



Kate Steinle 1982-2015

FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

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Kate Steinle's Illegal Alien Killer Acquitted

Kate Steinle is dead, but the policy that led directly to her killing is alive and well and her killer could soon be a free man. On November 30, a San Francisco jury acquitted Jose Ines Garcia Zarate on all charges except for illegally possessing a weapon – a conviction that his attorneys have said they plan to appeal.

Steinle was killed while walking along the San Francisco waterfront with her father in July 2015. Garcia Zarate, who admits that he fired the weapon that killed her, was on the pier that day only

because San Francisco's strictly enforced sanctuary policy put him there. Garcia Zarate, an illegal alien from Mexico, has seven convictions on his record and had been deported from the United States five times.

Immigration and Customs Enforcement (ICE) was going to deport Garcia Zarate for a sixth time, but San Francisco requested custody. The city was planning to prosecute Garcia Zarate for a minor narcotics offense but subsequently dropped the charge. As per San

ACQUITTAL | CONTINUED ON PAGE 2

Illegal Aliens Stage Protests to Demand Amnesty

As part of a coordinated effort to hold the American public and the American government hostage to their demands for unconditional amnesty, Deferred Action for Childhood Arrivals (DACA) beneficiaries engaged in civil disobedience, including "sit-ins" at district offices of members of Congress and at the U.S. Capitol.

In the days leading up to a critical vote on a bill to fund the federal government, illegal alien activists staged protests at House and Senate members' offices around the country. These protests



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Francisco's sanctuary policies, law enforcement officials turned him loose rather than handing him back to ICE. Two and half years after Steinle's preventable killing, those sanctuary policies continue to be fiercely defended by the city and California has adopted similar policies statewide.

The verdict shocked even supporters of sanctuary policies. Bay Area Congressman Eric Swalwell Tweeted, "I greatly respect our jury system, but I could not disagree more with this verdict. I pray for Kate's family." Actually, they need more than Rep. Swalwell's prayers; they and other victims of crimes perpetrated by criminal aliens protected by sanctuary policies need federal, state, and local action to bring these policies to an end. In June, the House, without Swalwell's support, approved the No Sanctuary for Criminals Act (H.R. 3003), which would require local jurisdictions to honor ICE detainer requests and hold local governments accountable for refusing to comply. However, that bill has yet to be taken

7 felonies, 5 deportations, 1 woman dead.



Jose Zarate
KILLED Kate Steinle.
Yet a San Francisco
jury found Zarate
NOT GUILTY.

All the more reason to #EndSanctuaryCities

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up by the Senate.

Garcia Zarate's lawyer, Francisco Ugarte, was equally disingenuous in the wake of his client's acquittal, calling Steinle's death an "incomprehensible tragedy." In fact, it was very comprehensible. Crimes of this nature are an inevitable consequence of policies that place protection of criminal aliens above the safety of the community.

But Ugarte did not stop at merely being disingenuous. He proceeded to be downright contemptuous of both the Steinle family and the public's response to her killing. Ugarte charged that the case "was used to foment hate" and "catapult the presidency." Rather than seeing Steinle's death as a failure of a politically motivated policy, Ugarte crowed, "Today was a vindication for the rights of immigration," adding that Garcia Zarate's immigration status was irrelevant to the case.

Even more shocking was the reaction from San Francisco district attorney George Gascón. While taking responsibility for the failure of his office to get a conviction, Gascón lashed out at critics of San Francisco's sanctuary policies and President Trump. "From the day the murder happened, (the) case has been used as a political stunt," Gascón said. "It pains me to watch politicians and candidates use the tragedy of this event for political gain." And, in an obvious jab at President Trump, who campaigned and won on a platform calling for immigration enforcement, Gascón defended the city's sanctuary policies declaring, "[W]e shouldn't allow a madman that is tweeting dictate everything we do."

The one glimmer of potential justice for Kate Steinle now rests with the U.S. Department of Justice. Four days after the not guilty verdict a federal grand jury indicted Garcia Zarate on two federal charges: Being a felon in possession of a firearm and an illegally present alien being in possession of a firearm. Each of those charges carries a 10-year sentence if convicted.

