

Immigration REPORT

Trump Declares a National Immigration Emergency Immediately After Signing a Bill Creating a Bigger One. FAIR Fought to Stop This.

After trying, and failing, to get funding for a secure border barrier to help address an illegal immigration and asylum abuse crisis, President Trump signed a declaration of a national emergency – but not before signing a government funding bill that is almost certain to make the situation even worse.

The February 15 National Emergency declaration allows the president to redirect money in the federal budget for construction of 230 miles of much needed border fencing. Contrary to claims from Democrats, the media, and others, the emergency at the border is real. More than half a million people entered the United States illegally last year, and unprecedented numbers are lodging specious claims for political asylum as a means of gaining entry to the United States. The 786,000 backlogged asylum cases waiting to be heard threaten to paralyze our federal judiciary system.

At the signing, the president acknowledged that the declaration would likely spark a court battle that would ultimately have to be resolved by the Supreme Court. His prediction came true. On February 18, a coalition of 16 states, led by California, filed suit in federal court arguing that the president lacks the con-

stitutional authority to redirect money without approval from Congress. Joining California in the lawsuit are: Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon and Virginia. Other states could also become a party to the suit, and an assortment of immigration advocacy groups are planning a separate suit.

What President Trump did just prior to declaring a national emergency, however, is likely to have a greater impact on the immigration crisis – and not for the better. With yet another partial government shut-

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The Caravans Keep Coming: Congress Refuses to Act



In mid-February, a caravan of about 1,800 Central American migrants arrived at the U.S. border near Eagle Pass, Texas. They are the latest (as of the completion of this edition of the FAIR newsletter) of a seemingly endless flow of migrants seeking to enter the United States by exploiting weaknesses in our asylum, detention, and human trafficking laws.

Lacking even the pretense of action by Congress to close the loopholes in our laws that induce large numbers of people to make

the dangerous trek to the United States, the Trump administration has exercised its executive authority to meter the entry of asylum claimants to ensure that Customs and Border Patrol and other government agencies are not overwhelmed. This necessary step to control the entry of migrants is causing frustration among the migrants (who have been warned of the administration's policy) and problems for Mexican authorities in towns where the migrants remain until they can enter a claim to enter the United States.

Frustrations boiled over in Piedras Negras, just across the border from Eagle Pass, as migrants housed in makeshift detention facilities rioted and clashed with Mexican police. As a result, Mexican authorities have decided to disperse the migrants to other facilities along the border that are better equipped to handle detainees. Some migrants have accepted Mexico's offer to seek asylum in that country, while others have decided to accept transportation back to their countries of origin.

The growing dangers and tensions resulting from the endless flows of migrants was the proximate cause for why President Trump decided to issue a national emergency declaration in February. However, the real roots of the crisis remain unresolved. The governments of El Salvador, Guatemala, and Honduras continue to pay no price for their neglect of the interests and security of their citizens – circumstances the United States has only very limited ability to change.

The other half of the equation – American laws that induce the flows of migrants – are wholly within the authority of Congress to change. Yet, despite the humanitarian and foreign policy tolls that are being incurred, Congress has shown no inclination to act. In fact, new protections for illegal aliens who sponsor unaccompanied minors who enter the country illegally that were included in the government funding bill, are likely to compound the existing crisis.

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Emergency

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down looming, President Trump signed a bill to fully fund the federal government through the remainder of the fiscal year (which ends on Sept. 30). The 1,159-page bill was released on the evening of February 13, and Congress voted on it the following day – which means that no one who voted on it, with the exception of small group of House and Senate members who negotiated the deal, actually read it.

The bill included a \$1.375 billion fig leaf for President Trump, funding a few additional miles of border barriers. That figure amounts to less than one-quarter of the \$5.7 billion the president had demanded for border wall construction, which itself was a pared down figure. Moreover, the \$1.375 billion comes with many strings attached and many limitations on where and how the border barrier can be constructed.

Even more damaging, the bill contained “poison pill” provisions that are almost certain to take a bad situation and make it much worse. For those who are skeptical about claims that the border situation is an emergency, the bill signed by the president may well create one.

