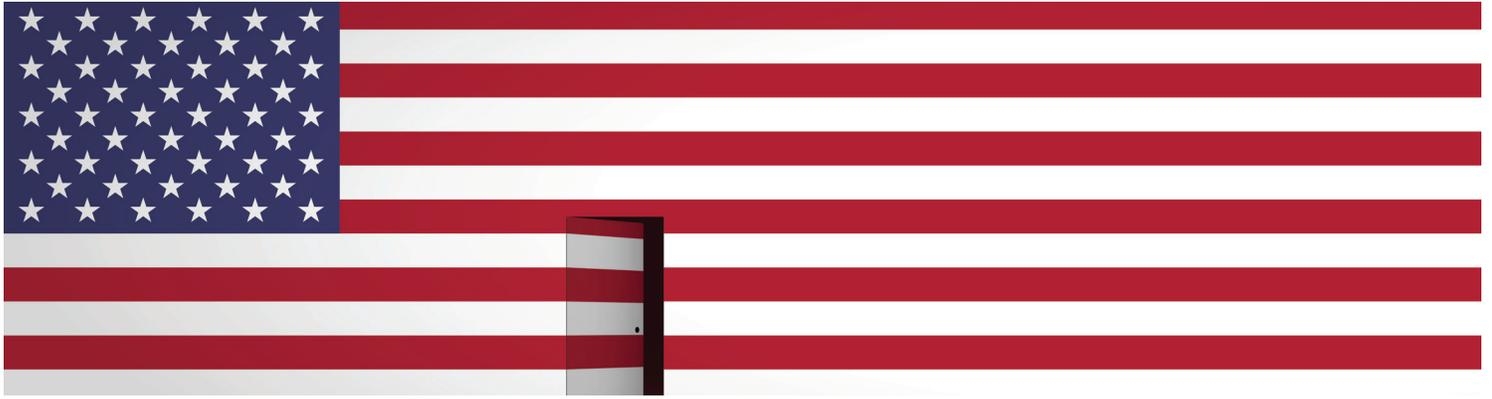


# IMMIGRATION REPORT



## Biden Illegally Asserts the Authority to Parole 360,000 Inadmissible Aliens a Year

Faced with growing public anger over skyrocketing numbers of people crossing our borders illegally, the Biden administration decided it was time to act in January. Predictably, the action they took was not to strengthen border security or end the many incentives for people entering illegally. Instead, they opted for measures to conceal the true number of people breaching our borders.

On Jan. 5, the Department of Homeland Security announced that it would allow the admission of 30,000 migrants each month from Cuba, Haiti, Nicaragua and Venezuela under an assertion that the president has virtually unlimited power to parole people into the United States. He does not. The statute that grants the president parole power defines clear limits on that authority. It may be exercised only on a temporary, case-by-case basis and only under circumstances where there are “urgent humanitarian reasons” or “significant public benefit.”

The DHS program meets none of these criteria. Rather, it establishes an unconstitutional immigration

channel for citizens of four nations that will continue in perpetuity for the sole purpose of making it appear that fewer migrants are crashing our borders illegally. The Constitution explicitly grants Congress plenary power to make immigration laws. The executive branch’s role is to implement and enforce immigration laws — a role it has willfully abrogated under this administration.

The scope of this extralegal program is staggering. The 360,000 migrants who will be admitted each year constitute more than one-third of the number of green cards issued annually under our statutory immigration system. When fully up and running, the number of people admitted under the Biden parole program will be more than double the number of employment-based green cards that are issued each year. They even created a mobile app to expedite the process.

The primary purpose of these illegal parole programs, which will continue in perpetuity, is to move 360,000 illegal entries a year off the books, as President Biden gears up for his re-election bid next year.

# Parole Inadmissible Aliens

from page 1

The administration's abuse of parole authority did not go unnoticed in Congress. Two weeks after the plan was announced, a bicameral group of Republican legislators, led by Sen. JD Vance (Ohio) and Rep. Andy Biggs (Arizona), demanded the Homeland Security Secretary Alejandro Mayorkas justify his department's "reckless decision to radically expand immigration parole programs in the midst of an historic border crisis."

Sen. Vance charged the Biden administration with attempting to "sidestep Congress and the law by granting parole to hundreds of thousands of illegal migrants. The American people deserve to know why the Biden administration has taken this action, and more importantly, what legal justification there is to support it."

