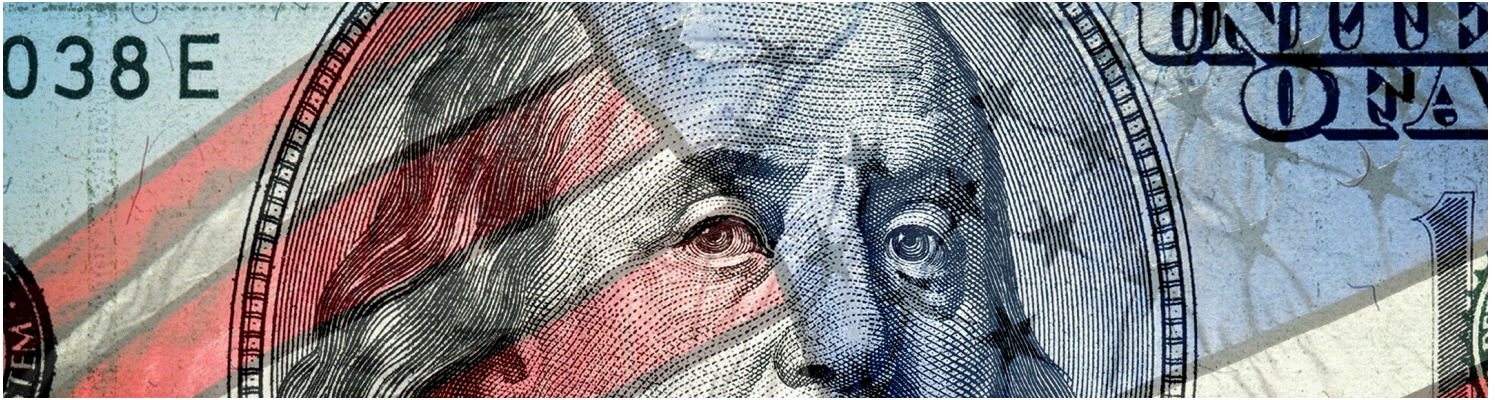


IMMIGRATION REPORT



New FAIR Report: Annual Costs of Illegal Immigration Soars to \$150.7 Billion a Year

A new report by FAIR, *The Fiscal Burden of Illegal Immigration*, finds that as of 2022, American taxpayers shell out at least \$150.7 billion each year to cover the cost of illegal immigration. Broken down, the data reveals that taxpayers pay \$182 billion annually to provide services and benefits to illegal aliens and their dependents. These costs are offset by about \$31 billion in taxes that are collected from the estimated 15.5 million illegal aliens living in the United States, bringing the net cost to \$150.7 billion annually.

The 2022 costs represent a 30 percent increase to taxpayers in just five years. A former version of this study, conducted in 2017 by FAIR, placed the annual net cost of illegal immigration at \$116 billion. Most of the additional costs have been added in the past two years, as the Biden administration's de facto open borders policies have triggered a historic surge of new illegal migrants pouring across our borders.

The updated \$150.7 billion price tag is a conservative estimate as there are additional costs incurred from illegal immigration, but there is currently insufficient

data to provide reliable cost estimates. The report also does not take into account the impact of the Biden administration's expansive (and legally questionable) use of parole authority to allow hundreds of thousands of ineligible migrants to enter the country each year is certain to balloon these already staggering costs to taxpayers. Those admitted under the administration's latest abuse of parole authority are quickly eligible to access government services and assistance programs (while they wait for years to plead their case to remain here) that are off-limits to illegal aliens who sneak across the border or overstay their visas.

FAIR's comprehensive analysis looks at available federal, state, and local programs and services that are directly accessible to illegal aliens, or indirectly, through their U.S.-born children who qualify for all means-tested programs. In addition to the surge of illegal immigration since 2021, state and local governments have offered a variety of new benefits and services to illegal aliens, which have exacerbated the situation for struggling taxpayers.

FAIR Cost Study

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Among the key findings in FAIR's report, *The Fiscal Burden of Illegal Immigration on United States Taxpayers*:

- The gross annual cost of illegal immigration (the total amount before taxes paid by illegal aliens are factored in) is now \$182 billion, annually.
- Taxes paid by illegal aliens only cover around 17.2 percent of the costs they create for American citizens, bringing the net cost to \$150.7 billion a year. For every dollar in taxes paid by illegal aliens, they and their dependents consume six dollars in benefits and services.
- The largest component of the cost is K-12 education, which must be provided under a 1982 Supreme Court ruling, *Plyler v. Doe*. The annual K-12 education cost for illegal aliens (and their U.S.-born children) is \$78 billion, of which \$70.4 billion is borne by states and localities.

