

Hold Their Feet to the Fire 2017



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM Immigration REPORT

SEPTEMBER 2017

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House Acts against Sanctuary Jurisdictions/Criminal Aliens. Will Those Bills Die in the Senate? We Must Fight!

Before breaking for the Fourth of July recess, the U.S. House of Representatives approved two bills designed to rein in state and local sanctuary policies that prioritize the protection of criminal aliens over public safety.

The first bill, the No Sanctuary for Criminals Act (H.R. 3003) would penalize jurisdictions that disregard federal immigration laws by withholding

targeted federal grants; hold sanctuary jurisdictions accountable by allowing victims of criminal aliens to sue those jurisdictions; and clarify the “detainer” authority wielded by Immigration and Customs Enforcement. Detainers allow the agency to take custody of criminal aliens who have been apprehended by local law enforcement when local officials would otherwise release them.

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The RAISE Act —Long Overdue— Would Raise Standards for Immigrating, Cut Flow and Raise Wages for All

The Reforming American Immigration for Strong Employment (RAISE) Act, S. 1720, sponsored by Senators Tom Cotton (R-Ark.) and David Perdue (R-Ga.), is critical legislation to finally reform U.S. immigration law to favor the national interest and recognize the American people as the primary stakeholders in their nation’s immigration policy. The bill was formally rolled out in July, with President Trump joining the two primary sponsors in urging this



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The second bill, known as Kate's Law (H.R. 3004), was named for Kate Steinle, who was killed by an illegal alien felon who had been convicted five times but was ultimately turned loose by San Francisco authorities. The proposal would increase penalties against deported aliens who return to the United States illegally. H.R. 3004 is a watered down version of a bill first introduced after Steinle's death in July 2015. It was approved with bipartisan support in the House when 24 Democrats joined with Republicans in pushing it to passage.

Both of these bills are awaiting action in the Senate. However, Majority Leader Mitch McConnell (R-Ky.) has not shown any great urgency in scheduling a Senate debate or vote. McConnell had originally intended to keep the Senate in session until mid-August, but after the collapse of the effort to repeal and replace the Affordable Care Act, the majority leader chose to send members home instead of using the time to address these popular and



SENATE
MAJORITY LEADER
MITCH MCCONNELL (R-KY).

much-needed bills. September is traditionally devoted to finalizing the federal budget for the new fiscal year which begins October 1.

The urgent need for firm federal action against sanctuary jurisdictions is underscored by ever more radical policies being adopted by state and local governments that are intent on obstructing virtually all forms of immigration enforcement, even if it means putting public safety at risk. Moreover, mounting violence by criminal gangs such as MS-13, whose members often return to the United States with impunity, demonstrates the need for swift Senate action to approve Kate's Law.

Unlike the House where a simple majority is sufficient to pass a bill, the Senate requires 60 votes to avoid a filibuster and bring a bill up for a vote. At least eight Democrats would have to break ranks with the party's leadership to reach that threshold. Reaching the 60 vote mark will require that obstructionist members of the

Senate be held publicly accountable for choosing to protect criminal aliens, rather than protecting public safety.

This effort will include public interest groups like FAIR, working with members and activists in targeted states, to apply pressure on senators to support these commonsense bills. It will also require a real effort on the part of Republican congressional leaders and the White House to force uncooperative senators to explain why they are blocking these bills from coming to the floor of the Senate for a vote.

FAIR urges members and supporters to sign up for Legislative Alerts so that you can make your voice heard on these important bills. Sign upon FAIR's website, www.FAIRus.org.

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long overdue overhaul of our nation's legal immigration policies.

Under the RAISE Act, green cards would be awarded based on individual merit rather than family connections. S. 1720 would preserve the sanctity of the nuclear family, i.e. spouses and unmarried minor children, but would eliminate automatic immigration entitlements for extended family members. Parents of U.S. citizens would still be eligible to join their children in this country, but those children would be required to assume all financial responsibility for their parents. The RAISE Act would also reduce overall immigration levels to about 550,000 annually, which is more in line with historic immigration norms.

Under our current family chain migration policy only about 6 percent of the million or so new legal immigrants who settle here each year are selected based on an objective assessment of their likelihood to succeed in and contribute to the United States. Because of family chain

migration policies, the flow of legal immigration to the United States is dominated by about a dozen countries, while citizens of most other nations have little or no chance of legally immigrating to the U.S.

The RAISE Act is not a new idea. The bill provides a legislative vehicle for recommendations made by a blue ribbon, bipartisan commission that studied our immigration policies in the 1990s. The commission was chaired by Barbara Jordan, a noted civil rights leader and a Democratic representative from Texas. The commission's recommendations were endorsed by leaders of both political parties, including President Clinton.