FAIR’s Government Relations department uncovered a huge poison pill in Section 224(a) before the president signed the bill. That provision reads: “None of the funds provided by this Act or any other Act... may be used by the Secretary of Homeland Security to place in detention, remove, refer for a decision whether to initiate removal proceedings, or initiate removal proceedings against a sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor of an unaccompanied child...”

In simple English, that mean that every new unaccompanied minor who arrives at our border will trig-

ger an amnesty for multiple adult illegal aliens who are already in the country. The illegal aliens who will be eligible for protection from removal include not just actual sponsors, but those who might be potential sponsors and every member of their households.

Without congressional action to amend the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 (and there is unlikely to be any such action on that matter), unaccompanied minors who arrive at the border will continue to be admitted to the United States and allowed to pursue lengthy legal claims to remain here. The TVPRA is what sparked the surge of unaccompanied minors in 2014 and 2015. Only then, there were no guarantees of protection for the sponsors in whose custody the unaccompanied minors were placed. An estimated 80 percent of those sponsors are believed to be illegal aliens themselves. Now the inducement for unaccompanied minors includes not just protection for the minors themselves, but *de facto* amnesty for illegal aliens already in the

In retrospect, the country would have been far better off if the president had signed a government funding bill that included no border wall funding, than the one signed on February 15.

country. The almost certain result of this bill will be a much greater surge of unaccompanied minors crashing the border.

Other provisions of the bill more than double the H-2B visas issued each year. The H-2B program allows employers to bring in guest workers to perform lower-skilled non-agricultural jobs, undermining the most vulnerable American workers. The bill also perpetuates the fraud-ridden E-B5 “investor visa” program, which has consistently failed to live up to the promise of creating jobs for American workers.

In retrospect, the country would have been far better off if the president had signed a government funding bill that included no border wall funding, than the one finally signed on February 15. The nation could have averted a 35-day partial government shutdown, and avoided mischievous poison pills like the Section 224(a) *de facto* rolling amnesty provision.

News from our State and Local Operations



Image: istock | JakeOlimb and FAIR staff

NEW YORK

New York State and New York City may not have a lot of cash available to address crumbling infrastructure. They may not have any interest in having Amazon generate 25,000 high-paying jobs in Queens. They may not care about New York City homeowners who have seen their property taxes triple in the past decade. But the state and the city do care about illegal aliens. And, in the new session of the legislature, they are dead set on proving it.

The NY “DREAM Act”

Among the first items approved in Albany this year was legislation to allow illegal aliens to attend public colleges and universities at heavily subsidized in-state rates, and to be eligible for state-funded loans, grants, scholarships, reim-

bursements, and other forms of financial aid. The bill also creates the New York Dream Fund, a scholarship program devoted entirely to recipients of the Deferred Action for Childhood Arrivals (DACA) program. American citizens and legal immigrants are not eligible for the program and need not apply. As of completion of this edition of the newsletter the bill had not been signed into law by Gov. Andrew Cuomo, but he has publicly stated his intent to do so.

State citizenship

Sen. Gustavo Rivera (D-Bronx) filed SB 1021, known as the “New York is Home Act.” The bill would confer “state citizenship” on illegal aliens despite the federal government having the sole authority to grant lawful status to immigrants. Among the benefits of “state citi-

zenship” is the “right” for illegal aliens to register and vote for state and local elections, hold elected office, or be appointed to a civic position; A requirement that banks and other financial institutions open bank accounts, provide merchant services, and make credit or loans available to illegal aliens; Barring businesses and other employers from refusing to hire illegal aliens (despite explicit federal prohibitions), or deny any accommodation or service; Grant driver’s licenses, professional and occupational licenses, and business licenses to illegal aliens; Provide illegal aliens with “state identification numbers” in lieu of Social Security numbers.

Nation

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Sanctuary Courthouses

Sen. Brad Hoylman (D-Midtown Manhattan) filed Senate Bill (SB) 425 and Assemblywoman Michaelle Solages (D-Valley Stream/Elmont) filed Assembly Bill (AB) 2176 respectively. These identical bills would make it more difficult for federal immigration authorities to apprehend illegal aliens at courthouses. The bills threaten private and state lawsuits against federal authorities that do not respect courthouse sanctuary policies, and potential criminal prosecution of ICE agents.