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PROTEST *continued from page 1*

were not merely aimed at expressing demands, but were intended to disrupt the ability of staff in these offices to serve members' constituents. The protests culminated in Washington, D.C., on December 7, the deadline for passing a short-term Continuing Resolution necessary to fund operations of the federal government beyond December 8.

According to organizers, the aim of the activists' protests was to disrupt the normal activities of Congress and its members and to engage in civil disobedience activities likely to result in them being arrested. One of the groups leading the disruptions, The Seed Project, Facebook live-streamed its members marching through House and Senate office buildings chanting "No dream, no deal" and other slogans. The "dream" being full and unconditional amnesty for an estimated 3.4 million illegal aliens (not just the 700,000 with DACA protections), and the "deal" being an agreement on a resolution to prevent a federal government shutdown.

Among those targeted in the coast-to-coast illegal alien protests were members of Congress who have actually been working on their behalf. Long-time amnesty champion, Sen. John McCain (R-Ariz.), had his Phoenix office taken over by about 40 protesters, seven of whom were arrested, on December 4. According to a spokesperson for the group, McCain was targeted because "his

inaction means that he is taking the side of those who have taken the [DACA] program away and do not care that we are your neighbors, we are your co-workers and we are students."

On the other side of the country and the other side of the political aisle, Senate Minority Leader Chuck Schumer's (D-N.Y.) Capitol office was taken over by illegal alien activists. Also streamed live on Facebook and other social media sites, protesters shouted their demands that the federal government be brought to its knees

amnesty with no offsetting enforcement measures to prevent future mass illegal immigration.

In the end, the civil disobedience, disruptions, and street theater probably accomplished very little. On the same day that illegal aliens invaded the halls of Congress, the House and Senate agreed on a two-week Continuing Resolution to keep the government operational while they negotiated further. And, much like in 2006 and 2007, when illegal aliens and their advocates mounted massive street demonstrations that shut down



DACA protesters march from Washington D.C.'s Union Station toward the Capitol Building for a planned rally.

unless illegal aliens are granted unconditional amnesty. Ironically, Schumer himself had repeatedly intimated that Democrats might block approval of the omnibus spending bill unless it included a DREAM Act amnesty.

Speaker of the House Paul Ryan (R-Wis.) not only had his home and Capitol offices targeted, but his home in Janesville, Wisconsin, was the site of a protest staged by illegal alien activists demanding a "clean" DREAM Act

many cities, December's efforts to hold the federal budget hostage to their demands for amnesty likely alienated far more voters and members of Congress than it won over.

DHS Ends TPS for Haitians and Nicaraguans

In separate November decisions, the Department of Homeland Security (DHS) announced that Temporary Protected Status (TPS) for citizens of Haiti and Nicaragua would end in 2019. Defying the word “temporary” in the program’s name, some 50,000 Haitians have been permitted to live and work in the United States as a result of an earthquake which struck the country in 2010. Meanwhile about 2,500 Nicaraguans have held that status as a result of a 1998 hurricane.

“T” in TPS stands for temporary. [The program] was never intended to become a backdoor immigration.

Decisions on whether to continue TPS for about 57,000 Hondurans and 200,000 El Salvadorans will have to be made in the coming months. In both cases, citizens of those nations have been allowed to remain here “temporarily” for nearly 20 years.

A statement issued by DHS announcing the termination of TPS for Haitians noted that, “Since the 2010 earthquake, the number of displaced people in Haiti

has decreased by 97 percent. Significant steps have been taken to improve the stability and quality of life for Haitian citizens, and Haiti is able to safely receive traditional levels of returned citizens. Haiti has also demonstrated a commitment to adequately prepare for when the country’s TPS designation is terminated.”

Predictably, advocates for mass immigration and their allies in Congress were incensed by DHS’s recognition that the T in TPS stands for temporary and was never intended to become a backdoor immigration program. House Minority Leader Nancy Pelosi (D-Calif.) called the announcement on Nicaragua “a cowardly assault on thousands of families in communities across the nation” and an example of “senseless prejudice.”

