



Immigration REPORT

Think Mass Immigration Is Going to Save Social Security? Think Again, Says New Report by FAIR

Mass immigration advocates will say anything to promote ever greater levels of immigration to the United States. Having failed for decades to convince the American public that large-scale immigration, without regard to the immigrants' ability to succeed in the United States is a good thing, they have now conjured up the argument that sustained high levels of immigration – any kind of immigration – is necessary to ensure the solvency of the Social Security system.

A new analysis by FAIR, released in late August, finds that not only won't mass immigration save Social Security, but that our current immigration policies will make the system even more insolvent. FAIR's analysis indicates that immigrants are a net drain on the Social Security system who pay less into the system during their working years and, on balance, will collect more in benefits than they contributed. The conclusion of the study makes it clear that we cannot immigrate our way out of the structural problems of the Social Security system.

Among the key findings of the report, Mass Immigration Won't Save Social Security, are:

- Native-born Americans not only spend at

least five years more in the workforce than a typical immigrant, they also pay more in Social Security taxes. During the course of their careers, native-born workers generally contribute roughly \$282,000 to the program and receive roughly \$271,000 in benefits, or 96 percent of what they paid into the program.

- Immigrants, on the other hand, typically spend at least five years less of their careers working in the U.S. than native-born Americans. Consequently, they pay approximately \$250,000 into the Social Security program. However, despite paying \$32,000

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less in Social Security taxes than the average native-born citizen, a foreign-born worker can expect to receive nearly the same amount of money in benefits – or 108 percent of what they paid into the program.



Image Credit: istock

Contrary to being the panacea for the Social Security system as claimed by advocates and echoed in the media, our current immigration system will only compound the problems. The system cannot be saved on the backs of people who, because they are disproportionately admitted through family chain migration rather than based on their education and job skills, and work fewer years in this country, are likely to collect more in benefits than they paid in taxes.

Moreover, the FAIR report does not even account for the much higher use of welfare programs by immigrant-headed households. Thus, immigrants and their dependents are likely to consume more in public services and benefits, even before they begin collecting Social Security benefits.

The report includes recommendations for reforms to immigration policy that would decrease the short-term costs while maximizing the Social Security contributions of immigrants who settle here:

- **Adopt Merit Based Immigration:** The study recommends that adopting the RAISE Act, introduced by Senators Tom Cotton (R-Arkansas) and David Perdue (R-Georgia), would be an effective step in addressing the net drain on Social Security caused by mass family chain immigration. The RAISE act would give preference points to those potential migrants who are under the age of 35 and hold a college degree in fields that would further the interests of the United States.
- **Uphold Public Charge Law:** Low-earning households almost always take in far more in Social Security benefits than they contribute to the program throughout the duration of their careers. Enforcing the “public charge” rule would help ensure that those migrants who enter the United States earn enough to support themselves and their families. These higher incomes would lead to increased contributions to the Social Security program.

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Radical Efforts to Hamstring Immigration Enforcement Intensify

America's summer of discontent has seen demands by radicals to defund or abolish police departments across the country (and acquiescence on the part of some local politicians). But that doesn't mean that they have forgotten about Immigration and Customs Enforcement (ICE) – the first target of the anti-law radicals.

Abolish ICE is still a rallying cry for many of the same people who rioted on the streets of American cities this year. Now the anti-immigration enforcement radicals are opening a new front in their assault on U.S. immigration laws. In September, the American Civil Liberties Union (ACLU), a well-funded ally of the open borders radicals, spearheaded an effort to intimidate American corporations that do business with ICE and other immigration law enforcement agencies.

The ACLU's targets in this effort are Thomson Reuters and Reed Elsevier, which produce legal research software that are indispensable tools for modern law enforcement departments. The ACLU and its allies are counting on corporate America's willingness to appease boisterous radicals in the hope that they will harass someone else.

In announcing the ACLU's decision to join the #NoTechForICE campaign, the group's Northern California director Vasudha Talla explained, "Thomson Reuters and Reed Elsevier embody the burgeoning contradictions of technology companies that, in the same breath, claim to be in the business of public service, while they are enabling government agencies to engage in wildly unconstitutional tactics to arrest and incarcerate people in deadly conditions."

