



Immigration REPORT

FAIR Poll in Battleground States Shows Broad Support for Reduced Immigration During COVID-19 Crisis

When President Trump announced that he was going to issue an Executive Order in April to reduce the influx of new immigrants and guestworkers during the COVID-19 crisis, he asserted that his goal was to protect the interests of American workers at a time of soaring unemployment, and to ensure that as the economy reopens, laid-off American workers would be first in line to reclaim lost jobs. It didn't quite work out that way. Bowing to intense pressure from business interests, the Executive Order signed by the president left most immigration and guestworker programs intact, and resulted in only minimal reductions in the overall influx.

The Order left open the possibility for the president to review the situation after 50 days and to make further revisions. However, the same business interest groups continued to pressure the White House to maintain high levels of immigration and guestworker admissions, notwithstanding the loss of some 40 million American jobs. As the president considered further immigration policy steps in response to the public health and economic crises, FAIR commissioned polls in 10 swing states that will likely determine the

outcome of the 2020 presidential election and control of Congress in 2021 to assess voter sentiments about possible changes in immigration policy during this period of crisis.

The polling of likely voters was conducted by the national opinion research firm, Zogby Analytics, on June 10 and 11. The states polled were: Arizona, Florida, Georgia, Maine, Michigan, Minnesota, North Carolina, Ohio, Pennsylvania, and Wisconsin.

In all ten states, the polling revealed broad voter support for reductions in immigration in the face of

[see FAIR POLL | page 2](#)

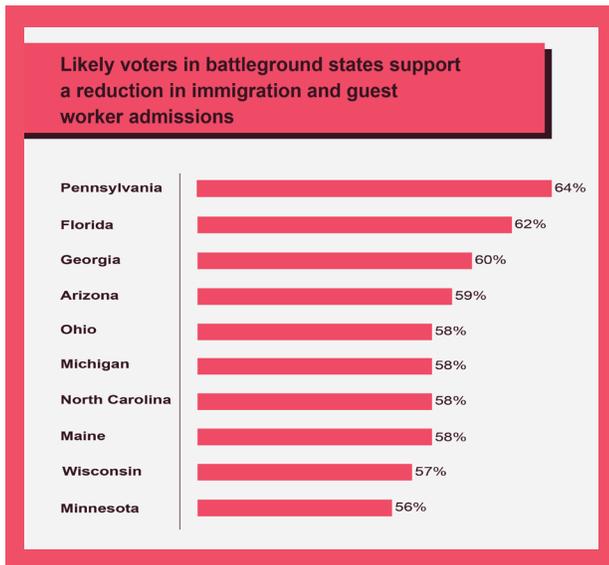
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FAIR Poll

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massive layoffs resulting from the COVID-19 crisis. The polling was conducted on behalf of the Federation for American Immigration Reform (FAIR)



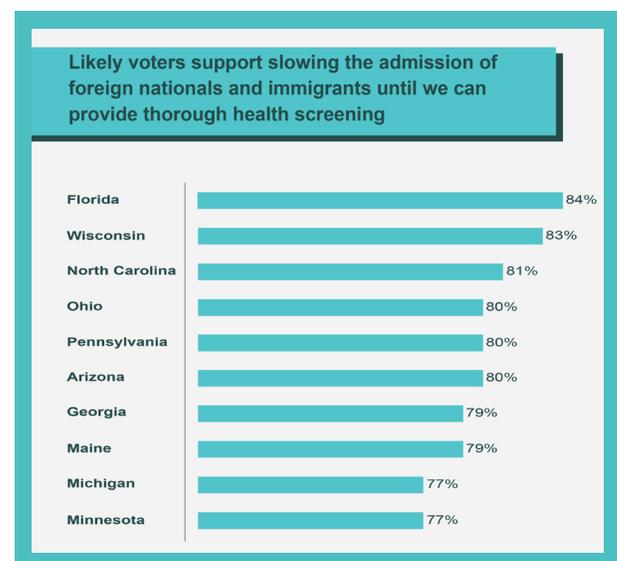
Among the key findings of voters in these 10 battleground state were:

- By about margins of 2 to 1, voters support “reductions in immigration and guest workers admissions” during the crisis.
- Strong majorities of voters in all ten states believe that “limiting admission of new immigrants and guest workers will improve the chances of laid-off American workers being rehired.”
- In all ten states, approximately 80% of voters believe that it is prudent to “slow the admission of foreign nationals until we can provide thorough health screen to everyone entering the country.”

