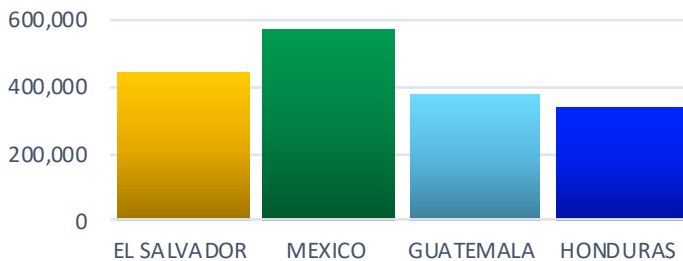


Immigration REPORT

‘Hell No, They Won’t Go’: 1.7M Mexicans and Central Americans Defy Deportation Orders

Illegal Aliens Defying Deportation



The Immigration Reform Law Institute (IRLI), FAIR’s law and litigation affiliate, uncovered new evidence of how broken our immigration enforcement system is. According to government documents obtained by IRLI, 1.74 million people from Mexico and Central America are defying deportation orders and remain in the United States.

As of January 2019, there were 829,806 backlogged deportation cases clogging up our federal judiciary system – a figure that is certain to grow significantly, as the Department of Homeland Security (DHS) anticipates an influx of at least a million new illegal border crossers this year. But, as the data uncovered by IRLI reveal, even after the system slowly processes that enormous caseload and orders people who have no legal claim to remain in the country to leave, they stick

around anyway. More than twice as many people who are awaiting their day in court have already had their day (often days) in court, and still refuse to leave.

Of the 1.74 million defying deportation orders, including 645,000 who have run out of appeals, are 574,170 from Mexico, 446,551 from El Salvador, 380,912 from Guatemala and 339,443 from Honduras

The number of people defying deportation orders, from Mexico and Central America alone, is greater than the population of Philadelphia, the nation’s fifth largest city. Thus, while Congress continues to deny that the latest surge of illegal immigration constitutes a border crisis, the evidence confirms that we have a much larger crisis that runs through our entire immigration system. ■

Inside...

- Shocking SPLC Leadership Shake Up2
- New Border Budget Storm Brewing3
- Dems Look to New Dream Act 4
- Across the Country 5
- New Rights for Illegal Alien7

Southern Poverty Law Center Founder Fired for “Undisclosed Misconduct”



Above: Morris Dees, founder of the SPLC. Image: flickr | Tim Pierce
Below: Richard Cohen, former SPLC President. Image: SPLC

As many supporters of FAIR know, the mass immigration lobby has often resorted to false and nasty attacks against FAIR and other immigration reform groups that advocate for the public interest. The instigator of the smear campaign has been the Southern Poverty Law Center (SPLC). The SPLC has been widely discredited by investigative journalists and charity watchdogs that span the political spectrum. Nevertheless, the ad hominem attacks have continued.

On March 14, Morris Dees, the SPLC’s founder, was summarily fired for issues described as workplace misconduct. A few days later the SPLC hired a “gender and racial equity” expert to address what SPLC employees described as a toxic work environment. These issues were not new. As early as 1994, the SPLC’s hometown newspaper, *The Montgomery (Alabama) Advertiser*, had reported on systematic racial discrimination within the organization that has amassed more than half a billion dollars by accusing others of improper behavior.

Following Dees’ firing, articles appeared in major news publica-

tions by former SPLC staffers who confirmed reports of a hostile work environment and unethical fundraising practices. A week later, the SPLC’s president, Richard Cohen, also resigned, acknowledging that these conditions persisted under his watch.

Despite the persistent character assaults against us, FAIR has continued to honorably represent the interests of the American public in the immigration debate. Dees’ firing and new revelations of systematic discrimination within his organization coincide with the release of FAIR’s detailed and meticulously researched report about the SPLC’s decades-long effort to discredit FAIR and other immigration reform groups.

Read the new report, *A Journalist’s Guide to Understanding the Tactics of the SPLC on FAIR’s* website, www.Fairus.org.



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Round II: The 2020 Border Security Funding Battle Has Already Begun



The ink was barely dry on President Trump's signature on the government funding bill to get us through the remainder of FY 2019 (which ends on Sept. 30), when the White House rolled out its FY 2020 budget proposal. And, once again, funding for adequate border and immigration enforcement is shaping up to be a showdown between the Trump administration and Congress.

Long before the nation is brought to the brink of another partial shutdown of the federal government, the administration laid out the facts of the crisis confronting the country and the dollar figures it will take to get the job done for the American people. In his preamble to the FY 2020 budget proposal, President Trump wrote, "My Administration is confronting the national security and humanitarian crisis on our southern border, and we are accepting the moral duty to create an immigration system that protects the lives and jobs of our citizens. This includes our obligation to the millions of immigrants living in the United States today who followed the rules and respected our laws."