Professional licensure

Sen. Luis Sepulveda (D-Bronx) filed SB 1704. This bill would allow DACA recipients to receive any one of New York's 1,220 professional and occupational licenses, including legal, medical, and teaching licenses.

OREGON

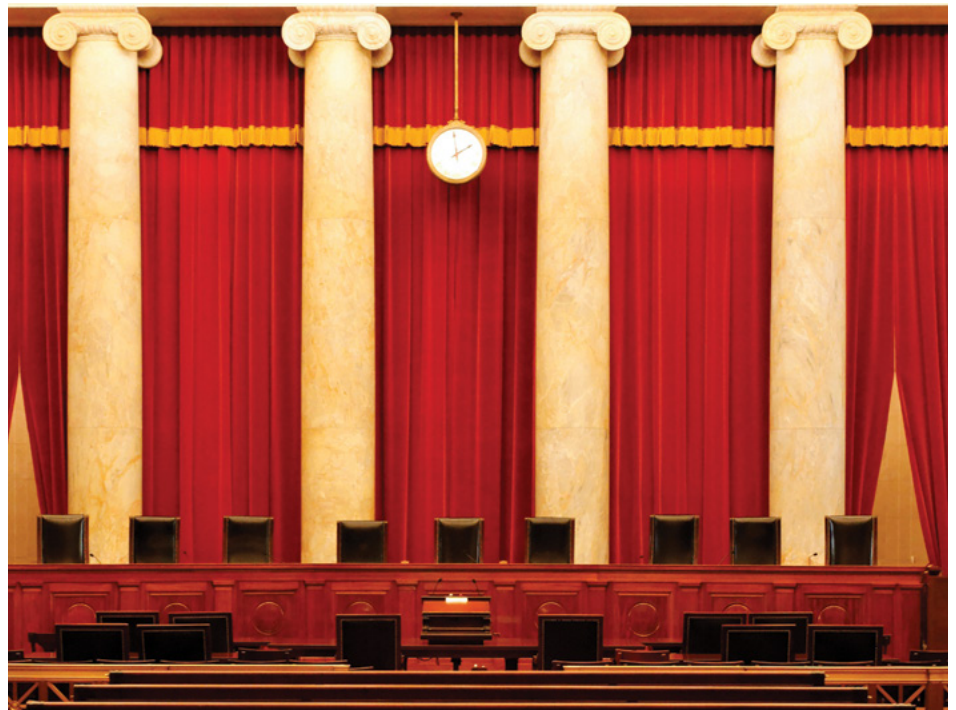
The Portland City Council decided that the Joint Terrorism Task Force (JTTF), a federal-local cooperative effort to identify and inhibit terrorism, poses a greater threat to Oregon's largest city than terrorists themselves. In February, the council followed San Francisco's lead and withdrew from the task

force, largely because Immigration and Customs Enforcement (ICE) is a member. The JTTF has been instrumental in identifying potential terrorist threats, including seven local residents who were attempting to join the Taliban. As of late 2015, the JTTF had 70 open terror investigations in Oregon. Nevertheless, the city council yielded to pressure from what Oregon Public Broadcasting described as "Portland's vibrant left-wing activist community [which] turned out in force at Wednesday's meeting to show its support for withdrawal."

Supreme Court to Rule on Whether Census Can Ask: "Are you a U.S. Citizen?"

Last month, the United States Supreme Court agreed to hear the Trump administration's appeal of a lower court's ruling blocking the inclusion of a question in the 2020 Census regarding the citizenship status of respondents. The question, "Is this person a citizen of the United States?" has become the center of controversy. Mass immigration advocates argue that its inclusion will invoke fear on the part of immigrants, primarily those who are in the country illegally, and thus result in them not returning their questionnaires.

In January, U.S. District Judge Jesse Furman of New York ordered



Chamber of the U.S. Supreme Court. Image: istock | wellesenterprises

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Census

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the Department of Commerce (which oversees the Census Bureau) to halt plans for inclusion of the citizenship question. In a 277-page opinion, Judge Furman utilized his mind-reading powers to determine that getting an accurate count of the number of noncitizens living in the country is not the “real reason” why the administration is seeking to add the citizenship question to the anonymous survey. Rather, the judge inferred that there must be some ulterior motive based on who the White House consulted with in deciding to add the question.

