

# Immigration REPORT

## The Showdown Over Border Security

*This edition of the FAIR newsletter was completed in mid-January, as the partial government shutdown was entering its fourth week.*

An effective and secure border wall or fence was a centerpiece of the 2016 presidential election. In the closing weeks of 2018, it finally became a centerpiece of a legislative effort to fund construction of a desperately-needed border security package. After two years of inaction by the Republican-led Congress to fulfill theirs and the president's pledge to construct a border wall, the House of Representatives finally approved \$5.7 billion for the project just before Christmas. The funding bill was approved by a 217–185 vote.

The House vote — the last taken with Republicans in the majority — came after the Senate approved a funding bill (by a voice vote) that included no funding for a border wall. The Democrats assumed control of the House on January 3, with Speaker Nancy Pelosi (D-Calif.) pledging to oppose any border wall funding. In the Senate, Republicans now enjoy an enhanced majority, but still short of the 60 votes needed to break a deadlock in that body.

Meanwhile, President Trump (through mid-January) has held fast to his commitment to veto any spending package that does not include his already pared-down request for constructing a border wall. The impasse triggered a partial shutdown of the fed-

eral government, although those functions and services deemed to be essential continued to operate.

The Democratic leadership, being pushed to take ever-more radical positions on immigration by the emerging “Abolish ICE” wing of their party, resorted to political posturing and overheated rhetoric to justify their unwillingness to budge on border wall funding. “A wall, in my view, is an immorality. It’s the least effective way to protect the border and the most costly. I can’t think of any reason why anyone would think it’s a good idea — unless this has something to do with something else,” stated Speaker Pelosi.

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# Shutdown

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Despite her repeated assertion that a border wall is “an immorality,” Pelosi has never explained what is immoral about securing the border, or deterring people from attempting to enter the country illegally. And, although the speaker “can’t think of any reason why anyone would think [a border fence is] a good idea,” she might want to ask the overwhelming majority of her colleagues from the 109th Congress — including a majority of Senate Democrats at the time — who voted for a bill authorizing construction of a secure border fence.

Among those who thought it was a good idea (and not immoral) is the minority leader of the Senate, Chuck Schumer (D-N.Y.). In addition to being one of 80 senators who voted for fence construction in 2006, Schumer again expressed enthusiastic support for a border fence in 2013. Speaking in support of an amendment to the Gang of Eight legislation, Schumer extolled the fact that, “It will finish the job of completing the fence along the entire 700-mile stretch of the Southwest bor-



In a joint press conference, House Speaker Pelosi and Senate Minority Leader Schumer rebuke President Trump for refusing to accept an Appropriations bill that does not include border wall funding. | Image courtesy of Twitter/@Speaker Pelosi.

der...In other words, it calls for a breathtaking show of force that will discourage future waves of illegal immigration. It not only calls for completing a literal fence, it will create a virtual human fence of Border Patrol agents.”

Schumer now contends that a border wall is a “medieval solution for a modern problem.” Actually, he’s wrong. A wall is ancient technology; but so is the wheel. Both

have been in use for millennia because they are extremely effective. Among those who considered a border fence to be a good idea is President Clinton, who was responsible for construction of a very effective border fence near San Diego, which ended years of massive illegal entries in that area of the border.

## Immigration REPORT

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# New FAIR Study: Illegal Aliens Significantly More Likely to Commit Crimes in the U.S.

Apologists for illegal immigration consistently claim that illegal aliens are less likely to commit crimes in the United States than the population as a whole. (Of course, this supposition, by necessity, must ignore the fact that their presence in the United States is a crime, as is their employment in this country, and their frequent use of fraudulent documents.) It also ignores the fact that, even if their claims were true, any crimes committed by people who have no legal right to be in the United States are entirely unnecessary and avoidable.