As expected, construction of effective border barriers remains a centerpiece of the president's efforts to confront "the national security and humanitarian

crisis" facing the country. The White House is seeking \$8.6 billion for border wall construction — \$5 billion in the Department of Homeland Security's budget and \$3.6 billion in the Department of Defense's budget. "As President, my highest duty is the defense of our Nation — which is why finishing the border wall is an urgent national priority," Trump noted.

The budget request also includes a response to critics who say the administration is placing too much emphasis on physical structures along the border and not enough on deterrence and other measures that would cut down on illegal immigration. In addition to wall funding, the president is also seeking:

- \$192 million to hire 750 additional Border Patrol agents and 171 Customs and Border Protection (CBP) port inspection officers and support staff;
- \$367 million for CBP equipment, including aircraft, boats and surveillance tools;
- \$314 million for enhancement of interior enforcement. This includes 1,000 new Immigration and Customs Enforcement (ICE) agents, 128 trial attorneys, and 538 support staff; and
- \$2.7 billion to fully fund 54,000 detention beds for detaining criminal aliens and illegal border-crossers, including aliens with meritless asylum claims. That budget line also includes a challenge to congressional Democrats to fund increased participation in the Alternative to Detention program up to a maximum of 120,000 aliens, something they've been pushing for.

The administration's goal is to reach 60,000 detention beds, and to cut down on the long delays that invite people to attempt to abuse our asylum and immigration laws. The budget request calls for "the hiring of 15,000 new DHS law enforcement officers, 600 new ICE immigration court prosecuting attor-

House Democrats Make It Clear “Immigration Reform” No Longer Includes Enforcement

It was only a matter of time with Democrats back in control of the House of Representatives that a massive illegal alien amnesty bill would be introduced. And so it was, on March 12, when they unveiled the Dream and Promise Act of 2019 (even though no one who came to the country illegally or accepted an offer of temporary protection has ever been *promised* amnesty).

The Dream and Promise Act, H.R. 6, is essentially an expanded version of the DREAM Act, which

has been floating around Congress for nearly 20 years and was rejected by the Senate in 2010. The 2019 version promises amnesty to current Deferred Action for Childhood Arrivals (DACA) recipients as well as those who might have qualified for the constitutionally questionable program. Illegal aliens who have been deported could also be eligible to apply for amnesty and return to the United States

The bill would also grant amnesty
[see DREAM ACT | page 6](#)



Rep. Lucille Roybal-Allard (D-Calif.), co-author of the Dream and Promise Act of 2019.

Budget

[from page 3](#)

neys, 100 new immigration judge teams and associated support at the Department of Justice’s (DOJ) Executive Office for Immigration Review, and 50 new Federal prosecutors at DOJ’s Office of the United States Attorneys.”

The president’s immigration blueprint for 2020 includes another challenge to Democrats, as a crowded field of presidential candidates mount campaigns that claim to focus on the forgotten middle class American worker. The Trump administration is asking Congress to make E-Verify – a highly effective voluntary program that screens out illegal workers – a mandatory part of the hiring process for all U.S. employers.

The ambitious budget proposal

also acknowledges that the systemic failure of our immigration process is not limited to large-scale illegal immigration and asylum abuse. Rather, our antiquated family chain migration system is a burden to the nation and unfair to potential immigrants who have much to contribute, but lack family connections. The “Administration is calling upon the Congress to enact immigration reforms, including ending chain migration, canceling the visa lottery program, and moving from low-skilled migration to a merit-based immigration system, thereby raising wages, shrinking the deficit, and raising living standards for both U.S.-born and immigrant workers,” states the budget proposal.

While there are certainly areas where the administration falls short on effective immigration reform – most notably its support

for expanded legal immigration and easier access to foreign labor – the FY 2020 budget request indicates a commitment to protecting national security and the interests of the American public. Getting it done – despite strong public approval for all aspects of the administration’s enforcement agenda – will be a tough slog, as congressional Democrats are being pulled further and further away from common sense policies they used to support. It is encouraging, however, that this time around the administration is getting a jump start on the process by making a clear and compelling case for its budget request and policy reforms, long before we reach the point where we face another partial government shutdown.