- By majorities of about 2 to 1, voters prioritize reducing overall immigration and strengthening immigration enforcement and border security, over increasing immigration, granting amnesty to illegal aliens, and decriminalizing illegal immigration.

The polls leave little doubt that voters understand that continued high levels of immigration and large-scale admission of guestworkers undermine the interests of American workers at a time when they are particularly vulnerable. The results also underscore the fact that voters believe that immigration policies and admissions should reflect the real world conditions that exist. At a time of high unemployment, and as a worldwide pandemic threatens public health and further economic devastation, that means sharp reductions in new admissions.

The results of the polls were disseminated widely with policymakers and in the media. ■



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Federation for American Immigration Reform

25 Massachusetts Avenue NW
Suite 330
Washington, DC 20001
(202) 328-7004
info@fairus.org
www.FAIRus.org

Administration Takes the Next Step to Prevent Asylum Abuse

The 2019 surge of illegal immigration exposed just how vulnerable U.S. asylum policies are to massive fraud. Hundreds of thousands of new illegal aliens poured across our borders, joining hundreds of thousands of others already here, knowing that any political asylum claim, no matter how specious, must be adjudicated. In nearly all cases, asylum seekers are released from custody pending a hearing on their case that could be years in the future.

In June, the Trump administration took steps to end this abuse and, at the same time, provide swifter adjudication of cases that have merit. The Department of Justice (DOJ) and the Department of Homeland Security (DHS) proposed new rules that would, “create more efficient procedures for the adjudication of claims for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).”

These proposed rules would make a number of important changes to the asylum adjudication process.

- Create streamlined proceedings for the adjudication of asylum applications filed by individuals found to have a genuine fear of persecution in their home country, rather than reviewing those applications in regular Immigration Court hearings.
- Allow immigration judges to dismiss asylum applications, without a hearing, when the application doesn’t establish basic eligibility for relief.
- Clarify the circumstances in which an alien may be barred from seeking further relief after having filed a “frivolous” asylum application.
- Clarify the definitions of key terms such as “frivolous,” “particular social group,” “political opinion,” “persecution” and “firm resettlement.”
- Outline the factors that adjudicators must consider when making discretionary determinations.

These proposed rule changes essentially provide a checklist for would-be asylum seekers to get a better sense of whether they qualify for protection. The clearer guidelines would also assure greater consistency in the outcome of rulings among various adjudicators. In 2019, about 70 percent of asylum requests were denied -- most because they had no merit. In the meantime, those with legitimate claims would have their cases resolved in a more timely fashion.

Humanitarian policies, like political asylum, exist to protect people who face true persecution at the hands of their own governments.

Allowing the patently frivolous and fraudulent asylum claims to be summarily dismissed would not only discourage people from filing such claims in the first place, but in many cases deter them from making hazardous journeys to reach the United States. Similar rules were implemented by the Clinton administration in the United States to deter a wave of fraudulent asylum seekers who were arriving by air.

Humanitarian policies, like political asylum, exist to protect people who face true persecution at the hands of their own governments. The rule changes proposed by DOJ and DHS would ensure that the United States lives up to its moral and international obligation to protect those who are being politically persecuted, while preserving the integrity of our asylum policies and ending widespread abuse. ■

State and Local Governments Rush to Provide Disaster Relief...to Illegal Aliens



CALIFORNIA

California, predictably, was first out of the gate to provide disaster relief assistance to illegal aliens who were not eligible for stimulus checks under the federal CARES Act. It also holds the distinction of being the first to exhaust the funds earmarked for illegal aliens. The state, which faces a \$54.3 billion budget deficit, allocated \$75 million to aid illegal aliens, while private sources kicked in an additional \$50 million. Some 2.5 million people applied for funding of up to \$1,000 per family, that Gov. Gavin Newsom had intended to assist 150,000 illegal aliens who lost jobs (they were holding illegally) due to the COVID-19 crisis. Of course, since there is no real way of verifying who applied for the relief and the basis of their claims, how much of the \$125 actually reached the intended beneficiaries is anybody's guess.

CONNECTICUT

Connecticut is facing a \$620 million budget shortfall in the coming year, but that has not stopped Gov. Ned Lamont and the Legislature from setting aside \$2.5 million they don't have to provide assistance to illegal aliens who have lost jobs. Like California, Connecticut is soliciting private funds to augment the state funding. As of early June, the state's unemployment rate stood at 18 percent, one of the highest in the nation. Illegal alien beneficiaries will be eligible for debit cards with the amounts set based on family size and other factors.