The assertion that illegal aliens are generally more law-abiding than the rest of the population has also been bolstered by spotty data collection by countless state, county, and local law enforcement agencies around the country — in some cases politically motivated by formal and informal sanctuary policies designed to protect illegal aliens. In short, advocates for illegal aliens have been able to get away with making these claims, unsupported by reliable data, because of the inherent difficulty of pulling together reliable data to disprove their claims.

A new report by FAIR does pull together the disparate federal, state, and local data. Contrary to the claims made by groups and politicians that oppose immigration enforcement, the data clearly show that illegal aliens are engaged in criminal activity at a much higher rate than the population generally. According to the data, illegal aliens are three times more likely to be incarcerated for criminal activity than the population as a whole. Moreover, in states with the highest concentrations of illegal aliens (and which are also likely to have the strongest and most well-established sanctuary policies), the rate of incarceration of illegal aliens is five times higher.

The study analyzes the most recent illegal alien incarceration data available from the federal government's State Criminal Alien Assistance Program (SCAAP), which reimburses states for a small portion of the costs of incarcerating criminal aliens. The



Image: istock | LightFieldStudios

report looks at SCAAP payments to states with large illegal alien populations and compares it to the public records of state and local prisons. The states analyzed include: Arizona, California, Florida, Nevada, New Jersey, New Mexico, New York, Oregon, Texas and Washington, which together comprise the majority — 65 percent — of the nation's illegal alien population. Importantly, the report does not include illegal aliens who have been convicted of federal criminal charges and are serving time in a Federal Bureau of Prison facility.

Proximity to the border has no significant bearing on the rates at which illegal aliens are incarcerated for criminal offenses.

- In Arizona, nearly 3 percent of all illegal aliens end up finding themselves incarcerated in a state or local facility at some point during the year. In comparison, roughly 0.6 percent of citizens and lawfully present immigrants in Arizona are incarcerated — meaning illegal aliens are more than five times as likely to be incarcerated.



# NYC Establishes Program to Help Medically Uninsured, and Illegal Aliens Are Big Winners

New York City is establishing a city-funded program, known as NYC Care, to provide comprehensive health care coverage for people who do not have insurance plans through their employers or the Affordable Care Act. NYC Care, which will cost local taxpayers an estimated \$100 million a year, is proving to be very popular. About 600,000 New York City residents have signed up for the program. Half of them are illegal aliens.

For local city officials, the fact that half the people who will be getting free or heavily-subsidized health insurance courtesy of the taxpayers is a point of pride. A spokesperson for Mayor Bill de Blasio took to Twitter to boast about how the program is benefiting illegal aliens, the value and cost of the effort. “This is the city paying for direct comprehensive care (not just ERs) for people who can’t af-



Mayor Bill de Blasio and First Lady Chirlane McCray (L) hold a press conference to launch the NYC Care initiative. | Image courtesy of the NYC Mayor’s office.

Speaking to supporters, de Blasio noted that illegal aliens living in the city would get a range of health care benefits ranging from pediatric to geriatric and just about everything in between. The \$50 million a year the city expects to spend on illegal aliens is in addition to other costly health services that are already provided

already spend on health care” for illegal aliens.

De Blasio is not the only big name politician anteing up large sums of taxpayer money to make sure illegal aliens have full access to the U.S. health care system. On his first day in office, California Gov. Gavin Newsom pledged to expand state-funded health coverage for illegal aliens up to the age of 26. Currently, state-funded health coverage for illegal aliens is cut off at age 19. The governor’s proposal would add an estimated 138,000 new illegal alien beneficiaries to the rolls.

Washington State Gov. Jay Inslee, a likely contender for the 2020 Democratic presidential nomination, is also proposing expansion of his state’s Cascade Care program, which would include coverage for illegal aliens.

“While the federal government works to gut health care for millions of Americans, New York City is leading the way by guaranteeing that every New Yorker has access to quality, comprehensive access to care, regardless of immigration status or their ability to pay.”