News from our State & Local Operations

OREGON

In 2013, the Oregon Legislature decided that illegal aliens should be granted driver's licenses. In 2014, Oregon voters went to the polls and said, NO. Emphatically. Led by Oregonians for Immigration Reform (OFIR), citizens collected enough signatures to put Measure 88 on the November 2014 ballot that would effectively overrule the Legislature. The result was overwhelming. By a two-thirds majority, voters approved Measure 88 and the law granting driver's licenses to illegal aliens was repealed. Less than five years later, the Oregon Legislature and Gov. Kate Brown are effectively telling voters that they will not respect the will of the people. In February, Oregon lawmakers unveiled a bill titled, the Equal Access to the Roads Act that would grant licenses to illegal aliens. Moreover, sponsors of the bill are offering the bill as an "emergency" measure that would effectively block opponents from bringing the issue back to Oregon voters (something that they should not have to do in any event). FAIR was proud to have supported OFIR and other activists in their effort to get Measure 88 approved in 2014, and is committed to working with these groups to push back against this brazen attempt by Oregon legislators and Gov. Brown to thwart public will and subvert the clear and convincing outcome of the democratic process.

WISCONSIN

Oregon is not the only state where driver's licenses for illegal aliens is an issue in the 2019 legislative session. Newly elected Gov. Tony Evers (D) has come out in support of granting licenses to illegal aliens in Wisconsin. But he's not stopping there. The new governor is also backing provisions in the state budget that would grant taxpayer-subsidized in-state tuition benefits to illegal aliens attending public colleges and universities. Under the proposals, licenses would be available to those without Social Security Numbers or who otherwise can't prove legal presence in the United States. To get them, all anyone would need to do is "provide an individual taxpayer identification number, a foreign passport, or any other documentation deemed acceptable to" the Department of Motor Vehicles. They would be marked, "Not valid for voting purposes. Not evidence of citizenship or immigration status." In-state tuition benefits, which carry a hefty price tag for taxpayers, would be made available to any non-citizen (including illegal aliens, refugees, asylees, people temporarily in the U.S. on tourist or other non-student visas, etc.) as long as they meet certain minimal residency requirements.

COLORADO

Colorado's new governor, Democrat Jared Polis, campaigned on a promise to oppose efforts to enact state-wide sanctuary policies. That commitment is being put to the test early in his administration, as the Democratic-controlled legislature has rolled out a proposed sanctuary policy that is even more radical than California's. H.B. 1124, which asserts "Colorado's right to be free from certain federal mandates," is really about refusing one mandate in particular— cooperation with federal immigration enforcement. Among other provisions, the bill seeks to deny Immigration and Customs Enforcement (ICE) access to local jails and state prisons, prohibits law enforcement from cooperating with ICE, ignores immigration detainers, and releases criminal aliens back into the community. Moreover, H.B. 1124 includes none of the exceptions even in California's sanctuary law, SB 54. At least California gives law enforcement the option to cooperate with immigration authorities if an illegal alien has been convicted of any one of 31 serious crimes. Before becoming governor, Polis served in the U.S. House of Representatives, where he consistently opposed efforts to hold sanctuary jurisdictions accountable. However, as a candidate for governor in 2018, he unequivocally declared his opposition to legislation like H.B. 1124. Colorado voters will soon discover if he will preempt the radical legislation by speaking out against it. ■

DREAM Act

from page 4

nesty to hundreds of thousands of people who accepted Temporary Protected Status (TPS) or Deferred Extended Departure (DED) after some natural or political disaster in their homelands, on condition that they promise to return home when things settle down.

In addition to amnesty, H.R. 6 also comes with guaranteed benefits for illegal aliens and those who availed themselves of our “temporary” protections. The Dream and Promise Act would require states to grant these amnesty recipients taxpayer-subsidized in-state tuition

includes no promises (even false ones) of future enforcement to prevent new waves of parents bringing their kids to the United States illegally in the expectation that they will eventually be granted amnesty. The Gang of Eight bill that enjoyed near unanimous Democratic support when it was before Congress in 2013 and 2014, at least paid lip service to the need for enhanced immigration enforcement – promises that almost certainly would never have been kept.

A key player in the effort to pass H.R. 6, Judiciary Committee Chair Zoe Lofgren (D-Calif.), acknowledged the absence of enforcement provisions. “Some people say we should

ment provisions, provided cover for pro-amnesty Republicans. In order to fulfill the wish-list of the party’s far left, House Democrats not only cut any pretense of enforcement, but also cut former Republican allies out of the drafting process, angering those who had supported amnesty in the past.

One such Republican, Mario Diaz-Balart (Fla.), expressed his displeasure with the process. “I’ve voted for this 37 million times, sure. I don’t want to get into hypotheticals. I have to see it. Having said that, I have voted for things like this a gazillion times. The question is, does this — if in fact this is what they’re doing — have a chance to become law? I would tell you no,” said Diaz-Balart. It seems likely that The Dream and Promise Act can muster enough Democratic votes to be approved by the House (although some newly elected members representing swing districts may be turned off by an amnesty-only bill). But even with a small pocket of pro-amnesty Republicans in the Senate, it does not seem likely that there would be enough support to get the bill over the 60-vote hurdle necessary to bring legislation to the floor, and might face a presidential veto even if it did.