Historically high levels of protracted immigration have been the most significant demographic factor shaping our nation. The Census is much more than just a decennial head count. It is a snapshot

of the nation at any point in history, and provides valuable information to federal, state, and local governments as they plan public policies. As such, getting a handle on how many noncitizens reside in the country, and where, is essential to providing effective government and shaping policy priorities. Moreover, there is ample historic precedence for the question, which appeared on Census questionnaires until 1950.

There is also no rational reason to believe that legal immigrants would refuse to complete the anonymous survey because of the presence of the question. While a small number of illegal aliens might be deterred, many others have demonstrated little fear of the law, routinely demanding “rights,” benefits, and privileges, including engaging in public marches and protests, and lobbying federal, state, and local



Image: istock| liveslow

legislative bodies.) More likely, opposition to the question is motivated by a desire on the part of mass immigration advocates to suppress information about the magnitude of immigration to the United States and the impact it has on American society.

The Supreme Court is expected to hear arguments in the case in April and it is possible that it will issue its ruling before the summer recess.

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The Border Emergency is a National Security Emergency, Warn Senior Senators



Secretary of State Mike Pompeo.

While leading Democrats and many in the media mock President Trump’s declaration of a national emergency along the border, Secretary of State Mike Pompeo and some Republican congressional leaders are warning that the chaotic border is not merely an immigration emergency, but a national security one as well.

In early February, Secretary Pompeo noted that the deteriorating political and humanitarian situation in Venezuela, combined with poorly protected U.S. borders presents a vulnerability that could be exploited by international terrorist organizations. “People

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don't recognize that Hezbollah has active cells – the Iranians are impacting the people of Venezuela and throughout South America," Pompeo said on Fox Business News. "We have an obligation to take down that risk for America."

The risk to which he was referring was that with the aid of hostile outside players like, Iran, Cuba, and Russia, the chaotic situation in Venezuela could be exploited to infiltrate terrorists overland to the chaotic U.S. southern border.

In a letter from Senators Chuck Grassley (R-Iowa) and Ted Cruz (R-Texas) addressed to Pompeo, Homeland Security Secretary Kirstjen Nielsen, Acting Defense Secretary Patrick Shanahan, and FBI Director Christopher Wray, the lawmakers asked to be briefed by



The increasingly dire situation in Venezuela has become an ideal scenario for terrorist organizations and adversarial foreign agents. Image: istock | ActiveMedia

terrorists (K/STs)...individuals who pose a security threat to our homeland," Grassley and Cruz wrote. "The spectrum of K/STs and SIAs located in Venezuela may include not only Hezbollah terrorists, but also agents of Cuba, Iran, Russia and China."

arms and ammunition, gasoline smuggling and human trafficking," she wrote. "Terrorists also may take advantage of the crisis."

Beyond acknowledging Juan Guaidó as the legitimate president of Venezuela and sending humanitarian aid, the ability of the United States to prevent terrorists from using the country as a base is rather limited. However, implementing strong border security policies and pressing for effective border barriers is fully within the capacity of the U.S. government. In the face of legitimate threats, failure to take action "would be an absolute abdication of our primary responsibility to provide for the common defense," as Grassley and Cruz stated in their letter.

"Should the U.S. government not address these concerns head-on, it would be an absolute abdication of our primary responsibility to provide for the common defense."

– Sens. Chuck Grassley and Ted Cruz

officials about the possibility that terrorists may attempt to illegally cross the U.S.-Mexico border and the nature of the government's efforts to combat narcoterrorism, drug trafficking and money laundering by Hezbollah.

"Effective border security not only addresses the ongoing problem of illegal immigration, but also prevents the cross-border movement of Special Interest Aliens (SIAs) and known or suspected

The concerns Grassley and Cruz raised about the dangers posed by the failing government of Nicolas Maduro are not new. Annette Idler, a senior fellow at Oxford University's Pembroke College, warned in a 2017 *Washington Post* editorial that the disintegrating political environment in Venezuela might be viewed as an opening for drug and human traffickers, as well as international terrorist organizations. "Venezuela is a strategic transit zone for drugs,

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