—NYC Mayor Bill de Blasio

ford it, or can’t get comprehensive Medicaid — including 300,000 undocumented New Yorkers,” tweeted Eric Phillips.

to illegal aliens. An Albany-based health care specialist said that the cost of NYC Care will only be “a fraction of what the city and state

## Study

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- In Texas, between June 2011 and July 2018, more than 175,000 illegal aliens were booked into state and local jails. Within this time period, they were charged with more than 273,000 criminal offenses that included homicide, kidnapping and other serious felonies. The data indicate that over that time span, illegal aliens were 60 percent more likely to offend than non-illegal aliens in Texas.

- In New Jersey, far from the southern border, incarceration rates for illegal aliens were 5.5 times that of the population generally.



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The numerous high profile cases of serious crimes committed by illegal aliens, that periodically capture the national attention, are not anomalies; they are all-too-frequent tragedies that are a direct result of our nation's failure to prevent people from entering the country illegally and sanctuary policies that protect people who vio-

late our immigration laws. While most illegal aliens do not commit criminal offenses (beyond those related to maintaining their illegal presence in the country), an extensive examination of the available data clearly show that their criminal activity is vastly disproportionate to their representation in the population.

## Who Thinks a Border Wall is a Good Idea? The Experts Do, Speaker Pelosi



Mark Morgan, former Chief of Border Patrol.

In an effort to justify her refusal to budge on the president's request for a small down payment on a secure border wall, Speaker Nancy Pelosi (D-Calif.) asserted that pretty much everyone not named Donald Trump agrees with her views on the matter. "I can't think of any reason why anyone would think it's a good idea," Pelosi said.

Well, Speaker Pelosi needs to get out more, because there seem to be an awful lot of people who do think it is a very good idea, including the folks who are in a position to know best.

Let's start with Mark Morgan, who served as Chief of the Border Patrol under President Obama. In addition to being the top border enforcement officer, Morgan had a long career in law enforcement, includ-

# A Message from FAIR President Dan Stein



*This year marks FAIR's 40th anniversary. And what an incredible four decades it has been! When I look back at the humble beginnings of FAIR's founders—in a little basement office on New Hampshire Avenue—I can scarcely imagine that they could have foreseen how immigration would grow into the foremost policy issue of our time.*

FAIR's founders had a simple and straightforward understanding of how best to approach immigration policy. They believed that as concerned Americans, we all share a responsibility to look to the future and envision where current policies may lead; and they understood only too well how our current immigration policies would determine the kind of America future generations would inherit.

## **Livable or overcrowded? Successful or overburdened?**

These were the questions FAIR's early leaders posed to Congress when we first embarked on our mission to reform America's immigration system. The data was clear: we needed to reduce legal and illegal immigration to a sustainable level, in line with the national interest. Needless to say, the fight has gone on longer than any of our founders anticipated.

While among the American people there has always been consensus with regard to what our immigration policy should be—they have *repeatedly been undermined by powerful forces* seeking to use our broken immigration system for personal gain. As time has gone on, many of the other problems facing our society—a stagnant job market, environmental degradation, crumbling infrastructure, drug abuse, gang violence, and the winnowing out of the American middle class—have been exacerbated by a constant influx of millions of legal and illegal immigrants who have placed an additional strain on struggling American communities.

Throughout the years, FAIR has often been referred to as the little Dutch boy with his finger in the dam—standing firm against the oncoming tide. In many ways, this is true. FAIR has worked diligently to hold the government accountable, and thus has helped the country avoid many policy disasters. But we are far from alone. FAIR stands, and has always stood, shoulder-to-shoulder with the American people. Today, with membership in the millions and networks of enthusiastic activists nationwide, we can draw comfort from the knowledge that our mission is being carried out in every state in the Union. Rest assured, the dam is becoming better fortified every day.

I will close by remarking that it is no coincidence President Trump's extraordinary victory in 2016 followed a campaign with a *laser focus on immigration*. And I believe that this can, in part, be credited to FAIR and others' hard work these many years to bring immigration to the forefront of our national discourse. Now, in the coming months and years, it falls to each and every one of us to help lead the way and guide the present administration towards sensible, durable, and sustainable immigration policies for the 21st century.