- Health care for illegal aliens costs taxpayers about \$42.7 billion annually.

- A variety of food assistance and nutritional programs used by illegal aliens and their children cost taxpayers about \$13.5 billion annually.

- Combined federal, state, and local criminal justice costs associated with illegal immigration run about \$47 billion annually – not including the cost of damages to victims.

In addition to the cumulative national costs of illegal immigration, the FAIR report breaks down each state's cost burdens. These state costs provide vital information to citizens and local lawmakers as they struggle to address the burdens imposed upon them by the Biden administration's de facto open borders policies. As the costs mount, many are considering legislation that discourages illegal aliens from settling in their jurisdictions.

Total Fiscal Burden of Illegal Aliens



Total National Expenditures

\$182,057,865,000

—



Total Tax Contributions

\$31,391,635,000

=

\$150.7
BILLION

Total Burden on Taxpayers

\$150,666,230,000

Immigration
REPORT

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The release of FAIR's study received national and local news media attention and has been cited by members of Congress who are pushing back against the Biden administration's bankrupt (literally and figuratively) policies. The report was also widely discussed on talk radio programs across the country.

The Fiscal Burden of Illegal Immigration is the product of a prodigious effort by FAIR's Research Department which spent months combing through

numerous databases to find information which is often deliberately obscured to keep American taxpayers in the dark about the costs of illegal immigration. The report was compiled by FAIR researchers: Spencer Raley, Pawel Styrna, and Michael Capuano.

The full report, *The Fiscal Burden of Illegal Immigration*, is available on FAIR's website, www.fairus.org.

Border Patrol Chief Torches Mayorkas and Biden on the Border

At a House Homeland Security Committee hearing held in McAllen, Texas, Border Patrol Chief Raul Ortiz contradicted claims by the White House and his direct boss, Homeland Security Secretary Alejandro Mayorkas, that we have operational control of our southern border. In response to a question posed by Chairman Mark Green (R-Tenn.), "Does DHS have operational control of our entire border?" Ortiz replied, "No sir."

Operational control is a statutorily defined term meaning "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics and other contraband." Not only did Ortiz concede that that is not the case, he made it clear that under the Biden administration, meeting the legal requirement of operational control is not even a goal of this administration. "About ten years ago, we used operational control as a measuring stick of our effectiveness along the southwest border. My new strategy is geared towards mission advantage," he told the committee. "Mission advantage" is an entirely made-up term that has no legal definition.

The March 15 hearing at one of the epicenters of the Biden Border Crisis was boycotted by every Democratic



member of the committee. Nevertheless, it elicited vital information from Ortiz (and others who testified under oath). There were many more important revelations Ortiz made during his testimony.

Scrapping the border wall was a mistake. Regarding the Biden administration's decision to halt construction of additional border wall already paid for by U.S. taxpayers, Rep. Josh Brecheen (R-Okla.) asked, "Do you disagree with [the president's] decision to shut down construction?" Once again, Ortiz dissented from the administration's position, adding that, in his opinion, the wall is a "helpful" tool to secure the border. Chief Ortiz also voiced disagreement with decisions made in Washington to remove parts of the wall, objecting



Biden Claims Credit for Reducing Illegal Immigration When He's Actually Rerouting It

The number of people encountered by Border Patrol attempting to enter the U.S. illegally in February was nothing to boast about. But the Biden administration boasted about it anyway. With much fanfare, they took credit for reducing the number illegal border-crossers encountered between ports of entry to ‘just’ 128,877. But the Border Patrol encounters only told part of the story. As the number of Border Patrol encounters dipped, the number of illegal migrant encounters by the Office of Field Operations (OFO) skyrocketed to 83,389. OFO handles illegal migrants who attempt to enter the U.S. through legal ports of entry.

The boom in OFO encounters is a result of a new program that encourages migrants to use a government-developed phone app, CBP One, to schedule an appointment at a legal port of entry to make an initial claim for political asylum. If the migrants clear the very low bar set for establishing a “credible fear” claim, they are allowed to enter the U.S. under

parole while they wait years for a full hearing on their asylum claim. Most of these claims will eventually be denied, but there is little chance that the migrants will be compelled to leave even after their asylum cases are rejected. Additionally, the administration has created another program that allows 30,000 migrants from Cuba, Haiti, Nicaragua, and Venezuela to fly directly to the U.S.—per month.