Perhaps the best thing that can be said about the Democrats’ abandonment of any pretense of immigration enforcement is that H.R. 6 is so extreme (and likely only a precursor to an even bigger amnesty) that it will make the bill unpalatable for most voters, and make immigration a key issue in the next election cycle once again.

The people who want to regularize the status of the Dreamers can sign onto this bill. A lot of the people who say we have to do X or Y first don’t really want to do it at all.

—Rep. Zoe Lofgren, Chair House Judiciary Committee on the Dream and Promise act of 2019

benefits at all public colleges and universities, and give them access to federal student financial aid. “Our bill contains a number of provisions that make it more progressive and pragmatic than previous versions of the DREAM Act,” boasted Lucille Roybal-Allard (D-Calif.), one of the bill’s authors.

H.R. 6 fulfills the party’s promise to introduce immigration “reform” legislation within the first hundred days of the new Congress. The fact that amnesty is the centerpiece of the bill is not surprising. What is surprising, or perhaps more accurately, telling, is that the bill

do E-Verify. If you did E-Verify in the fields of the United States, we wouldn’t have any salads,” she said. Lofgren went on to defend the strategy of amnesty-only saying, “The people who want to regularize the status of the Dreamers can sign onto this bill. A lot of the people who say we have to do X or Y first don’t really want to do it at all.”

As Rep. Roybal-Allard stated, the emerging far left flank of the Democratic Party held the whip hand in drafting H.R. 6, which may ultimately be its undoing. Amnesty bills, such as the Gang of Eight, that included sham enforce-

Ninth Circuit Court of Appeals Ignores the Law and Creates New Rights for Illegal Aliens



The James R. Browning U.S. Court of Appeals Building in San Francisco, seat of the Ninth Circuit Court of Appeals.

The massively-funded open-borders lobby has consistently failed to win legislative ratification of their political agenda, or convince the American people that we should become essentially a borderless nation. Despite their massive war chests, they have been thwarted in efforts to enact comprehensive or piecemeal amnesty legislation, because politicians are still answerable to the voters. Federal judges are not, however. And that is where the open borders lobby has been quietly advancing their dubious cause.

As the ability of illegal aliens to abuse our political asylum laws has replaced sneaking across the border or overstaying visas as the preferred way to get around immigration laws, the infamous Ninth Circuit Court of Appeals issued its latest ruling that, if not overturned by the U.S. Supreme Court, will make it impossible to stop even the most flagrant abuse of our asylum laws. In a breathtakingly brazen ruling in March, a three-judge panel of the Ninth Circuit created a “right” of judicial review of an expedited removal order for asylum claimants whose credible fear claims were denied. Establishing a “credible fear” of returning to one’s home country is the first step in the asylum process -- a bar that is set extremely low.

In its March ruling, the Ninth Circuit essentially decided that even those who cannot clear the initial credible fear hurdle and are found to have insufficient grounds to move forward are entitled to have those denials reviewed by a federal court. Not only did the

Ninth Circuit conjure up a right that has no basis in law; it created a right that Congress and other courts have explicitly said aliens are not entitled to. Regarding the right of aliens to challenge denials of admission to the United States, the Supreme Court, in 1895, stated, “The decisions of executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law.” Subsequent Supreme Court rulings have reaffirmed that position. In

other words, when it comes to immigration decisions, due process is whatever Congress determines it to be.

More recently, Congress, by overwhelming majorities in both houses in 1996, reaffirmed that aliens who are denied admission to the country have no right to have their cases reviewed by a court. In 2016, the Third Circuit Court of Appeals again ruled that aliens denied admission have no right to a judicial appeal. As a purely practical matter, the Ninth Circuit’s creation of a right to judicial review for aliens denied admission to the United States, holds the potential to paralyze a federal judiciary that is already straining under the weight of immigration and asylum cases. There is already a backlog of 786,000 asylum cases waiting to be heard in federal court – a number that was likely to increase significantly even before the Ninth Circuit issued its invitation to further abuse our legal system.

There is good reason to believe that with the Third and the Ninth Circuits issuing contradictory rulings that the matter will wind up before the Supreme Court – eventually – and that the Ninth Circuit will add to its dubious record of being the most overturned court in the land. But, in the meantime, the ruling deals a significant blow to the rule of law, the ability of our courts to function effectively and deliver justice to those who are entitled to it, and to the sovereign right of the nation to determine who may enter the country.

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