

IMMIGRATION REPORT



Biden Effectively Abolished ICE During His First Year in Office: Removal of Illegal Aliens Dropped by 70 Percent in FY 2021

According to long-delayed preliminary data released in February by Immigration and Customs Enforcement (ICE), just 55,590 deportable aliens were removed from the United States during Fiscal Year 2021. These historically low numbers are roughly a fifth of the annual removals carried out in Fiscal Years 2017-2019, and about one-third of the total for FY 2020.

But the dramatic decrease in removals does not reveal the full extent to which the Biden administration is undermining the enforcement of immigration laws in the interior of the United States. According to analysis of the data by FAIR, about half of the 55,590 removals carried out in FY 2021 occurred during the first four months of the fiscal year, while President Trump was still in office. During the last eight months of FY 2021, under the Biden administration, ICE removed a mere 27,000 people from the country. Even as Biden policies triggered an unprecedented surge of new illegal immigration – 7,000 illegal aliens were being encountered at the border each day, and countless more entered the country undetected

– ICE removals slowed to a trickle, averaging barely 100 per day.

Further, FAIR’s analysis shows that ICE released far more illegal aliens into the United States. The agency released 143,355 previously detained immigration violators, including more than 16,000 individuals with criminal convictions or charges. This means ICE released nearly three times more immigration violators into the country than it removed from the country.

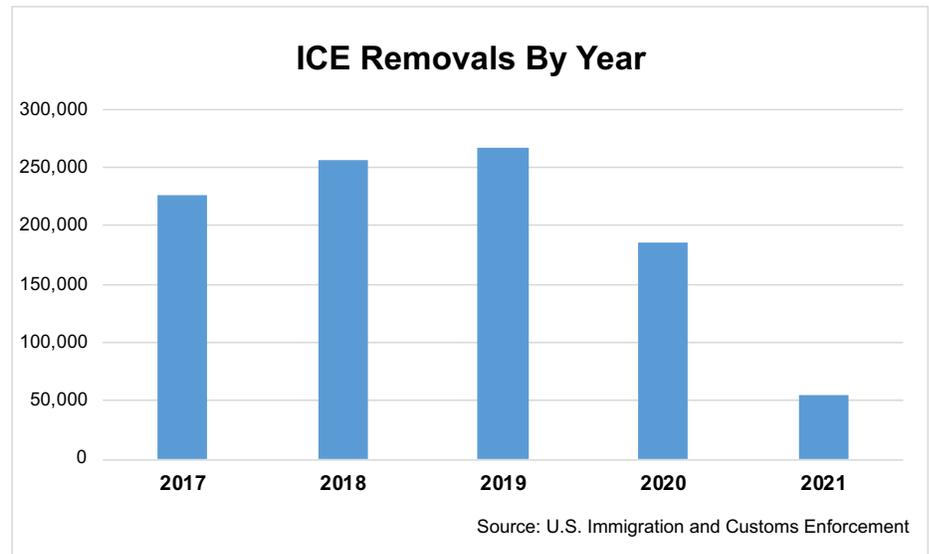
These statistics exclude immigration violators who were released into the country by U.S. Customs and Border Protection (CBP) during FY 2021. A report by FAIR estimates that more than 685,000 illegal aliens were either released by CBP or successfully evaded apprehension. When those CBP figures are combined with ICE interior releases, a total of more than 828,000 illegal aliens were allowed to enter the U.S. in FY 2021. Considering fewer than 56,000 migrants were deported, that means that some 772,000 more illegal aliens were

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released into the country in FY 2021 than were deported.

It is also important to note that the anemic removal numbers for FY 2021 all occurred before Homeland Security Secretary Alejandro Mayorkas issued departmental edicts that bar ICE from arresting and removing all but the most violent foreign criminals and terrorists, and severely restrict where agents are permitted to apprehend them. Despite growing public pressure on the administration to increase border and immigration enforcement, Sec. Mayorkas defiantly doubled down on the administration's anti-enforcement stance. "[Our] policy explicitly states that a non-citizen's unlawful presence in the United States will not, by itself, be a



basis for the initiation of an enforcement action," he told CBS News in January.

While the Biden administration has, thus far, stopped short of acceding to the radical left's demands to administratively abolish the agency, the FY 2021 data clearly show that the administration has effectively abolished ICE by preventing it from doing its job.