I thank you all for standing with FAIR these 40 years. The stakes today are higher than ever before, but with your support, I have no doubt that the American people will come out victorious.



# Wall

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ing a long stint at the FBI. Despite being replaced after President Trump assumed office, Morgan is resolute in his support for a border wall.

“I was removed. I’m standing up and saying, ‘I should have disdain for them, but I don’t because they are right’. I can stand up and say they are right because it’s the right thing to do for this country. I’m begging the president to stay the course,” Morgan said. He’s not just urging the president to hold firm on the wall; he’s begging him to. Morgan previously told a congressional panel that, in addition to a wall, what is needed is enhanced technology and more personnel, more bed space in holding facilities, and more immigration judges, other things Speaker Pelosi does not want to fund.

Perhaps if Speaker Pelosi had been listening to NPR, she might have heard the strong endorsement for a border wall from one of the senior ranking Border



Art Del Cueto (L) and host at FAIR's Hold Their Feet to the Fire Radio Row 2018.

Patrol agents in her home state of California. Being interviewed on All Things Considered, agent Terence L. Shigg, a former Border Patrol Council president in the San Diego sector affirmed, “I think barriers work, and that’s been proven, especially here in San Diego. You can come here, and you can see the places that are more secure due to the fact that we have barriers here.”

That support has been reiterated by the leadership of the National Border Patrol Council, which represents rank-and-file Border Patrol agents. Eight council officials visited the White House in early January to lend their support for border wall funding. Speaking for the senior leadership council, vice president Art Del Cueto (a frequent guest at FAIR's Hold Their Feet to the Fire radio row) expressed the group's support for border wall funding. “[W]e are extremely grateful to President Trump, and we fully support what he is doing to take care of our nation’s borders, to take care of the future of this United States. It has nothing to do with political parties,” said Del Cueto.

Perhaps the speaker is not convinced by our own border security experts about the value of a wall. In that case, she can ask Israel Defense Force Colonel Danny Tirza, who spearheaded construction of his country’s security wall. “It has saved so many lives,” says Tirza and, as an added benefit, has more than paid for itself. Prior to construction of the security wall, “We had so many terror attacks before that nobody wanted to invest in Israel.” After the border wall, (built in the early 2000s) put an end to the frequent bombings, investments poured in. Israel’s GDP has grown by nearly 150 percent. A second border fence along the Egyptian border has slashed the scourge of human trafficking by 99 percent.

We hope these small samplings of experts on the matter help answer your question, Madam Speaker.



Terence L. Shigg, former president of National Border Patrol Council Local 1613 | Image courtesy of Facebook.

# State Sanctuary Law Responsible for the Murder of California Police Officer, Say Sheriffs

“We can’t ignore the fact that this could’ve been preventable... The outcome could have been different if law enforcement wasn’t restricted, prohibited or had their hands tied because of political interference”

—Sheriff Adam Christianson, Stanislaus County, Calif.

The late-December murder of Newman, California, police officer Ronil Singh was a direct consequence of California’s radical statewide sanctuary law, Senate Bill (SB) 54, which bars all law enforcement departments from cooperating with Immigration and Customs Enforcement (ICE), except under extraordinary circumstances, charged two California sheriffs.

Officer Singh, who was a legal immigrant from Fiji, was gunned down on December 26 during a routine traffic stop. Police have arrested Paulo Virgen Mendoza (initially identified by his alias, Gustavo Perez Arriaga), an illegal alien from Mexico, and charged him with the murder. Perez Arriaga had a criminal record and is a known member of a criminal gang.