MARYLAND

Montgomery County, which has already shown that it would rather put violent sexual predators back on the streets than hand them over to federal immigration authorities, has also decided it would be a good idea to provide disaster relief checks to illegal aliens. The county, with a population of just over one million, earmarked \$10 million for that purpose -- an amount, which on a per capita basis, is exponentially larger than what the entire states of California and Connecticut are handing out. Fortunately, in Montgomery County, the public interest law group, Judicial Watch, filed a lawsuit on behalf of two county residents. In early June, a U.S. District Court ordered the county to halt distribution of relief payments to illegal aliens. Under federal law, local jurisdictions may not provide benefits to illegal aliens without approval of the state legislature, which the Maryland Legislature has not done. At the time the injunction was issued, the county had already distributed a little over \$1 million to 950 illegal alien families.

ILLINOIS

Illinois lawmakers may be staring down a \$7 billion hole in the state budget, but that did not keep legislators from slipping a very expensive health care provision for illegal aliens into the 465-page budget that was approved. Illegal aliens over the age of 65, with incomes of less than \$12,670, will be covered under Illinois' Medicaid program. Chicago State Rep. Delia Ramirez, who championed that provision, argued that Medicaid coverage for elderly illegal aliens was no big deal because it is estimated to cost only \$2 million a year, which is "nothing to a \$2 billion Medicaid bill." No doubt, Illinois taxpayers are reassured that the folks writing the state budget consider \$2 million to be "nothing." ■

Top DHS Official: We are Deporting Illegal Aliens Faster than New Ones are Entering

Good news is hard to come by these days, but one piece of promising news indicates that the number of illegal aliens living in the United States is declining. Speaking to a Heritage Foundation webinar in June, Acting DHS Deputy Secretary Ken Cuccinelli stated, “I think we’ve probably reached a point in the last few months where we’re deporting more illegals than are coming into the country.”

Cuccinelli pointed to the April apprehension numbers, which show less than 17,000 illegal aliens were caught entering the country illegally between ports of entry, and the administration’s ongoing efforts to expedite the removal of deportable aliens -- mainly those with criminal records -- who have successfully entered the country.

This development is a remarkable turnaround from just a year earlier. In May 2019, some 144,000 illegal aliens were apprehended entering the country illegally, most with the intent of exploiting loopholes in our political asylum laws and judicial rulings that make it difficult to detain adults who entered in the company of minors.

Since that time, the administration has taken several steps to deter these mass incursions. The administration adopted the Migrant Protection Protocols (MPP), which require migrants wishing to claim political asylum in the United States after transiting through Mexico to remain on the other side of the border while awaiting a hearing on their claim. Additionally, the administration adopted policies that prevent migrants who have passed through one or

more safe countries before reaching the border from seeking asylum in this country. The administration has also worked with the Mexican government to prevent migrants who are bound for the United States from entering and traveling across Mexico illegally. These measures worked. By February, apprehensions had dropped to fewer than 37,000.

The much less welcome factor, COVID-19, pushed the numbers even lower. More stringent border enforcement measures were instituted in response to the health crisis (much like other countries adopted). In addition, international air travel was greatly curtailed, meaning that fewer people intent on overstaying their visas entered the country. At the same time, ICE stepped up removals of deportable aliens, in part to prevent the spread of COVID-19 in detention facilities. Another unwelcome result of the COVID-19 crisis were widespread economic shutdowns and massive layoffs, effectively eliminating the primary reason for illegal immigration and asylum abuse: the availability of jobs.

Even after the COVID-19 pandemic and the unemployment crisis are behind us, the model of deterrence and enforcement that have been implemented successfully in the past year can continue to keep illegal immigration numbers low. These are steps that FAIR has advocated for years and can be augmented with continued construction of secure border fencing, and mandatory E-Verify checks and meaningful enforcement against employers who hire illegal aliens. ■



Image Credit: Istock

Activist Judge Bars ICE from Enforcing Laws

On June 10, U.S. District Court Judge Jed Rakoff ruled in favor of New York State's effort to bar Immigration and Customs Enforcement (ICE) from making arrests in state and county courthouses. The lawsuit was brought by state Attorney General Letitia James and Bronx County District Attorney Eric Gonzalez. A similar injunction was imposed in 2019 by a District Court judge, Indira Talwani, in response to a lawsuit brought by local politicians in Massachusetts. The Massachusetts ruling is being challenged by the Trump administration, and it is likely that Judge Rakoff's ruling will be as well.

Judge Rakoff's sweeping ruling applies not only in the courthouses themselves, but also orders ICE not to execute arrest warrants in the vicinity of courthouses. Additionally, it prohibits law enforcement from even arresting those who are on their way to an immigration-related court proceeding.