Thus, the administration’s ‘success’ in controlling the border amounts to nothing more than moving a hefty chunk of Border Patrol encounters to OFO. The combined total for February was 212,266, which is also a bit deceptive because February is only 28 days and at an average of 7,581 migrant encounters per day, there would have been between 15,000 and 22,000 additional encounters in a typical month.

The official February stats also do not include “gotaways,” people who are detected entering the country illegally, but who are

not apprehended and processed. Customs and Border Protection estimates that about 50,000 migrants elude apprehension each month, but in recent congressional testimony Raul Ortiz, Chief of the U.S. Border Patrol, conceded that that is likely an underestimate. More concerning is that 16 people on the government’s Terrorist Screening Database were encountered at the border in February.

With President Biden gearing up for a reelection bid next year, the chaos along the southern border is seen as a political liability. What we saw in February were the results of an effort by the administration not to curtail illegal immigration, but to address the bad optics of hundreds of thousands of people pouring across the border illegally each month. Through an illegal exercise of parole authority, the administration is attempting to deceive the American public by rerouting would-be illegal border crossers through legal ports of entry.

Border Patrol Chief

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to the fact that Customs and Border Protection (CBP) “tore down a perfectly good infrastructure system in some areas that we should have just left alone” in places like Del Rio, Texas.

CBP is under-counting “gotaways”. CBP officially places the number of people who were detected entering the country illegally in the past two years, but who were not apprehended (because agents are tied up processing the people they do encounter), at about 1.4 million. Ortiz told the committee that the actual number of gotaways is likely 10 to 20 percent greater than the official tally, which could mean as many as 1.7 million people, whom we know nothing about, eluded capture and are in the country.

The border crisis and the fentanyl crisis are directly related. The same criminal cartels that are moving millions of illegal aliens across the border are also in the business of smuggling lethal fentanyl into the United States. Ortiz noted, “What we’ve seen this fiscal

year is a 101% increase in fentanyl seizures in between the ports of entry.” The cartels, which increasingly seem to be the ones with ‘mission advantage’ at the border, are not just ruthless criminals. They are also shrewd businesspeople, and if seizures have doubled in the last year, it is fair to assume that many more times that amount is successfully getting through.

The focus is on processing migrants, not stopping them. Ortiz conceded that under the Biden administration, CBP is being turned into a “processing enterprise” rather than an enforcement agency. Instead of preventing people from violating our immigration laws, the goal is to process and release violators as quickly and efficiently as possible.

Ortiz’s remarkable testimony confirms just about everything FAIR has been saying about the Biden-Mayorkas policies. Those in charge are in direct violation of their sworn oaths to uphold the laws of our nation and, instead, are working to subvert those laws.

Federal Judge Strikes Down Biden ‘Catch-and-Release’ Policy

For more than two years, the Biden administration has considered immigration laws to be nothing more than suggestions, which they choose to ignore. The administration has repeatedly asserted that it wields virtually unlimited discretion in determining when and if to enforce immigration laws – which seems to be very rarely.

A lawsuit was brought by the State of Florida challenging the Biden administration’s catch-and-release policies under which migrants encountered illegally crossing our borders are quickly processed and allowed to enter the country. In many instances, the migrants being set free are not even given Notices to Appear (NTAs) for a hearing on their asylum claims.

On March 8, Federal District Court Judge Kent Wetherell issued a summary judgment in favor of Florida, which claimed that the Biden catch-and-release policies were imposing burdens and harming the interests of the state. Florida’s lawsuit was supported by a friend-of-the-court brief by the Immigration Reform Law Institute (IRLI), FAIR’s public interest law affiliate. In its brief,

Catch-and-Release

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IRLI showed that contrary to the administration’s claim of virtually unfettered discretion, Congress very clearly and sharply limited the administration’s discretion when it mandated that illegal aliens be detained and removed from the country.

At the end of a four-day bench trial, Judge Wetherell clearly agreed. In a blistering 109-page opinion, the court harshly denounced Biden’s immigration policies, saying that his actions since January 20, 2021 “were akin to posting a flashing ‘Come In, We’re Open’ sign on the southern border,”

and that Biden has “effectively turned the Southwest Border into a meaningless line in the sand and little more than a speedbump for aliens flooding into the country.”