Never mind that neither of these companies are "in the business of public service" – like all other companies, they're in business to make profits for themselves and their shareholders – or that ICE's mission is not only constitutional, but protects public safety and saves lives. The campaign to 'cancel' tech companies for conducting business with a federal law enforcement agency is disturbing and is part of a larger

trend that has spread nationwide in recent years. In 2018, Amazon workers opposed the company's ties with Palantir, a software firm that had a contract with ICE. That same year, protestors demanded that Salesforce, a cloud computing software company, end its ties with CBP due to its immigration policies.

While the ACLU was mounting a legal and public relations campaign to incapacitate ICE, street radicals who had turned their attention to defunding police departments, resumed their attacks on ICE. In mid-September, radicals mounted a series of violent protests (including some armed protesters who, thankfully, did not use them) in New York, causing damage to federal property in lower Manhattan and an Abolish ICE "protest" in Times Square that resulted in some 100 arrests. On the opposite coast, anti-ICE actions by radical activists also resumed, and turned violent.



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

What has become evident in the past few months is that long-running efforts to prevent enforcement of immigration laws, and sanctuary policies that accommodate the demands of anti-enforcement radicals, was not an end in itself, rather a starting point for a much wider assault on the rule of law in the United States. ■

News from our State and Local Operations



CALIFORNIA

California's statewide sanctuary law, known as SB 54, has been responsible for the release of thousands of deportable criminals back onto the streets and to innumerable additional crimes and victims. But even SB 54 includes some exceptions that permit police and sheriffs' departments to cooperate with ICE when the individual in question has a record that includes violent felonies. Apparently even this level of cooperation with ICE, however, is too much for Los Angeles County's new Sheriff Alex Villanueva. Reversing the stance taken by his predecessor, Sheriff Villanueva stopped honoring ICE requests in April, even when the exceptions spelled out in SB 54 allowed for it, and in August, he announced that this noncooperation policy would be permanent. In order for the L.A. County to turn over a deportable criminal alien, ICE will need a judicial warrant (that don't exist under federal law). The sad irony of sheriff's display of contempt for federal law enforcement was reflected in the cold-blooded attempt on the lives of two of his own deputies a few weeks later, as an assailant opened fire on two deputies seated in a squad car, while a mob later chanted, "We hope they did." Thankfully, the two officers are expected to recover.

WISCONSIN

Should illegal aliens be allowed to become cops? Two Republican lawmakers in Wisconsin think it would be a good idea. Representatives Dave Steffen (Green Bay) and John Macco (Ledgeview) are seeking to change a Wisconsin law to allow illegal aliens that have been granted Deferred Action for Childhood Arrivals (DACA) to become police officers. As former President Obama stated when he created the program, DACA beneficiaries are still illegal aliens. If Steffen and Macco's proposal were to become law, it would create the ironic situation in which those on the front lines of enforcing laws are themselves lawbreakers.

COLORADO

A Colorado lawmaker, Rep. Adrienne Benavidez (D-Adams County), thinks it would be a good idea to have state taxpayers foot the bill for legal representation for illegal aliens fighting to remain in the country. Rep. Benavidez has endorsed a proposal being promoted by illegal alien advocacy groups in Colorado that taxpayer money be used to create a legal defense fund to provide attorneys to illegal aliens in the deportation process. Unlike criminal law, in which all defendants have a right to a public defender, immigration proceedings are a civil matter, much like taxpayers facing liens by the IRS. Other jurisdictions (mostly local governments) have set up similar defense funds for illegal aliens. New York State, which has been subsidizing legal representation for illegal aliens, recently quit contributing to the fund because the state is broke. In addition to the support of Rep. Benavidez, the Colorado advocates have met with Gov. Jared Polis (D). Gov. Polis has not yet announced his position on the matter. ■

Ninth Circuit Court of Appeals Agrees: TPS Can Be Ended for Citizens of Four Nations

The generally left-leaning Ninth Circuit Court of Appeals sided with the Trump administration in September, ruling that its decision to terminate Temporary Protected Status (TPS) for citizens of Nicaragua, El Salvador, Haiti and Sudan may proceed. The Ninth Circuit ruling represents an important legal victory for the American people, and the integrity of the TPS program itself.

