

Immigration  
REPORT

## Biden Administration Seeks to Compound Afghanistan Debacle with an Immigration Debacle

The utter incompetence and lack of credibility was painfully on display in the Biden administration’s tragically botched withdrawal from Afghanistan played out in August. In the immediate aftermath of that debacle, the president angrily told the nation that we need to put it behind us and move on. The administration is now moving on to a \$3.5 trillion budget measure that misclassifies a host of Woke social policy priorities as “infrastructure.” Among these far left policy goals was a massive amnesty for as many as 10 million illegal aliens that President Biden and Senate Democratic leaders had hoped to enact with just 51 votes (the 51st of which would be cast by Vice President Kamala Harris) under a process known as budget reconciliation. Those hopes were dashed (at least for now) by the parliamentarian of the Senate, Elizabeth MacDonough, who properly ruled that amnesty for illegal aliens cannot be included in a budget bill.

Prior to adjourning for the summer recess, the Senate approved a resolution outlining the contents of the still-unwritten budget bill. That outline made it clear that the final product would include a large illegal alien amnesty. Likewise, a unified House

Democratic caucus gave the Senate budget resolution a thumbs up, while the far left wing of the party pressured Speaker Nancy Pelosi into holding up passage of a more “modest” \$1.2 trillion infrastructure bill until the \$3.5 trillion mega-bill is voted on.

All this occurred before the implosion of President Biden’s Afghanistan policy triggered, among many other negative repercussions, a massive and chaotic refugee and migrant crisis. In the final weeks leading up to President Biden’s self-imposed August 31 deadline for full withdrawal from Afghanistan, the United States managed to airlift some 120,000 people out of the Taliban-controlled country.

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# Afghanistan Debacle

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While the president repeatedly boasted about the sheer number of people airlifted out, it quickly became apparent that hundreds (if not thousands) of American citizens were left behind and that more than half of the Afghans who had worked closely with the United States over two decades, and who had been promised resettlement in this country, were also left behind and were being hunted by the Taliban. Thus, the bulk of those who were flown out are people about whom we know nothing about.

By early September, approximately 24,000 Afghans had been brought to the U.S. Tens of thousands more were taken to U.S. military bases in the Middle East and Europe where overwhelmed officials



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from numerous government agencies are tasked with the near impossible job of vetting them. This herculean task (that directly affects U.S. national security) is taking place against the backdrop of the Biden administration's disastrous border and immigra-

tion policies. The Department of Homeland Security (DHS) projects that the agency is on track to apprehend about 2 million illegal border crossers this year – most of whom they are releasing into the country. Untold more have entered without detection.

Despite the unmanageable chaos and the clear dangers posed by admission of large numbers of people from a country now under the control of a terrorist organization, President Biden's political coalition – open borders advocacy groups, refugee resettlement organizations (that get paid by the government for their services), and numerous congressional Democrats – are pressuring him to expedite and expand the admission of Afghans. This coalition has called for increasing the cap on refugee resettlement to a minimum of 200,000 this year and urging the president to (ab)use his power to parole otherwise nonadmissible Afghan nationals into the United States, even if they have not been thoroughly vetted.

Even before the crisis triggered by President Biden's disastrous withdrawal from Afghanistan, FAIR was vehemently opposed to the administration's and the Democratic congressional leadership's effort to enact a sweeping illegal alien amnesty by abusing the budget reconciliation process. Since the president's foreign policy disaster, FAIR has been working with members of Congress to force the administration to end the immigration chaos it has created. This pressure will be ratcheted up in late September, at FAIR's annual Hold Their Feet to the Fire radio row, where 65 local and national talk radio hosts will be broadcasting the message all across the country. ■

## Immigration REPORT

The FAIR Immigration Report  
(ISSN 1067-3337)

Published 10 times a year by  
the Federation for American  
Immigration Reform, a non profit  
membership organization.

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## Pentagon Warns of Enhanced Terror Threats as a Result of Taliban Takeover of Afghanistan, While Our Borders Remain Wide Open

The Taliban takeover of Afghanistan poses a direct threat to the security of the United States and American citizens, top Pentagon officials warned in the hours after the terrorist group took control of Kabul. Secretary of Defense Lloyd Austin cautioned that the country could once again become a base not just for Taliban fighters, but for other Islamist terror groups including ISIS and al-Qaeda. Moreover, as early as April, CIA Director William Burns told members of Congress, “When the time comes for the U.S. military to withdraw, the U.S. government’s ability to collect and act on threats will diminish. That is simply a fact” – an assessment that directly contradicts President Joe Biden’s repeated assertion that we have “over the horizon” capabilities to track and monitor the activities of these groups.

It did not take long for these warnings to be borne out, as an ISIS offshoot launched suicide bombing attacks at Kabul’s airport, killing 13 U.S. service people and scores of Afghans hoping to flee. Days later, an ISIS-inspired attack was carried out at a shopping center in New Zealand, killing six people.