The court gave the U.S. Department of Justice (DOJ) a week to appeal his ruling. In what appears to be a clear admission that the administration’s expansive catch-and-release policy does not have a legal leg to stand on, DOJ allowed the week to elapse without filing an appeal.

The ruling and DOJ’s inaction in response represents a huge victory

for the interests of the American public and a stinging rebuke of the Biden administration’s policies. The degree to which the Biden administration complies with the court’s ruling remains to be seen. Past rulings ordering the reinstatement of laws they have asserted the discretion to ignore have, themselves, been largely ignored. In recent months, the administration has abused its very limited authority to parole aliens into the country as a way to circumvent legal bars to admission of large numbers of foreign nationals.



News from State and Local Operations

Florida

The legislative session for the nation’s third largest state is a short one, running from March until early May. When it comes to immigration matters, the motto for the 2023 session seems to be, ‘Go big before we go home.’ Even before the Legislature convened in Tallahassee, Gov. Ron DeSantis laid out an ambitious list of immigration measures he wanted lawmakers to

tackle. These include: Increasing penalties for human smuggling; mandatory E-Verify; banning locally-issued IDs for illegal aliens and refusing to honor driver’s licenses issued to illegal aliens in other states; eliminating authorization for illegal aliens to practice law in Florida; ending in-state tuition benefits for illegal aliens; and tightening existing anti-sanctuary laws.

The governor's priorities were packaged into two bills, Senate Bill 1718 and House Bill 1617, which were introduced on the first day of the legislative session, March 7. A week later, on March 15, SB 1718 was voted favorably out of the Senate Rules Committee by a 15-5 vote, along party lines and was referred to the Senate Fiscal Policy Committee. As of completion of this edition of the FAIR Immigration Report, the House had not taken action on its version of the bill.

FAIR has worked closely with immigration reform activists and legislators in Florida to promote this list of legislative reforms that would cement Florida as the leader in commonsense immigration policies aimed at discouraging illegal immigration. With Republican super-majorities in both chambers, Gov. DeSantis' immigration agenda should have little trouble making it across the finish line before the Legislature adjourns on May 5.

Texas

No state has more directly borne the impact of the Biden Border Crisis than Texas. The state has spearheaded numerous successful lawsuits against the Biden non-enforcement policies (which the administration has largely ignored), taken steps on its own to secure the border, and facilitated the transfer of migrants to sanctuary states that claim to welcome illegal aliens. In the current session of the Texas legislature – which meets only every other year – lawmakers are testing the limits to which states can act to protect themselves against mass illegal immigration, when the federal government refuses to honor its responsibility to secure our borders.

A bill introduced in the Texas House, HB 20, would create a Border Protection Unit under a director appointed by the governor. This agency would coordinate and spearhead all of Texas' efforts regarding the border, and illegal immigration. It would also have the authority to arrest, detain and “repel” illegal aliens back across the border. The bill declares that “[t]he Legislature, acting with the governor, has the solemn duty to protect and defend the citizens of Texas” against the imminent danger posed by the ongoing border crisis.

In the Texas Senate, SB 2424 would make unlawfully crossing an international border into Texas a state crime, punishable by up to a year in jail for a first offense, two years for a second or subsequent offense, and up to life in prison for convicted felons. The bill would also specifically authorize law enforcement to arrest and prosecute anyone anywhere in the state for this crime. Both the House and the Senate bill would likely be signed into law by Gov. Greg Abbott.

These bills appear expressly designed to test the constitutional limits of state authority regarding immigration law and the extent of federal preemption, which was last addressed by the U.S. Supreme Court in *Arizona v. United States* in 2012, parts of which were struck down. Given the current administration's overt refusal to carry out its duties to secure the border and protect the states, as well as the current composition of the Supreme Court, supporters of these bills believe that they would pass judicial muster.

Minnesota

While Florida and Texas are working to make themselves less attractive to illegal immigration, Minnesota has moved in the opposite direction. On March 7, Gov. Tim Walz signed legislation making Minnesota the 19th state to grant driver's licenses to illegal aliens. At the signing ceremony, Gov. Walz declared, “We're going to erase 20 years of a bad policy and lift up the dignity of all Minnesota.” The “bad policy” Walz was referring to was adopted after the attacks of 9/11, in which terrorist who were illegally in the United States used state-issued driver's licenses to facilitate those attacks. So apparently, in the estimation of the Minnesota Legislature and governor, making driver's licenses available to anyone who shows up and passes a driving test constitutes “good policy.”

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