Sheriff Adam Christianson of Stanislaus County (where Newman is located) made it clear that if not for SB 54, it is unlikely that Virgen Mendoza would ever have had the opportunity to take the life of the police officer. “We can’t ignore the fact that this could’ve

been preventable.” However, SB 54 prohibited his department “from sharing any information with ICE about this criminal gang member... This is a criminal illegal alien with prior criminal activity that should have been reported to ICE. Law enforcement was prohibited because of sanctuary laws, and that led to the encounter with Officer Singh. I’m suggesting that the outcome could have been different if law enforcement wasn’t restricted, prohibited or had their hands tied

because of political interference,” Christianson stated.

Christianson’s assessment was echoed by Kern County Sheriff Donny Youngblood, whose department arrested Virgen Mendoza as he was attempting to flee the country. Kern County sheriff’s deputies also arrested Virgen Mendoza’s brother Adrian Virgen and a co-worker, Erik Razo Quiroz — both illegal aliens — who assisted him in his efforts to get back to Mexico. “When you tie our hands and don’t allow us to work with our federal partners and communicate with our federal partners about people who commit crimes and who are in this country illegally, we’re going to have incidents like this, not just on police officers, but on the public that we serve and protect,” charged Youngblood.

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Officer Ronil Singh of the Newman Police Department | Image: Merced Police Department



# News from our State and Local Operations

## FLORIDA

The new year means new sessions for state legislatures around the country. Once again, immigration-related legislation — both positive and negative — will be taken up. The election of Ron DeSantis as governor provides new opportunities to enact meaningful pro-enforcement legislation in the Sunshine State. DeSantis compiled a strong record on immigration when he served in the U.S. House of Representatives.

Among bills that were filed before the Legislature even convened is one that would require mandatory E-Verify by all Florida employers, and a second that would prohibit sanctuary policies by local governments and state agencies. House Bill 89, sponsored by Rep. Thad Altman, would, among other things, require all employers to verify new workers using the federal E-Verify system beginning on January 1, 2020. State and local governments, as well as state contractors and subcontractors, would be required to begin



using E-Verify by July 1, 2019. Companies not complying with the E-Verify requirement would be barred from receiving government contracts. During his campaign for governor, DeSantis tweeted, “Cheap foreign labor is not an excuse to let lawlessness prevail in the sunshine state. We want people who come LEGALLY!”

Legislators also wasted no time in introducing legislation to outlaw sanctuary policies in Florida. Senators Joe Gruters and Aaron Bean have each introduced bills (SB 168 and 170) that, among other provisions would: Clearly de-

fine sanctuary policies; require that ICE detainer requests be honored; require police to report illegal aliens who are arrested for other offenses to ICE and; allow people to sue a local government or state agency for damages if an illegal alien injures or kills someone due to a sanctuary policy. Again, DeSantis is on record supporting such measures. “As governor, this is what I am going to do: there are going to be no sanctuary cities in Florida,” he said as a candidate for office.

## INDIANA

In Indiana, state lawmakers began the new session by introducing bills to provide new benefits to illegal aliens. The proposed legislation includes House Bill 1030 and Senate Bills 138 and 335. All three would grant in-state tuition benefits to illegal aliens attending public colleges and universities. The bills state that an illegal alien may “file an affidavit with

the state educational institution, stating that the [he/she] has filed an application to legalize [his/her] immigration status or will file an application as soon as [he/she] is eligible to legalize [his/her] immigration status.” For students attending Indiana University, in-state tuition amounts to a publicly-funded subsidy of \$24,776 per year. Similar efforts have failed

in the Indiana Legislature in the past. However, recent developments on other immigration-related legislation provide cause for concern. In 2018, the legislature voted overwhelmingly to allow roughly 9,000 DACA recipients to apply for professional licenses. Senate Bill 419, was signed into law by Governor Eric Holcomb (R) last March. ■

## Sheriffs

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SB 54 was signed into law by former Gov. Jerry Brown in 2017 and took effect on January 1, 2018. The law was broadly opposed by California sheriffs and many others in law enforcement for precisely the reasons expressed by Sheriffs Christianson and Youngblood. The law is also the subject of a lawsuit being brought by counties and cities across California. FAIR's legal affiliate, the Immigration Reform Law Institute (IRLI) is representing several of the plaintiffs in the suit.