Rep. Biggs accused Sec. Mayorkas of failing to be truthful when he claimed that the administration was acting within the statutory limits of presidential parole authority. "Secretary Mayorkas testified under oath that parole is 'judged on an individualized case-by-case basis,' but I have seen no evidence to support this claim. Instead, his department is abusing the parole authority to mass-release hundreds of thousands of illegal aliens into the country."

The group of ten Senators and 24 House sought FAIR's support in this effort to hold Mayorkas and

the administration accountable. In a press release announcing the letter to Mayorkas, FAIR's Government Relations and Communications Director RJ Hauman noted that the abuse of parole was the next step in the administration's relentless assault on any meaningful limits on immigration. "First, their goal was to stop all immigration enforcement. Now they seek to bypass existing immigration programs and simply create their own. All that is left for President Biden to do at this point is to order the border to be erased from the map."



## 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.

### Board of Directors

Donald A. Collins Jr., Chair  
Duane Austin  
Douglas E. Caton  
Kevin Donaleski  
Dale M. Herder  
Cynthia Matthews  
S. Blake Swensrud II

### Staff

Dan Stein, President  
Julie Kirchner, Executive Director  
Ira Mehlman, Senior Editor

### Connect with us!

@FAIRImmigration



### Federation for American Immigration Reform

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

# Lame Duck Congress Approves Anti-Immigration Enforcement Spending Bill, But Amnesty and Visa Provisions Were Defeated

Democrats may have lost control of the House of Representative in last November's elections, but that didn't stop them from using the post-election lame duck session of Congress to advance the Biden administration's anti-enforcement immigration policies. Buried in the massive (\$1.7 trillion and 6,825 pages) Omnibus spending bill, were countless budget measures designed to thwart meaningful enforcement of immigration laws through the remainder of the current fiscal year, which ends on Sept. 30.

As usual, there were efforts to use the must-pass spending bill to enact amnesty and other measures that could not pass as free-standing legislation. A coalition of organizations, led by FAIR, succeeded in exposing and beating back these permanent changes to our immigration laws.

FAIR did not read all 6,825 pages (and neither did anyone else), but our Government Relations team went through the provisions pertaining to immigration and exposed countless instances in which the spending bill was designed to promote more immigration chaos.

## **Harmful provisions of the omnibus:**

- \$1.563 billion for Customs and Border Protection (CBP) "border management" that does not allow using those funds to hire permanent border security officers, deport illegal aliens (only allows transportation to American communities), or expand border security technologies and capabilities unless it is for improving the processing of illegal aliens.
- \$800 million from CBP to FEMA to pay for "sheltering and other services" through grant programs awarded to open border aligned non-governmental organizations and charities.

- Prohibits the use of funds for border wall construction in certain areas.
- Millions of dollars for a controversial case management pilot program to aid illegal aliens facing deportation – which is being overseen by a nonprofit that has previously called for the defunding and abolition of ICE.
- Promotes catch-and-release policies by allowing detention contracts to be rescinded based on arbitrary performance evaluations.

## **Damaging proposals that were defeated or withdrawn:**

- A mass amnesty proposal led by Senators Kyrsten Sinema (I-Ariz.) and Thom Tillis (R-N.C.) in exchange for an extension of weakened Title 42 and other meaningless promises of future immigration enforcement.
- The EAGLE Act, which would have resulted in more than 90 percent of employment-based green cards being awarded to citizens of just two countries: China and India.
- The misleadingly named Veterans Service Recognition Act, which would have provided amnesty for illegal alien relatives of veterans and even allowed deported criminals to return the U.S.
- The Afghan Adjustment Act, which would have granted permanent residence to largely unvetted Afghans who were allowed to enter the country under President Biden's abuse of parole authority.
- A Biden administration attempt to slash ICE detention capacity by 30 percent.
- An agriculture bill containing both an amnesty for illegal aliens and an expanded guestworker program.

# President Biden's Massive Parole Program is Not Only Illegal, It's a Budget-Buster Too

President Biden's plan to allow up to 360,000 otherwise inadmissible Venezuelans, Cubans, Haitian, and Nicaraguans into the country is not only an abuse of his very limited authority of parole. An initial analysis by FAIR also demonstrates that it will impose enormous additional tax burdens on federal, state and local taxpayers.

FAIR researched a variety of federal and state tax and benefit programs that migrants who are admitted to the United States as parolees would be eligible to receive. While more research will be required to come up with a reliable estimate, the extensive list indicates that the cost to American taxpayers would be significant.