Image Credit: Flickr U.S. Immigration and Customs Enforcement

The New York lawsuit, like the one in Massachusetts, is purely political. Under the Obama administration, ICE executed arrest warrants in courthouses without provoking lawsuits from local politicians. The Trump administration decided to expand the use of courthouse arrests in 2017 (the quantity of such arrests should be irrelevant in determining their legality). Moreover, ICE has voluntarily restricted (except in extraordinary circumstances) carrying out enforcement in schools, places of worship, and health care facilities.

Courthouses are a different matter, however. To state the obvious, courthouses are places that are ded-

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icated to the enforcement of laws. Other law enforcement departments continue to make arrests, serve warrants and subpoenas, and engage in other types of enforcement activities inside courthouses. Every day, in courtrooms all over the United States, thousands of probation violators, parents who have failed to keep up with child support payments and litigants who have failed to comply with court orders are taken into custody.

They also provide the safest settings for both ICE officers making arrests, and for those being arrested. All courthouses bar weapons from the premises and everyone who enters these buildings must pass through metal detectors and have their bags inspected.

Courthouse arrests also protect the wider community. Executing a legally valid arrest warrant in a safe environment like a courthouse obviates the need for ICE to send agents into the community where others might be endangered. Particularly in light of recent events, any execution of law enforcement duties that minimizes the possibility of violent confrontation between officers and those being arrested should be encouraged, not shot down by activist judges.

While it is highly likely that the federal government will be successful in its appeal of both the New York and Massachusetts cases, the purpose of these suits and the rulings of activist judges accomplishes their primary goal of running out the clock on an administration that is making an effort to enforce immigration laws. While the appeals process is going on, deportable aliens -- many with criminal records -- will continue to avoid apprehension and removal. ■

House-Passed Stimulus Bill Offers Cash and Amnesty to Illegal Aliens

The Democratic-controlled House of Representatives approved a \$3 trillion economic stimulus bill that includes massive benefits for illegal aliens and de facto amnesty for an untold number of illegal aliens. The Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act passed 208-199 along party lines on May 15.



Image Credit: Istock

The Democratic leadership had come under fire from its far left base for agreeing to the \$2.2 trillion CARES Act relief package that was enacted in March. That stimulus bill excluded illegal aliens from receiving direct cash benefits by limiting payments to those who filed tax returns using Social Security numbers. House Speaker Nancy Pelosi and a small cadre of allies worked behind closed doors to craft a bill that makes amends for leaving illegal aliens out of the CARES Act. And, boy did they ever!

Among the benefits available to illegal aliens in the HEROES Act:

CASH PAYMENTS FROM THE GOVERNMENT

Under the HEROES Act, people who filed tax returns using Individual Taxpayer Identification Numbers (ITINs) would not only be eligible for the next round of stimulus payments, but would be able to claim benefits under the CARES Act retroactively. Those retroactive payments would amount to \$1,200 per adult and an additional \$500 for each child in the household under the age of 17. (An Inspector General report found widespread fraud on the part of ITIN tax filers

who were claiming Additional Child Tax Credits on their returns. In some cases the children were fictitious, were not the filers' actual children, or lived outside the United States.)

WHOLESALE RELEASE OF ILLEGAL ALIENS IN DETENTION

The Act requires U.S. Citizenship and Immigration Services (USCIS) to review the files of all immigrants in detention and release those who are not deemed to be a public safety or national security risk. It would also preclude newly arriving illegal aliens from being held in detention, unless they are known to be serious criminals or terrorists.

SUSPENSION OF REMOVAL FOR ILLEGAL ALIENS DEEMED "ESSENTIAL WORKERS"

The bill does not specify how long this temporary halt to removal would last, nor does it clearly define what an essential worker is. We know from past experience that "temporary" stays of removal are anything but temporary. The Trump administration's efforts to discontinue Temporary Protected Status designations for people from countries where there is no longer an imminent crisis have been stalled in the courts. Likewise, the president's decision to terminate the Obama policy of Deferred Action for Childhood Arrivals has faced lawsuits and judicially imposed roadblocks. The term "essential workers" is so loosely defined so that it could include not just health care workers on the frontlines of the battle against COVID-19, but anyone even working in industries tangentially related to health care, agriculture, or sanitation.

The HEROES Act was largely a political gesture on the part of the Democratic leadership in an election year. There is virtually no chance that it will be taken up by the Senate, much less passed by that body, and even less chance of it being signed by the president. The bill does, however, provide a glimpse of what the Democratic leadership will advance if they regain control of the Senate and the White House in November. ■

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