners
- Cara Morris Stern, America’s Voice
- Carlos Odio, United We Dream
- Carlos Saavedra, Hispanic Federation
- Clarissa Martinez, National Council of La Raza
- Doris Meissner, Migration Policy Institute
- Eliseo Medina, Service Employees International Union (SEIU)
- Federico Pena, Center for Community Change
- Frank Sharry, Latino Leadership Circle
- Gabriel Salguero, Hebrew Immigrant Aid Society
- Gabe Gonzalez, PICO (formerly Pacific Institute for Community Organizations)
- Gideon Aranoff, Raben Group
- Jaci Braga, Voto Latino
- Jeanne Butterfield, MALDEF
- Jessica Reeves, America’s Voice
- Jim Ferg Cadima, Center for Community Change
- John Hennley, Latino Leadership Circle
- John Wilhelm, Hebrew Immigrant Aid Society
- Jorge Mursuli, MALDEF
- Josh Bernstein, Asian American Justice Center
- Karen Narasaki, SEIU
- Kevin Appleby, Center for Community Change
- Kristian Ramos, Conference of Catholic Bishops
- Lillian Rodriguez Lopez, UNITE HERE
- Luis Cortes, National Hispanic Leadership Agenda
- Maria Teresa Kumar, Esperanza USA
- Marielena Hincapie, Voto Latino
- Nancy Zirkin, National Hispanic Christian Leadership Council
- Richard Trumka, AFL-CIO
- Richard Trumka, MALDEF
- Richard Trumka, LCCR
- Ricardo Trumka, Hispanic National Bar Association
- Simon Rosenberg, NDN
- Steven Case, Facebook
- Tom Saenz, Jobs Council
- Julie Kruse, Immigration Equality
- David Smith, Human Rights Council
- Brad Jacklin, National Gay and Lesbian Taskforce

John is very much a Renaissance man, with expertise in such diverse fields as medicine, chemistry, ecology, history, literature, philosophy, politics, demography, agriculture, and land conservation. However, John is as much a man of action as of ideas. An environmental activist who started well before the first Earth Day, he has led numerous national and local environmental organizations. Space does not permit a cataloging of his many other achievements as a civic activist. For more information on FAIR’s remarkable founder, I encourage you to check out his website or read John Rohe’s biography of John and his equally dedicated wife Mary Lou.

Former Democratic governor of Colorado and current FAIR Advisory Board member Richard Lamm recently declared, “I am an unabashed friend of John Tanton. What a mix of virtues and abilities! John is a visionary, prophet, organizational genius and a warm and caring human being. Give me a thousand John Tantons and we could save the world.” On behalf of the Board of Directors, I certainly echo that sentiment and give heartfelt thanks to John for a lifetime of outstanding public service.

Roy Porter
Chairman
FAIR Board of Directors
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Charity Navigator has awarded FAIR four out of a possible four stars. In earning Charity Navigator’s highest rating, FAIR has demonstrated exceptional financial health, outperforming most of its peers in its efforts to manage and grow its finances in the most fiscally responsible way possible.

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