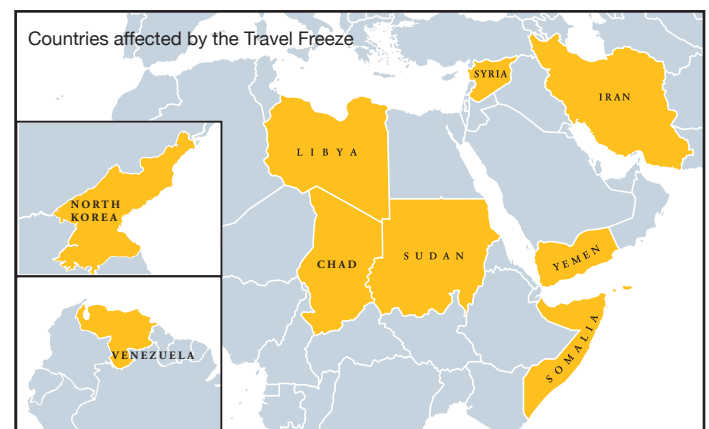
To the contrary, DHS’s actions may restore public trust that our nation’s temporary generosity extended to people whose countries have been thrown into turmoil will not be abused. The failure of our government and the people who have accepted our offer of temporary protection to honor their commitments to the American people jeopardizes our ability to extend similar protections to others in the future.

Supreme Court Green Lights Trump Travel Restrictions (for Now)

The third time was the charm. After two Executive Orders aimed at limiting admission to the United States for citizens of countries known to support or harbor terrorists to the United States, President Trump and the security of the American public won an important victory before the U.S. Supreme Court on December 4.

By a 7-2 margin the justices of the Supreme Court allowed the third version, of President Trump’s proclamation restricting travelers and new immigrants from eight countries to go into effect. In October, Federal District Court judges in Hawaii and Maryland issued injunctions blocking implementation of the president’s directive.

The Trump administration asked the Supreme Court to lift the lower courts’ injunctions. The high court’s December decision allowed the September order to go



into effect pending a ruling on the merits of the challenges in the Fourth and Ninth Circuit Courts of Appeal. Only Justices Ruth Bader Ginsburg and Sonia Sotomayor dissented. Significantly, among the seven justices issuing

NEWS FROM OUR State & Local Operations

Colorado

It isn't easy to outdo California when it comes to outrageous sanctuary policies designed to protect illegal aliens. But through Mayor Michael Hancock's recent Executive Order, Denver appears to have answered that dubious challenge. EO 142 goes beyond instructing city employees not to cooperate with federal immigration authorities. It threatens them with firing, fines, and jail, if they violate the city's policy of shielding illegal aliens. Among the slides in a presentation educating municipal workers about how to carry out EO 142 includes one that states:

- Any employee who violates this ordinance is subject to discipline up to and including termination, and
- Any employee who knowingly and intentionally violates this ordinance is subject to criminal prosecution and may be fined up to \$999.00 and a term of incarceration not to exceed 300 days in jail.

Besides being outrageous, the heavy-handed threat is also illegal. A provision (signed into law by President Clinton in 1996) of 8 U.S. Code § 1373 of the federal code expressly bars state and local governments from prohibiting government workers from communicating with federal immigration authorities.

Washington

An honorable mention (in the dubious competition to be most accommodating to illegal aliens) goes to the Washington State Supreme Court. In November, the state's highest court issued a rule declaring that "evidence of a party's or witness's immigration status shall not be admissible unless immigration status is an essential fact to prove an element" of the crime or civil cause of action. Under Rule 413, the immigration status of an individual involved in civil or criminal proceedings would be inadmissible unless there is proof at a separate hearing that it is not merely relevant but "essential." Thus, relevant information that might help a jury make an informed decision on a criminal or civil case will be withheld in Washington courtrooms.

Florida

About a dozen sheriffs (out of 67 counties) in Florida routinely deny detainer requests issued by Immigration and Customs Enforcement (ICE). But, perhaps, not for much longer. Detainer requests are made when police and sheriffs' departments arrest and charge deportable aliens with crimes so that ICE can take them into custody before they are released on bond. In November, the Florida House Judiciary Committee approved House Bill 9, which bans sanctuary policies statewide, and specifically requires all state and local law enforcement to honor detainers. The bill could be considered by the House floor early this year. While anti-sanctuary legislation has previously stalled in the Senate's last session, the bill is supported by Senate President and sanctuary foe Joe Negron.