According to polling, adopting a merit-based immigration policy enjoys strong support. It would bring U.S. immigration policies into line with other progressive democracies, like Canada and Australia which use point systems to determine who gets to settle in those countries. In addition to enhancing the public benefits of immigration, the RAISE Act

would create a much fairer process that puts all prospective immigrants on an equal footing.

But, like all public-interest based immigration reforms, the RAISE Act faces stiff opposition from special interest groups who benefit politically or financially from the existing policy. These interest groups exert significant influence in both parties.

FAIR views the RAISE Act as the most important piece of legislation dealing with legal immigration policy in more than half a century. In the days and weeks following the introduction of S. 1720, FAIR conducted dozens of interviews and media appearances discussing the benefits of merit-based immigration policies. In the coming months, FAIR's Government Relations department will be working to build support for the measure on Capitol Hill, while FAIR's Field Department will be generating public support for this desperately needed overhaul of U.S. immigration policy.

Key components of the RAISE Act include:

- Ending the senseless chain migration policy that gives out green cards based on family connections regardless of the ability to contribute to society. Instead, only the nuclear family qualifies for a family-based green card.
- Establishing a point-based system that selects immigrants who have the most to offer this nation. Points would be awarded for jobs skills, educational attainment, youth, and English proficiency.
- Reducing the immigrant flow from 1.1 million to traditional levels around 550,000 within a decade.
- Elimination of the needless and fraud-ridden visa lottery.
- Limiting refugee admissions to 50,000 per year.

FAIR, Talk Radio Gear Up for Big Push on *Real* Immigration Reform

11TH HOLD THEIR FEET TO THE FIRE BIGGEST EVER

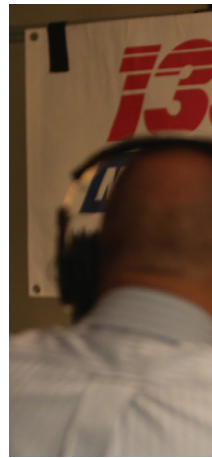
FAIR's annual Hold Their Feet to the Fire radio row has become the industry's premiere event and a vital part of FAIR's efforts to focus the nation's attention on the urgency to implement true immigration reforms that protect and serve the interests of the American people.

Hold Their Feet to the Fire 2017 (F2F 2017) took place on June 28 and 29 at a Capitol Hill hotel, featuring 60 talk radio hosts (the largest attendance to date), dozens of members of Congress, administration officials, policy experts, law enforcement officials, and people whose lives have been directly affected by the failure or refusal of their government to enforce immigration laws.

The two-day event, which broadcast to listeners in all 50 states, served to remind to the administration that Trump's campaign pledges on immigration were what won him the presidency. Those promises need to be kept. It was also a reminder to the Republican congressional leadership that the American people expect a real effort on their part to enact legislation on a host of immigration reform priorities. Among these priorities: real border security, including funding for secure border fencing, additional Border Patrol personnel, additional detention facilities, ending sanctuary policies, mandatory E-Verify, and adoption of a merit-based legal immigration system.

Over the years, FAIR has developed a strong relationship with talk radio, which allows our organization an opportunity to communicate our message of true immigration reform directly to millions of listeners around the country. In past years, this association and F2F events have played a significant role in preventing amnesty bills from becoming law. F2F 2017 was different from past years in that the focus of the event was about how to move forward with a positive agenda for immigration reform that would serve the best interests of the nation and the American people.

Carrying forward with the momentum generated by F2F 2017, FAIR's goal for the remainder of this year and the 115th Congress is to work with members of Congress and the Trump administration to enact true immigration reforms and hold our elected officials accountable.





Trump Administration Concedes to Allowing 15,000 New Low-Skill Guest Worker Visas



Donald Trump campaigned as the champion of the embattled American worker. But, under pressure from powerful cheap labor business interests, his administration capitulated to demands for even greater access to low wage foreign labor. In July the Department of Homeland Security announced that it would utilize a loophole built-in to legislation funding the government through the end of the current fiscal year to increase the number of H-2B guest worker visas by 15,000 above the normal 66,000 cap.

These additional low-skilled workers will compete with similarly skilled American workers who have seen their wages and job prospects decimated by automation, globalization, and reckless immigration policies in recent decades. The expansion of the H-2B program will further hinder efforts to reintegrate

tens of millions of American workers who have dropped out of the labor market back into the economy.

It was not just the cheap labor business lobby that pressured the administration into approving the additional H-2B visas. In a bare knuckles move to force the administration's hand, Sen. Thom Tillis (R-N.C.) put a "hold" on the nomination of Lee Francis Cissna, President Trump's choice to head the U.S. Citizenship and Immigration Services agency. Ironically, struggling blue collar workers were a key constituency in providing President Trump the razor thin margins of victory in key battleground states last November.