These new realities compound the already dangerous situation the Biden administration has created along our southern border. In addition to more

than 100,000 unvetted Afghan migrants who were airlifted out of Kabul in the chaotic weeks before the U.S. withdrew, hundreds of thousands more are expected to flee overland in the coming months. It is a virtual certainty that Islamist terrorists will be among the hordes of people attempting to reach Europe and North America.

As migrants from all across the globe have streamed into our neighbors to the south and joined the massive flow of migrants heading for the U.S. southern border, we must expect that the newly emboldened terrorist groups will seize the opportunity to exploit our vulnerability.

In response to the enhanced national security threats issued by President Biden’s own top defense and intelligence officials, FAIR has called for immediate steps to secure our southern border.

Resume construction of the border wall. The Biden administration must reverse its freeze on border wall construction. Hundreds of miles of additional construction has already been paid for by U.S. taxpayers and must go back online. Border enforcement professionals are unanimous in agree-

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ment that the border wall is an effective tool to prevent illegal border crossings.

Reinstitute the Migrant Protection Protocols (MPP). After the MPP was implemented in 2019, the flow of migrants attempting to defraud our asylum process

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**P**resident Biden ignored dire warnings from top military and intelligence officials about the manner in which he was withdrawing from Afghanistan, with disastrous results.

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slowed dramatically. After President Biden canceled the Remain in Mexico policy in early 2021, the number of people crashing our border quickly grew to levels not seen in more than two decades. The Biden administration has already been ordered to reinstate the policy by a federal court. Reducing the flow of economic migrants will free up Border Patrol manpower and other resources to concentrate on interdicting people who pose a threat to U.S. security.

President Biden ignored dire warnings from top military and intelligence officials about that manner in which he was withdrawing from Afghanistan, with disastrous results. He must not ignore the assessments of those same officials about the enhanced threats to our national security. This time the people who will pay the price for his failure will not be half a world away. They will be right here at home. ■

## Courts Rule Against Two Biden Immigration Policies. Forcing Him to Comply is Another Matter

For four years, the massively funded mass immigration lobby used activist judges to slow down or halt Trump administration policies that sought to enforce immigration laws and protect public interests. In most cases the Trump administration prevailed at the appellate court level, or at the Supreme Court, but valuable time was squandered by these tactics.

Since taking office in January, the Biden administration has attempted to gut countless border and immigration enforcement policies, and negate numerous legal statutes by refusing to enforce laws under the rubric of exercising prosecutorial discretion. Two important judicial rulings handed down in August have turned the tables somewhat on the Biden administration and the mass immigration lobby.

In the first ruling, federal Judge Matthew Kacsmaryk ordered the Biden administration to reinstate the MPP program, which requires people seeking to enter a political asylum plea to remain in Mexico until a hearing on their request can take place. The MPP was a



Image Credit: The White House|Flickr

bilateral agreement with Mexico, negotiated by the Trump administration in response to a surge of economic migrants attempting to enter frivolous pleas for political asylum in the expectation that doing so would result in them being released into the United States. The MPP provided a highly effective deterrent to asylum fraud, and the surge of migrants declined dramatically once it was in place.

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# Immigration Policies

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Terminating the MPP was one of the first acts of the Biden administration and, not surprisingly, triggered the massive and sustained wave of illegal immigration that has created a crisis at the border. Ironically, President Biden's hasty attempt to scrap the MPP ran afoul of requirements of the Administrative Procedures Act (APA) – the same statute that tripped up former President Trump's attempt to repeal the Obama administration's unconstitutional Deferred Action for Childhood Arrivals (DACA) program.

The challenge to the cancellation of the MPP was brought by the states of Texas and Missouri. In his ruling, Judge Kacsmaryk agreed that, in addition to President Biden's failure to abide by the APA, the plaintiffs demonstrated that the repeal of the MPP “has contributed to the current border surge.” The Biden administration immediately appealed Judge Kacsmaryk and was rebuffed by the Fifth Circuit Court of Appeals.

While the judicial ruling was an important victory for common sense and the effort to restore some semblance of order at the border, there is every reason to believe that the Biden administration will drag its heels in re-implementing it. In a less than encouraging response to losing in court, the Department of Homeland Security tweeted that it “has begun to engage with the Government of Mexico in diplomatic discussions surrounding the Migrant Protection

Protocols.” Expect that those diplomatic discussions will move very slowly without judicial oversight to ensure that the court's order is carried out.

In a second important decision, federal Judge Drew Tipton imposed a preliminary injunction on the Biden administration's restrictions for U.S. Immigration and Customs Enforcement (ICE) officers that significantly narrowed the categories of illegal immigrants that could be subject to arrest or deportation. Under the guise of prosecutorial discretion, the Biden administration excluded nearly all illegal aliens from deportation. In April, just 2,962 people were deported, the smallest total ever recorded for a single month. Again, the Biden administration was rebuffed in its efforts to get a higher court to stay the judge's injunction.