The Trump administration, acknowledging that the T in TPS stands for “temporary,” has sought to end this designation for some 300,000 people from these four nations. Making a mockery of the program which was established by Congress in 1990 to provide short-term relief to citizens of countries that have experienced “extraordinary and temporary conditions” natural disaster or political upheaval by allowing them to remain in the United States in the immediate aftermath, foreign nationals and their advocates have pushed for endless extensions of the designation.

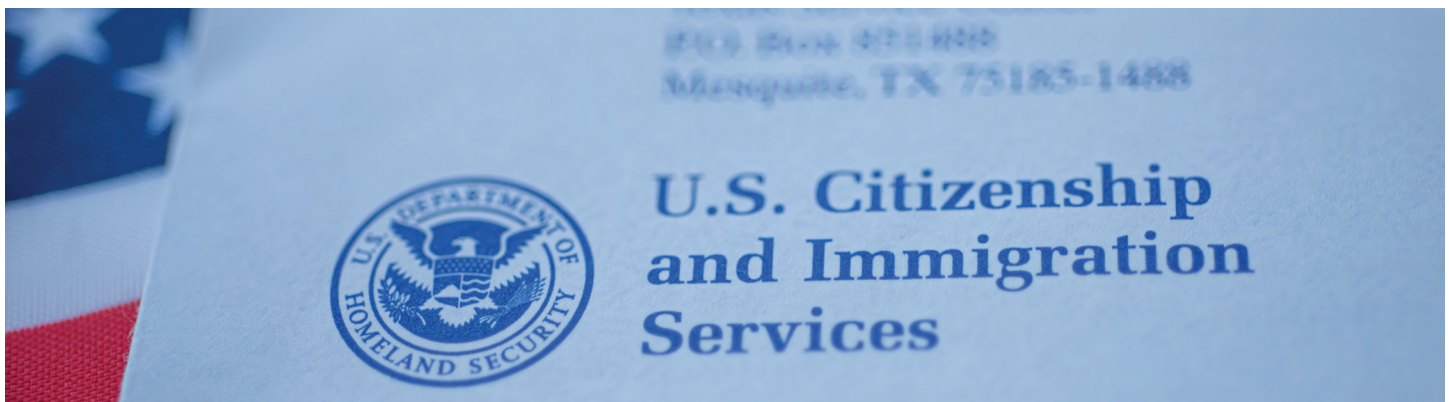
TPS for Sudanese has been in place since 1997 owing to a long-settled civil war. Nicaraguans have clung to TPS since 1999, Salvadorans since 2001, and Haitians since 2010, based on natural disasters that struck those countries in the distant past. Advocates for the TPS beneficiaries, who in some cases have managed to game the system for more than two decades, now argue that they should be allowed to remain permanently because they have been here for so long and have “out down roots” in the United

States. Former Vice President Joe Biden has indicated that, if elected, he will push for permanent status for TPS beneficiaries.

In addition to upholding the concept that the relief provided by TPS is, by definition, temporary, the three-judge panel of the Ninth Circuit issued a sharp rebuke to Federal District Court Judge Edward Chen whose ruling blocked the administration’s efforts to terminate the status. In their majority ruling, Judges Consuela Callahan (a George W. Bush appointee) and Ryan Nelson (a Trump appointee) took direct aim at Judge Chen’s political activism. “First, the panel held that the district court abused its discretion in issuing the preliminary injunction when it deemed the Plaintiffs’...claim reviewable,” they wrote, when Judge Chen decided to not only review it, but overrule the Department of Homeland Security’s decision. The judges cited the federal statute that established the TPS program which, in plain English, says that decisions to terminate TPS status are not judicially reviewable. The law states, “There is no judicial review of any determination of the [Secretary of Homeland Security] with respect to the designation, or termination or extension of the designation, of a foreign state under this subsection.”

FAIR has long fought to end TPS designations that carry on long after the “extraordinary and temporary conditions” that triggered the designations had passed. FAIR and its legal affiliate, the Immigration

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Reform Law Institute, filed amicus briefs in support of the DHS's decision to terminate the status for the nations in question. In addition to continuous extensions being unwarranted, FAIR has pointed out that political pressures to keep extending these designations endanger the program itself. If, once granted, it becomes all but impossible to revoke TPS, it will be difficult to offer protection to other nationality groups even when circumstances merit a temporary extension of their presence in the United States.