Key Preliminary Data Revealed in ICE FY 2021 Report

- 55,590: Total deportations (70 percent decrease from previous year).
- 28,000: Approximate deportations occurring in the four months of FY 2021 when Trump was president.
- 143,355: Total number of immigration violators released into the interior of the country.
- 16,102: Illegal aliens released who have convictions or charges for non-immigration related crimes.
- 45,680: Number of immigration lawbreakers arrested (56 percent decrease from previous year).

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Facebook Is Okay with Their Platform Being Used to Solicit Human Smuggling. Some Members of Congress are Not



It's been a rough few months for Facebook, whose parent company has recently been rebranded as Meta. The company's image has been tarnished by internal whistleblowers exposing policies that are described as "toxic" to users. Facebook has incurred wrath from across the political spectrum for arbitrary and heavy-handed policies that remove posts, or freeze accounts that run afoul of the company's internal "truth squad." Capping it all off, the company's value declined by more than \$200 billion in a single day in early February, when its stock plummeted 26 percent.

Amid all the other turmoil, the company affirmed that it would not bar users from soliciting the services of human smugglers on Facebook and other Meta platforms. Last October, Arizona Attorney General Mark Brnovich charged that, "Facebook's policy of allowing posts promoting human smuggling and illegal entry into the United States to regularly reach its billions of users seriously undermines the rule of law," adding that, "The company is a direct facilitator, and thus exacerbates, the catastrophe occurring at Arizona's southern border."

Facebook denied that it allows criminal cartels to solicit people seeking to be smuggled into the United States, but conceded that it permits individuals to seek the services of smugglers on their platforms, including paid ads. After reviewing the policy, Meta announced that it will continue to bar posts by smugglers, "while allowing content soliciting smuggling services and sharing information related to illegal border crossing."

While people using Meta platforms to engage in illegal activities may pass muster with company executives, the policy does not sit well with members of Congress. In a February 2 letter to Meta CEO Mark Zuckerberg, Senator Josh Hawley (R-Mo.) accused the company of "compromis[ing] national security, undermin[ing] the rule of law, and impos[ing] costs on law-abiding American taxpayers" as well as "endanger[ing] those willing to break the law in order to enter the country."

Hawley's letter further charges that Meta platforms are being used to facilitate the more serious crime

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of human trafficking. “Your company ignored its own employees who sounded alarms about human traffickers using their website. Those employee concerns included identification of traffickers in the Middle East who used Facebook and Instagram to lure women into abusive domestic servitude and sex slavery,” wrote Hawley.

Hawley’s concerns were echoed by Rep. Kat

Cammack (R-Fla.) who, in a letter to Zuckerberg, accused the company of ignoring the consequences of its policies. “As a result, more humans, drugs, and weapons are trafficked through our southwest border and Americans are left to pay the price...I met with multiple representatives from the company last year who took great care to tell me about the steps they were taking, only to find out that their policy has not changed,” she wrote.

Zuckerberg, along with other big tech executives, is one of the leading financial backers of FWD.us, an organization that promotes mass immigration and amnesty for illegal aliens.

Revolt in the Ranks: Border Patrol Officers Openly Question Administration Policies

The anger and frustration of rank and file Border Patrol officers over the Biden administration’s non-enforcement policies reached a boiling point in January during visits by Homeland Security Secretary Alejandro Mayorkas and Border Patrol chief Raul Ortiz to hot spots along the U.S.-Mexico border. In both Yuma, Arizona, and Laredo, Texas, front line Border Patrol agents openly excoriated their bosses for creating an untenable situation along the border and for preventing them from upholding their sworn oaths to protect and serve the American public.

In Yuma, Mayorkas met with agents as they prepared for their daily shifts along the lawless border. The reception the DHS secretary got was probably not what he expected. Angry officers challenged him about policies they say are



forcing them to into a position of idle bystanders while our nation’s borders are handed over to cartels that are flooding our country with drugs, gang members and criminal aliens, as well as exacerbating

national security vulnerabilities.

Recordings of the confrontation show that while Mayorkas was somewhat taken aback by having his policies challenged by uniformed officers, he was unmoved by the

concerns they expressed. “The job has not gotten any easier over the last few months and it was very, very difficult throughout 2021,” Mayorkas responded, also conceding that the situation along the border is “worse now than it, frankly, has been for at least 20 years, if not ever.”

Lest anyone get the idea that that admission signaled an intent to change course, Mayorkas quickly put an end to that notion. “I know the policies of this administration are not particularly popular with U.S. Customs and Border Protection, but that’s the reality and let’s see what we can do within that framework.” The message to the Border Patrol agents and the American public could not have been clearer: Chaos along the border is this administration’s policy and we don’t particularly

care what the American public or the men and women who serve in the Border Patrol think about it.