McConnell Endorses the RAISE Act, but Will He Bring it to the Floor?

The RAISE Act – a Senate bill that would scrap our bloated and dysfunctional family chain migration system and replace it with a merit-based one – received a big endorsement in late November. In an interview with Laura Ingraham on her Fox News TV news program discussing budget negotiations and the future of DACA beneficiaries, Senate Majority Leader Mitch McConnell (R-Ky.) said, “I agree with Cotton and Perdue. The president has given us until March to deal with the issue of DACA and the question is whether you’re just going to do that and nothing else. I’m in favor of doing something on the DACA front.... But I don’t think we ought to just do that... There are plenty of changes to the legal immigration system that should be added to any kind of a DACA fix.”

Senators Tom Cotton (R-Ark.) and David Perdue (R-Ga.) are the sponsors of the RAISE Act that would overhaul the way we select new immigrants and cut overall levels of immigration by about half. President Trump offered his endorsement of the bill in August. In response to McConnell’s public statement, Perdue noted, “I think the mood on our caucus is that ending chain migration is a top priority. The majority leader’s statement ... is a milestone...[T]his is going to set America up to be competitive again with the rest of the world.”

McConnell’s endorsement is indeed a milestone. The majority leader sets the Senate’s calendar and determines which bill will be brought to the floor for a vote. Congress will be under enormous pressure to address the future of DACA before President Obama’s unconstitutional program begins to sunset on March 5. The Trump administration has issued a list of protections and immi-

I agree with Cotton and Perdue. I’m in favor of doing something on the DACA front.... But I don’t think we ought to just do that... There are plenty of changes to the legal immigration system that should be added to any kind of a DACA fix.

gration reform priorities that the president wants in exchange for consideration of the DACA matter. High on that list is adoption of the RAISE Act, which would not only benefit the national interest, but would prevent DACA beneficiaries from eventually sponsoring many additional family members, including the parents who were responsible for them being here illegally in the first place. Stay tuned.

TRAVEL FREEZE *continued from page 4*

the order that allowed the travel restrictions to be implemented, were Clinton and Obama appointees.

The eight countries affected by the travel restrictions are: Iran, Libya, Syria, Yemen, Somalia, and Chad – all of which are Muslim majority nations – as well as non-Muslim nations, North Korea and Venezuela. Under the September Executive Order, different restrictions apply to different nations.

Solicitor General Noel Francisco, advocating on behalf of the president, argued that the chief executive had broad constitutional and statu-

tory authority, based on legitimate national security concerns, to issue his proclamation. The Supreme Court obviously agreed.

In allowing the travel restrictions to go into effect, the Supreme Court made no ruling on the constitutionality of the September proclamation. That will likely come later, after the lower courts’ rulings are reviewed by the Fourth and Ninth Circuits. However, many legal analysts agree that the Court’s December action, by a 7-2 majority, bodes well for the president. “The move did suggest that the administration’s chances of

prevailing at the Supreme Court when the justices consider the lawfulness of the latest ban have markedly increased,” wrote The New York Times’ legal reporter.

In the meantime, as Attorney General Jeff Sessions stated, the Court’s action represents, “a substantial victory for the safety and security of the American people.”

Back by Popular Demand: Immigration Enforcement

After an eight-year hiatus under President Obama, enforcement of U.S. immigration laws is back. Data for Fiscal Year 2017 (which ended on September 30) reveal that arrests by Immigration and Customs Enforcement (ICE) in the interior of the country were up by 40 percent over FY 2016.

According to acting Director Tom Homan, ICE arrested 143,470 people for immigration violations last year. Of those, 89 percent had either existing criminal convictions or pending charges. These charges ranged from drug offenses (76,503), to assault (48,454), homicide (1,886) and many other serious crimes. In addition, ICE arrested nearly 800 MS-13 gang members – an 80 percent increase from last year.