End of the Line? Ten States and FAIR Urge the Trump to "Phase out DACA"

A federal court ruled that two of former President Obama's programs to grant *de facto* amnesty to entire classes of illegal aliens were unconstitutional. President Obama's 2014 Deferred Action for Parents of Americans (DAPA) and an expanded version of Deferred Action for Childhood Arrivals (DACA+) were struck down because, in the view of the court, the Executive Branch does not have the unilateral power to confer lawful presence and work authorization on unlawfully present aliens simply because the Executive chooses not to remove them. That ruling was ultimately upheld by the U.S. Supreme Court.

However, the original DACA program, rolled out in 2012, remains in place. And despite President Trump's campaign promise to rescind the program he has not done so yet. The Trump administration has continued to renew DACA deferrals and work authorization and grant deferrals to new applicants.

Texas, which spearheaded the lawsuit that ultimately resulted in DAPA and DACA+ being struck down, is now leading an effort to have the original DACA program terminated. Along with the attorneys general of nine



other states, Texas Attorney General Ken Paxton stated in a letter to U.S. Attorney General Jeff Sessions that, "For these same reasons that DAPA and Expanded DACA's unilateral Executive Branch conferral of eligibility for lawful presence and work authorization was unlawful, the original June 15, 2012 DACA memorandum is also unlawful." The letter requests that "the Secretary of Homeland Security (that administers the program) phase out the DACA program."

Actually, the letter endorsed by Texas, Louisiana, Alabama, Nebraska, Arkansas, South Carolina, Idaho, Tennessee, West Virginia, and Kansas is more than a

DACA continued on next page

While the Senate Procrastinates on Sanctuary Jurisdictions, Sessions and ICE Take Action

While Senate Majority Leader Mitch McConnell appears in no hurry to bring up the House-passed No Sanctuary for Criminals Act (H.R. 3003), that could literally save lives, Attorney General Jeff Sessions acted in late July to pressure sanctuary jurisdictions to comply with federal laws. The leverage Sessions is using is the Edward Byrne Memorial Justice Assistance Grants Program (Byrne JAG), which is administered by the Justice Department.

At the same time, acting director of Immigration and Customs Enforcement (ICE) Thomas Homan announced that his agency would respond to sanctuary policies by increasing enforcement efforts in those jurisdictions.

The \$264 million Byrne JAG program assists state and local governments fund vital law enforcement programs including, drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. Under the guidelines set forth by Sessions, local governments would merely be required to comply with existing federal law in order to continue receiving these grants:

1. Comply with federal law that prohibits state and local jurisdictions from prohibiting their employees from sharing, receiving, or maintaining immigration status information with federal immigration officials or other governmental entities;

2. Allow DHS personnel access state and local detention facilities in order to meet and interview aliens in custody; and
3. Provide DHS with at least 48 hours' notice before law enforcement can release an illegal alien in custody who is wanted by federal authorities.

Rather than comply with these clear commonsense guidelines for maintaining millions of dollars in federal law enforcement assistance each year, some of the most diehard sanctuary jurisdictions have decided to sue the DOJ. Among those jurisdictions that would sooner forego federal law enforcement grants are Chicago, the murder capital of the United States; the perpetually cash-strapped State of California; and San Francisco whose sanctuary policies led directly to the killing of Kate Steinle in 2015.

ICE's announcement of stepped up enforcement in sanctuary jurisdictions indicate that these illegal policies may backfire, placing illegal aliens in those communities at greater risk of apprehension and removal. By refusing to turn over criminal aliens, Homan indicated that ICE will be forced to track down fugitives at their homes or work. "I'm going to arrest him and anybody else with him because there is no population off the table anymore," he told a congressional committee.

DACA continued from previous page

request. The letter states that, "If, by September 5, 2017, the Executive Branch agrees to rescind the June 15, 2012 DACA memorandum... then the plaintiffs that successfully challenged DAPA and Expanded DACA will voluntarily dismiss their lawsuit currently pending in the Southern District of Texas. Otherwise, the complaint in that case will be amended to challenge both the DACA program and the remaining Expanded DACA permits."

The 2012 DACA program has remained in place for more than five years because no one with legal standing has stepped forward to challenge its constitutionality. Moreover, with the addition of Neil Gorsuch to the Supreme Court, there is likely a majority of justices on the Court to hand down a precedent setting ruling barring future presidents from claiming discretionary authority to grant *de facto* legal status to millions of illegal aliens. The 2016 decision that

upheld the lower court's ruling on DAPA and DACA+ did not set legal precedent because the Court was split 4 to 4.

The September 5 deadline set by the ten states for the Secretary of DHS (a position that is currently vacant after John Kelly assumed the role of White House chief of staff) occurred after the completion of this newsletter. FAIR will follow up in the October edition.

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