The secretary and Border Patrol chief were not received any more warmly in Laredo, where front line officers were equally blunt in confronting their bosses. There, Mayorkas allowed Ortiz to take the flak for the administration’s non-enforcement policies and for what Border Patrol agents see as efforts to vilify them for doing their jobs (perhaps a veiled reference to President Biden’s false accusation that agents had whipped Haitian migrants attempting to cross the Rio Grande late last year).

During that testy meeting, officers in the Laredo sector complained about being forced to stand down as criminal cartels engage in human smuggling and

trafficking, and move munitions and narcotics (including deadly fentanyl) into the country. Speaking for the group, one agent told Chief Ortiz that they did not sign up “for good men to do nothing” while the nation is being imperiled. Much like Mayorkas in Yuma, Ortiz made it clear that the policies would not be changing, and expressed his displeasure about being called out by his agents.

In fact, the Border Patrol agents in Yuma and Laredo were not just speaking for themselves, but for the majority of Americans who are alarmed about the administration’s sabotage of border and immigration enforcement. They just happened to have the ears of the people in charge and, admirably, refused to remain silent.

Terror Attack on Texas Synagogue Exposes Deep Flaws in Our Legal Admissions Process

For the past year, the self-induced Biden Border Crisis has been emblematic of this administration’s reckless disregard for homeland security. January’s terror attack on Congregation Beth Israel in Colleyville, Texas, was a reminder of just how easily terrorists and criminals can exploit flaws in our legal admissions process.

Thankfully, the attack on the Texas synagogue ended with only one fatality – Malik Faisal Akram, the terrorist. But Akram’s presence in Colleyville on January 15 points to intelligence and immigration enforcement failures on the part of multiple federal agencies that pose ongoing threats to homeland

security. These failures reflect an administration-wide attitude which prioritizes admission of foreign nationals, regardless of whether they cross our borders illegally or arrive at one of our international airports, over the security of the nation.

Akram was traveling on a British passport and entered the United States under the Visa Waiver Program (VWP), which allows quick and easy entry unless there are things in an individual’s record that disqualify them from participation. In Akram’s case, there were plenty of red flags that should easily have been detected before he boarded the plane to New York.

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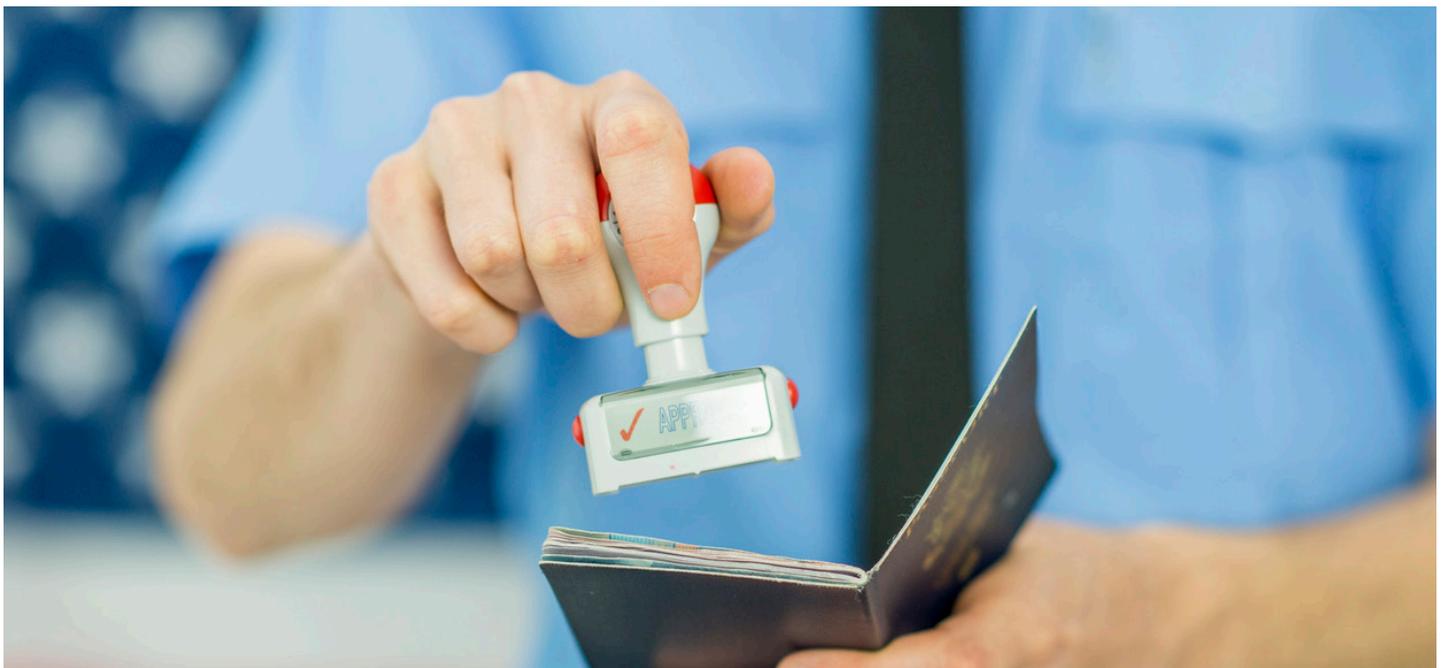
Akram had a long criminal record in England, dating back to 1996. He was a frequent traveler to Pakistan, a hotbed of Islamist terrorism, and was a reputed member of Tablighi Jamaat, a radical group that has been banned in numerous countries. As recently as 2020, Akram had been listed as a “subject of interest” by Britain’s domestic intelligence service, MI5. Any one of these black marks on his record should have been sufficient for him to be denied a tourist visa by a consular officer, or turned away by a U.S. Customs and Border Protection (CBP) official when he arrived at John F. Kennedy International Airport in late December.