The family of the slain officer, legal immigrants to the United States, have also lent their voices

to efforts to prevent similar tragedies from affecting other families. Reggie Singh, Officer Singh's brother, accompanied President Trump to McAllen, Texas, in early January as the president pressed his case for congressional funding of the border wall. "The way he was killed, what my family's going through right now, I do not want any other family law enforcement person to go through that," Reggie Singh said, as he related his brother's "lifelong dream of becoming a police officer." In addition to ending dangerous policies such as SB 54, Singh also voiced support for the border wall. "Whatever it takes to minimize — put a stop to it — my family fully supports it."



Paulo Virgen Mendoza aka Gustavo Perez Arriaga | Image: Stanislaus County Sheriff's Department

## DHS Announces Changes to Asylum Policy

"Saying a few simple words — claiming a fear of return — has transformed a straightforward arrest for illegal entry and immediate return into a prolonged legal process, where an alien may be released from custody into the United States and possibly never show up for an immigration hearing," stated former U.S. Attorney General Jeff Sessions, last September. Sessions' assessment was backed up by a report in the Washington Post, which noted that "The smuggling guides who charge \$10,000 or more [to bring illegal aliens to the border] also [provide] coaching, including

**"Aliens trying to game the system to get into our country illegally will no longer be able to disappear into the United States, where many skip their court dates. Instead, they will wait for an immigration court decision while they are in Mexico. 'Catch and release' will be replaced by 'catch and return.'"**

—Homeland Security Secretary Kirstjen Nielsen

the key words migrants should say to convince U.S. asylum officers that their fears meet credibility standards."

In December, the Department of Homeland Security (DHS) announced a new asylum policy

aimed at confronting the rampant abuse. Effective immediately, the United States will begin the process of invoking a provision of the Immigration and Nationality Act that allows for expedited removal

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# Asylum

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of aliens who are attempting to enter the United States fraudulently. Under the Migration Protection Protocols (MPP), individuals arriving in or entering the United States from Mexico—illegally or without proper documentation—may be returned to Mexico for the duration of their immigration proceedings.

Since 2013, there has been a **2000 percent increase** in aliens claiming credible fear upon arrival. A credible fear claim is the first step in the process of seeking asylum in the U.S. As a result of the low bar set to establish a credible fear, the United States has an overwhelming asylum backlog of more than 786,000 pending cases. According to DHS, the large majority of these claims are fraudulent, and nine out of ten asylum claims are actually denied by a federal immigration judge. Unfortunately, by the time a judge has ordered them removed from the United States, many of these aliens have disappeared into the country.

To address this widespread abuse, the White House asked Congress to fix various loopholes specifically requesting that Congress tighten the definition of credible fear (and the process by which it is evaluated), and clearly grant immigration authorities the discretion to refuse dubious claims at the border. That did not occur when Republicans controlled both houses of Congress, and with Democrats having taken control



Homeland Security Secretary Kirstjen Nielsen | Image: DHS

of the House after the 2018 midterms, future legislative changes appear unlikely.

In her official announcement, Secretary of Homeland Security Kirstjen Nielsen said:

“Aliens trying to game the system to get into our country illegally will no longer be able to disappear into the United States, where many skip their court dates. Instead, they will wait for an immigration court decision while they are in Mexico. ‘Catch and release’ will be replaced with ‘catch and return.’ In doing so, we will reduce illegal migration by removing one of the key incentives that encourages people from taking the dangerous journey to the United States in the first place.

This will also allow us to focus more attention on those who are actually fleeing persecution.”

Secretary Nielsen’s move is not unprecedented. Faced with a similar rash of fraudulent asylum seekers — mostly at international airports, rather than the border — the Clinton administration invoked similar expedited removal policies and effectively curbed the abuse.

The secretary also said that the Mexican government has pledged to provide aliens with humanitarian visas to stay and work in Mexico as they await a decision from the United States; and that all actions are in line with international law.



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