## Among the benefits parolees would be in line for, include:

- The Earned Income Tax Credit (EITC).** Assuming that they meet income requirements (and many, if not most, would) parolees would be eligible to collect direct payments from the Federal Treasury under the EITC. While other illegal aliens are barred from receiving this benefit, parolees would qualify as "resident aliens." Unlike tax deductions, which reduce the amount of taxes owed, the EITC results in the Federal Treasury cutting checks to those who meet the income requirements.
- The Affordable Care Act (ACA).** Parolees will be immediately eligible for coverage under the ACA, also known as Obamacare. The program bars illegal aliens from participating, but a parolee would qualify because they are "lawfully present." Since most parolees are likely to be low wage earners, they will be in line for hefty taxpayer subsidies under the ACA.
- Medicare and Medicaid.** Parolees would be deemed "qualified aliens," and would be eligible for benefits – some immediately and some after a five-year waiting period. Cuban and Haitian parolees with pending asylum applications are immediately eligible to collect benefits, assuming they meet the other criteria. Moreover, all aliens who are granted asylum or refugee status are immediately eligible for federal public benefits.
- Other health benefits.** Parolees who are pregnant or who are under the age of 21 will, in most states, be immediately eligible for Medicaid and the Children's Health Insurance Program (CHIP) because federal law permits states to waive the five-year bar to provide Medicaid or CHIP coverage to aliens who are "lawfully present." As of 2021, 35 states have chosen to provide Medicaid coverage to lawfully residing children and/or pregnant women without a five-year waiting period. Twenty-eight of these states also cover lawfully residing children or pregnant women in CHIP.

These are by no means a comprehensive list. In addition, all children who are paroled into the United States are guaranteed a K-12 publicly-funded education. Other costs are certain to emerge as more research is done. Needless to say, President Biden's abuse of his parole power will also result in the further abuse of American taxpayers.



## President Biden Visits the Border and Finds No Illegal Migrants and No Time to Discuss the Crisis in a Meeting with Mexico's President

During December, illegal migrants were crossing the border at El Paso, Texas, at a rate of about 2,300 per day, leading the mayor to declare a state of emergency. Yet, on January 8, when President Joe Biden finally succumbed to pressure to get a firsthand look at the situation he found virtually no illegal migrants.

Prior to his arrival, the streets of El Paso had been scrubbed of a large encampment of migrants awaiting transportation to their preferred destinations across the country, courtesy of the federal government, Gov. Greg Abbott, or Mayor Oscar Leeser. At a migrant reception center the president visited on that Sunday, not a single illegal migrant was awaiting processing. It was as though the president visited the beach and managed not to find any sand. Even Biden-friendly news outlets like CNN were incredulous. Asked how the president managed to show up at a migrant-receiving

facility without encountering any migrants, a senior White House official, presumably with a straight face, responded, “There just weren’t any at the center when he arrived. Completely coincidental. They haven’t had any today.”

President Biden also met with a small group of carefully selected Border Patrol agents and, ironically, had his picture taken in front a section of secure border wall, further construction of which he halted on his first day in office in 2021. What he was told by the Border Patrol agents has not been disclosed, but whatever was said does not seem to have altered his administration’s policies that have resulted in some 5.5 million illegal entries during his first two years in the White House. The National Border Patrol Council, the union representing uniformed agents, has been very vocal in its criticism of the Biden administration’s policies which they say are directly to blame

for the crisis that the president managed to avoid seeing.

A day later, however, a bipartisan delegation of eight U.S. Senators arrived in El Paso and saw a completely different picture of what is going on. Gone was the Potemkin village that President Biden saw and, in its place, were the masses of illegal migrants entering the United States that has become the norm in El Paso over the past few months.

Undoubtedly, the primary objective of the president’s visit was to check a box and deflect the growing chorus of criticism – including by members of his own party – about his failure to at least make an appearance at the border. Nobody was fooled that this was nothing more than a photo-op, least of all Gov. Abbott who was on-hand to greet Mr. Biden when Air Force One touched down in El Paso. Dispensing with

# Biden Border Visit

from page 5

the customary political niceties, Gov. Abbott handed the president a letter charging, “Your visit to our southern border with Mexico today is \$20 billion too little and two years too late.” The governor squarely blamed the president for “the chaos that Texans experience on a daily basis,” adding that “[t]his chaos is the direct result of your failure to enforce the immigration laws that Congress enacted.”

President Biden’s three-hour visit to El Paso was a quick stopover

on his way to Mexico to meet with other North American leaders. While unprecedented migration is a raging issue throughout the hemisphere, it went “largely unaddressed” during a one-on-one meeting Mr. Biden held with Mexican President Andrés Manuel López Obrador, because the two leaders “ran out of time.”