The year-end statistics indicate that the Trump administration (which took office three and a half months into the fiscal year) is reversing Obama-era policies that severely limited the pool of immigration law violators who might be subject to enforcement. While the new administration continues to focus on arresting and removing criminal aliens (albeit for a broader range of criminal activities), routine enforcement of laws against illegal aliens who have not been charged or convicted of other offenses has also resumed.

The number of criminal aliens arrested and placed in removal proceedings by ICE would likely have been significantly higher if not for the proliferation of state and local sanctuary policies designed to obstruct federal immigration enforcement, including against criminal aliens. According to ICE, sanctuary jurisdictions declined a total of 8,170 detainer requests. ICE was only able to arrest 6 percent of these immigration violators after they were released into the public. The rest remain at large in

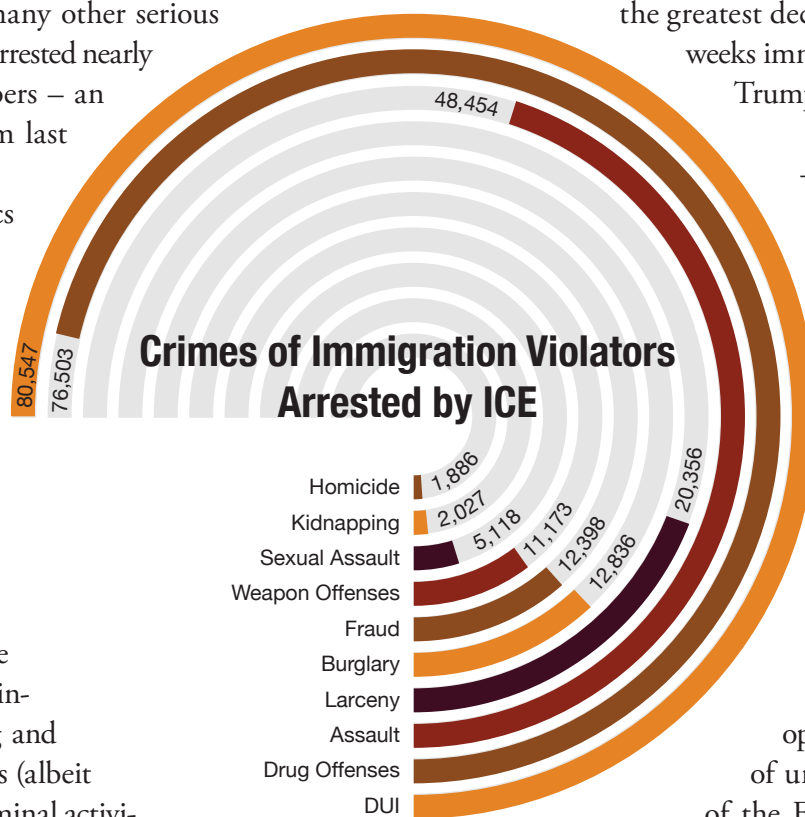
American communities. Currently, there are 7,710 illegal and criminal aliens at-large who would otherwise have been turned over to ICE for removal had these jurisdictions cooperated with federal law enforcement agents.

The across-the-board increase in enforcement in the interior of the country has also had a positive impact at the border. Ronald D. Vitello, acting Deputy Commissioner of Customs and Border Protection (CBP), announced that the agency apprehended more than 310,531 illegal aliens at or near the border. That is a considerable decrease from last year. Further, Vitello noted, the greatest decreases occurred during the weeks immediately following President Trump's inauguration.

A combination of policies – stepped-up interior and workplace enforcement and a greater likelihood that illegal entrants will be detained, rather than released – has served to deter significant numbers of people from attempting to enter the United States illegally. Deterrence is the most effective and most humane form of law enforcement.

These welcome developments were largely the result of unilateral efforts on the part of the Executive Branch to use its authority to enforce existing immigration

laws. However, top Department of Homeland Security officials cautioned that these promising signs will disappear if they are not complemented with real immigration reform, such as mandatory E-Verify for all employers, and progress in securing our borders with additional immigration enforcement officers and an effective, physical barrier. These additional measures will have to be legislated and funded by Congress in 2018.



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