According to recent government data, ICE, the agency charged with locating and removing illegal aliens in the interior of the country, has been stalled by Biden policies to a point where a typical ICE agent affects one deportation every two and half months. Again, given the Biden administration's ideologically driven anti-enforcement stance, judicial and congressional oversight will be necessary to ensure that it complies with the both the letter and the spirit of the ruling. ■



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

# FAIR Issues Guidelines for Protecting Vulnerable Afghans and Protecting American Security

Shortly after the last U.S. plane lifted off the runway at Hamid Karzai International Airport in Kabul, marking the end of the Biden administration's chaotic evacuation effort, FAIR released a series of recommendations aimed at ensuring that the nation honor its commitments to Afghans who were promised Special Immigrant Visas (SIV) because they had provided critical assistance to the United States military efforts, while also protecting the vital security and economic interests of the American people.



Image Credit: iStock

The report, *Afghanistan Crisis: Fraud and Vetting Risks in the American SIV and Refugee Programs* (available on FAIR's website, [www.fairus.org](http://www.fairus.org)), was widely circulated on Capitol Hill and received extensive media coverage.

## Among the key recommendations of the report:

- Removing remaining U.S. citizens must be the highest priority.** When the last American military contingent departed on August 31, an unspecified number of U.S. citizens were left behind, despite President Biden's repeated promise that every single American would be evacuated. By the president's own estimation, about 10 percent of U.S. citizens who were in Afghanistan, and who wanted to leave, did not get out.
- Resettlement of Afghan citizens in the U.S. must be prioritized.** First consideration for resettlement must be given to our Afghan allies who worked with us and who have already been approved for SIVs and those with pending applications. This effort has been complicated by the fact that the administration admits that more than half of such Afghan allies were also left behind when our military departed. Additionally, the Biden administration inexplicably provided the Taliban with a list of many such allies and also left behind biometric information to identify them.
- We must distinguish between legitimate refugees and migrants.** Hundreds of thousands, if not millions of Afghans, in addition to the 120,000 already evacuated, will seek to leave the country in the coming months and years. Most of those people will seek to resettle elsewhere for the very understandable reason of not wanting to live under a brutal medieval theocracy. Given the sheer numbers of people on the move it is critical to distinguish between those who want to leave and those who must leave because they have a well-founded fear of being singled out for persecution (or worse) by the Taliban.
- All vetting must occur outside the United States.** Once people set foot on U.S. soil it is virtually impossible to remove them, even if they do not qualify for refugee status. Worse yet, the Taliban al-Qaeda and ISIS-K (the group that attacked Kabul Airport) are certain to take advantage of the situation to infiltrate terrorists into the United States.

# News from our State and Local Operations



## TEXAS

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Apologists for illegal immigration have long argued that illegal aliens are less prone to criminal activity and that any assertions to the contrary amount to racism (ignoring the fact that illegal aliens are not a race, and that many crimes committed by illegal aliens could have been avoided). They have been able to make these claims because of a deliberate effort on the part of many jurisdictions not to collect data about the immigration status of perpetrators.

A new report from the state of Texas, however, provides hard data. The Texas Department of Public Safety released ten years' worth of data which shows that over the past decade, some 236,000 illegal aliens were booked into jails statewide, leading to 254,000 criminal convictions. These 236,000 criminal aliens were responsible for the commission of 577,000 serious crimes, meaning that more than half a million people were unnecessarily victimized. The convictions include: 585 homicides, 27,984 assaults, 3,646 sexual assaults, 36,284 drug offenses, to name just a few of the crimes committed by illegal aliens.

But even these numbers may not tell the whole story. They include only criminal aliens who have had a previous encounter with DHS that resulted in their fingerprints being saved in the Automated Biometric Identification System database. And, of course, they do not reflect unsolved crimes that may have been perpetrated by illegal aliens.

## PENNSYLVANIA

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A memorial stands in the town of Shanksville, Pa., commemorating the spot where 40 passengers on United Flight 93 perished, when a group of them heroically prevented terrorists from using the plane to destroy the U.S. Capitol on September 11, 2001. The terrorists had boarded the flight using state-issued driver's licenses. In response to a commission investigating the events of 9/11, Congress passed the REAL ID Act, which is intended to prevent people who are not legally present in the U.S. from obtaining state-issued IDs. But that has not prevented numerous states from granting licenses to illegal aliens, albeit ones that are not valid for federal identification purposes such as boarding a commercial airliner. On the eve of the 20th anniversary of 9/11, the Republican-controlled State House held hearings on a bill that would grant driver's licenses to illegal aliens. The bill would not only grant illegal aliens driving privileges, it would bar the Pennsylvania Department of Transportation (PennDOT) from sharing information used to apply for IDs without a court order. If information is released, PennDOT would have to notify the license holder.

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## Support FAIR in the 2021 Combined Federal Campaign!

The Combined Federal Campaign (CFC) allows Federal employees from all over the country to easily make a tax-deductible donation by payroll deduction, credit card, check or cash.

The fight against illegal immigration and out-of-control immigration policies is a joint effort and one we would not be able to do without your generous support.

The Immigration problems we face in the U.S. have never been bigger. Your contribution to FAIR is needed now more than ever. The CFC is the largest workplace giving campaign in the world and an opportunity for you to join with other likeminded Americans to have a major impact on immigration reform.

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