The court victory, especially given that it was handed down by the Ninth Circuit, may be short-lived, however. The Trump administration has indicated that it does not plan on acting to end TPS designations until March 2021 – well after the election and Inauguration Day. Depending on the outcome of the election, the Ninth Circuit ruling could be moot. Vice President Biden has made it clear that favors allowing all TPS beneficiaries to remain in the United States and would be unlikely to carry through on the Trump administration's plan to terminate TPS status.



Image Credit: Flickr U.S. Department of Homeland Security

Administration's "Public Charge" Rule Clears Important Legal Hurdle, but There are More to Come

A three-judge panel of the Fourth Circuit Court of Appeals reversed a nationwide injunction barring the Trump administration from implementing a rule that would bar immigrants who are likely to become public charges from entering the country. The rule promulgated by the Trump administration would replace a very narrow definition of what it means to be a public charge adopted by the Clinton administration and replace it with a more realistic one that includes the use of many costly public benefit programs.

The rule has been challenged in many jurisdictions

around the country. The Fourth Circuit ruling, issued in August, comes in response to a lawsuit brought by the mass immigration and illegal alien advocacy group CASA de Maryland. An Obama-appointed Federal District Court Judge issued an injunction halting implementation of the administration's rule change, but the Richmond, Virginia-based Fourth Circuit vacated that injunction.

Writing for the majority in a 2-1 decision, Judge J. Harvie Wilkinson III, a Reagan appointee, noted

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that although the meaning of a “public charge” has never been precisely defined by Congress, the authority of the Department of Homeland Security to make reasonable determinations about who is considered a public charge is clear. The Immigration and Nationality Act, “expressly entrusts the decision of who is a public charge to the Department of

Quite simply, nothing in the [public charge] rule impairs CASA’s ability to provide counseling, referral, or other services to immigrants,

- Wilkinson

Homeland Security Secretary,” Wilkinson wrote.

The Fourth Circuit also asserted that CASA de Maryland – a radical group that has received funding in the past from the late Venezuelan dictator Hugo Chavez – lacked legal standing to bring the lawsuit and should never have been considered by the lower court. The lower court judge, Paul Grimm, an Obama appointee, accepted CASA de Maryland’s claim of injury as a result of the rule change, agreeing that the group was forced “to divert resources that otherwise would have been expended to improve the lives of its members.”

The Fourth Circuit flatly rejected that claim of injury. “Quite simply, nothing in the [public charge] rule impairs CASA’s ability to provide counseling, referral, or other services to immigrants,” Wilkinson opined. He further noted that “untold numbers of organizations regularly voice dissatisfaction with public laws and actions that may affect their ordering of priorities in some way.”

The Fourth Circuit ruling is an important victory for American taxpayers who are burdened with providing benefits and services to immigrants who are supposed to be self-sufficient. However, that ruling will not be the final word. In September, the New York-

based Second Circuit Court of Appeals upheld a lower court injunction barring implementation of the public charge rule. In that case the lower court accepted the plaintiffs’ argument that the rule would deter immigrants from seeking help during the COVID-19 crisis, even though the Trump administration has explicitly stated that use of such benefits would not constitute grounds for a public charge exclusion. The injunction upheld by the Second Circuit applies only in New York, Connecticut and Vermont, not nationwide. Earlier, the Seventh Circuit barred implementation in Illinois.

Yet another case in the Ninth Circuit is making its way through the judicial process. In September, the Ninth Circuit heard arguments in the administration’s appeal of an injunctions issued by federal judges in California and Washington state.

If President Trump is re-elected in November, these cases will likely wind up in the U.S. Supreme Court. Also depending on the outcome of the election and the make-up of the next Congress, efforts could be made to reform the legal immigration process to



Image Credit: istock

select a much greater share of immigrants based on individual merit, including education and jobs skill. Under legislation such as the RAISE Act, which FAIR strongly supports, far fewer immigrants are likely to be dependent on government programs and assistance. If Joe Biden is elected, it is almost certain that he will abandon efforts to strengthen the public charge rules, leaving in place the very narrow definition adopted by the Clinton administration. ■

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