Travelers from the 40 countries covered under VWP do not need to secure a visitor’s visa before arriving in the U.S., but that does not mean that they are not vetted. Visitors must complete an Electronic System for Travel Authorization (ESTA) and have the biographic information they provide verified by U.S. consular officers stationed in their home countries. Additionally, Customs and Border Protection officers

at ports of entry make the final determination about whether travelers may enter the United States.

Under the current leadership of the Departments of State and Homeland Security, Akram entered the country unencumbered – raising obvious concerns about how many other people as dangerous, or more dangerous have slipped across the border or walked in through the front door.

FAIR has long warned that flaws in our legal admission process pose security dangers to the country. Many reforms recommended by the commission looking into the circumstances of the 9/11 attacks remain unimplemented, including the congressionally mandated electronic entry/exit system that would at least alert authorities when people fail to leave as required. Compounding these existing risks is a Department of Homeland Security which, under the Biden administration, flagrantly disregards the core mission of homeland security. No innocent Americans paid the ultimate price for the Biden administration’s unilateral surrender of our homeland security defenses. Next time we might not be so lucky.





News from our State and Local Operations

Arizona

Some 2 million people were “encountered” by federal immigration authorities crossing the southern border illegally in 2021. Arizona Attorney General Mark Brnovich has a term for that phenomenon: Invasion. On February 8, Brnovich issued a legal opinion concluding that under the U.S. Constitution, states can exercise their “war powers” in response to an invasion. According to the opinion, the term invasion includes the current surges of illegal aliens at our border actively driven by cartels and gangs. The state’s ability to respond to this invasion is legitimate because the Biden administration has failed in its constitutional duty to secure the border against these assailing forces.

Article I, Section 10, Clause 3 of the U.S. Constitution (the “State Self-Defense Clause”) provides: No State shall, without the Consent of Congress, ... engage in War, unless actually invaded, or in such imminent danger as will not admit of delay.

Article IV, Section 4 of the U.S. Constitution (the “Invasion Clause”) further provides: The United States ... shall protect each of [the states] against invasion. [emphasis added]

Based upon these constitutional provisions,

Brnovich reasons that a state may exercise its war powers not only against the militaries of foreign nations but also “non-state hostile actors, such as organized cartels and gangs.” If implemented, Arizona’s “war power” would not entail the use of lethal force to repel the invasion. Rather, what the attorney general is suggesting that in response to the Biden administration’s dereliction of duty, the state could invoke the authority to apprehend and remove people who cross the border illegally by returning them to Mexico.

Indiana

Efforts to overturn Indiana’s bar against granting in-state tuition benefits to illegal aliens fell short, once again, as the State Senate rejected SB 138 in early February. Advocates had been hopeful of success in the Republican-controlled legislature as this latest attempt to reward illegal aliens was sponsored by two GOP senators, Blake Doriot and Mark Messmer. Under the bill, illegal aliens who attended high school or received a GED diploma in Indiana would have been eligible for hefty tuition subsidies at public colleges and universities. The average full tuition rate at these public institutions is \$21,424 per year, while the in-state rate is \$8,505, meaning that had the bill passed, illegal aliens would have been in line to receive nearly \$13,000 a year in benefits from Indiana taxpayers.

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