López Obrador did find time, however, to thank President Biden for halting construction of the border wall. “You are the first president

of the United States in a very long time that has not built even one meter of wall,” he told Biden at the North American Leaders’ Summit in Mexico City. “And we thank you for that, sir, although some might not like it.” Actually, according to polling conducted by FAIR in November, 62 percent of Americans support construction of the border wall. But, at least, President Biden can take some comfort in knowing that he is making the president of Mexico happy.

## FAIR Announces Julie Kirchner as the New Executive Director



In January, FAIR’s Board of Directors announced Julie Kirchner as the organization’s new executive director. Julie replaces Bob Dane who retired late last year after having served in that position since 2015.

If Julie’s name sounds familiar, it’s because it is. She previously served as FAIR’s executive director from 2007 until 2015. Julie brings to FAIR a wealth of knowledge obtained through years of hands-on work in our nation’s immigration agencies. After her initial tenure at FAIR, she served four years as an official at the Department of Homeland Security (DHS) where

she fought to improve our immigration system. Her first role was Senior Advisor to the Commissioner of U.S. Customs and Border Protection (CBP), where she guided various border security efforts, including the implementation of tactical infrastructure at the southern border, development of border security metrics, and coordination of outreach initiatives to the public.

Between 2017 and 2019, Julie served as the U.S. Citizenship and Immigration Services (USCIS) Ombudsman. As Ombudsman, she led an independent office within DHS headquarters dedicated to helping immigration benefits seekers and visa applicants navigate USCIS procedures and resolve problems.

All of this experience and expertise will serve FAIR well, as the organization faces the challenges posed by the current chaos wrought by the Biden administration and turns them into opportunities to promote the organization’s vision of fair and sustainable immigration policies that serve the best interests of our nation.



I am making my donation by check payable to FAIR, or credit card (check one).

Visa  Mastercard  AMEX  Discover

\$1,000  \$500  \$250  \$100  \$50

\$25  Other \$ \_\_\_\_\_

Cardholder's Name

Card Number

Expiration Date

Signature

I would like to make this donation monthly and become a recurring **Cornerstone Contributor**.

WE ALSO WELCOME YOUR DONATIONS ON OUR SECURE SERVER  
**www.fairus.org/DONATE**  
(enter code NL2302 in payment details).

I have included at least \$25 for a Gift Membership.

Recipient's name and address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Stay Informed. Get Involved. Make a Difference!

Sign up today to receive  
FAIR's Legislative Updates online!

*(Please provide your email address)*



FAIR is an accredited charity by the Better Business Bureau's Wise Giving Alliance and is one of a select few non profit organizations that meet their high standards of operation, spending, truthfulness, and disclosure in fundraising.

Charity Navigator has awarded FAIR four out of a possible four stars. In addition, FAIR continues its top-rated status with Charity Watch. FAIR has demonstrated exceptional financial health, outperforming most of our peers in our efforts to manage and grow our finances in the most fiscally responsible way possible.



## FAIR Fund for the Future

FAIR's Fund for the Future is made up of visionary supporters like you who want to make sure FAIR is here well into the future. As you think about organizations you give to, I'm sure you'll agree that FAIR is one of the most effective. Our ability to fulfill our mission would not be possible without the generosity of those incredible individuals who include FAIR in their planned giving arrangements.

You have multiple planned giving options:

- **Bequest by Will or Living Trust** A charitable bequest is an easy way to have a lasting impact. Simply direct a gift to FAIR in your will.
- **Charitable Remainder Gift** Set aside assets, such as cash, securities, or real estate, today and receive income for life, an immediate tax deduction, estate tax savings, and create a future gift for FAIR.
- **Gift of Retirement Plan** You can reduce your federal, state, and estate taxes by making a charitable donation to FAIR through your IRS, 401(k), 403(b), or other retirement plans.
- **Gift of Life Insurance** Naming FAIR as a full or partial beneficiary of your life insurance policy is an easy way to establish FAIR in your planned giving arrangements. Simply list "Federation for American Immigration Reform" and our taxpayer identification number, 52-1136126.

Establishment of a gift is all that is required to earn recognition as an Honoree of this distinguished legacy group. By doing so, you will ensure that the America you love is the America your children and grandchildren will inherit. For more information, please contact our Advancement office at bsmith@fairus.org or call (202) 328-7004.