

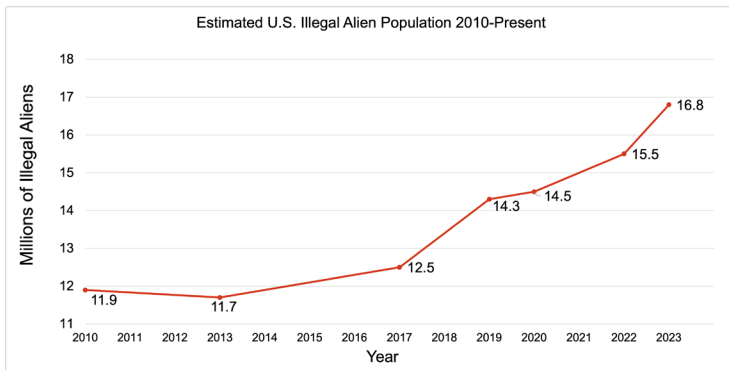
IMMIGRATION REPORT



The Biden Bump: FAIR Estimates Illegal Alien Population Has Grown 2.3 Million in Two Years

An analysis by FAIR of the most recent Census Bureau data reveals that at least 16.8 million illegal aliens now reside in the United States. This figure represents an increase of 1.3 million just since the beginning of 2022, and 2.3 million since President Biden took office in January 2021. At the current pace of illegal immigration, more illegal aliens will have entered the United States in the first three years of the Biden administration than in the entire decade of the 2010's.

Along with the sharp increase in the illegal alien population comes sharp increases in costs to American taxpayers. The unprecedented level of influx of new illegal aliens over the past year will add \$12.6 billion annually to the costs of illegal immigration, bringing the cumulative net cost to at least \$163 billion a year. At the current pace of illegal immigration, the annual net cost will exceed \$200 billion by 2026.



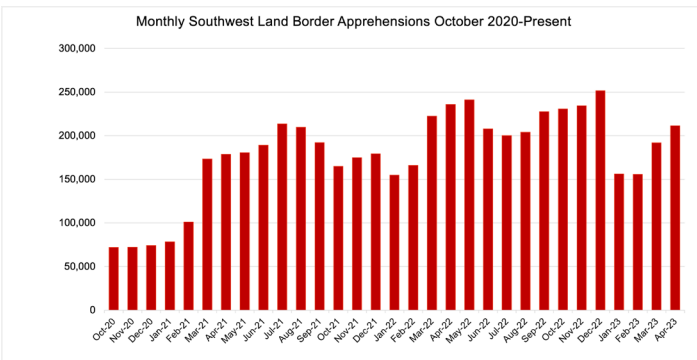
FAIR's 16.8 million estimate is a very conservative one. The Census Bureau measures the foreign-born population, and the subset of that population that is here illegally, in its annual American Community Survey (ACS) and its monthly Current Population Survey (CPS). By the Bureau's own reckoning, their surveys undercount the illegal alien population by about 30 percent because people in that cohort are reluctant to respond to their inquiries.

Additionally, the Bureau's survey samples only track people with fixed addresses that are on file with the

Illegal Alien Population

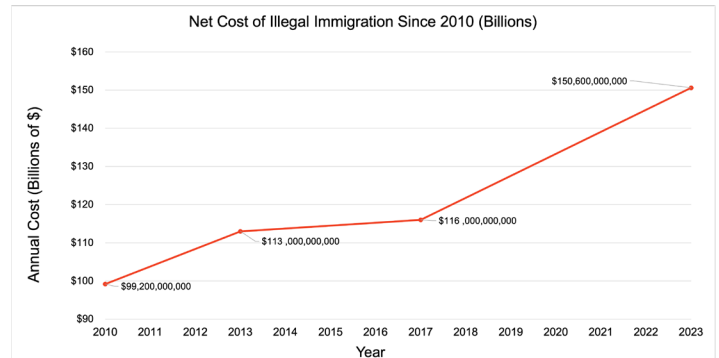
from page 1

government. As we know from the growing chorus of complaints from governors and mayors across the country, a large percentage of the newly arriving illegal aliens are residing in temporary shelters. The surveys also exclude the huge number of “gotaways” or other individuals who have been paroled into the U.S. and live under the radar. FAIR’s analysis relies only on the available data and avoids speculating about the size of the illegal population for which no data are available – even though those numbers are quite significant.



Likewise, the estimate of an additional \$12.6 billion in public costs – over and above the \$151 billion documented in FAIR’s report, *The Fiscal Burden of Illegal Immigration on United States Taxpayer*, which was released in March – is conservative, and destined to grow in coming years. Over time, the newly arriving migrants will increase their use of publicly-funded schools, health care and other costly services. Moreover, the Biden administration continues to find new ways to abuse its very limited power to parole migrants into the country in order to make it seem as though the illegal immigration crisis is abating. Those admitted under

humanitarian parole have greater access to welfare benefits than other illegal aliens, making their presence in the country even more expensive to taxpayers.



Among other key findings of FAIR’s update of the illegal alien population:

- As of April 2023, the foreign-born population of the United States was just under 50 million – an all-time high.
- One out of every three foreign-born residents of the United States is an illegal alien.
- Between January 20, 2021 and April 30, 2023, some 2.3 million new illegal aliens have taken up residence in the United States.
- The current illegal alien population is greater than that of all but four U.S. states – California, Texas, Florida and New York.

The full report, *How Many Illegal Aliens Are in the United States?* is available on FAIR’s website, www.fairus.org.

Please remember FAIR in your estate plans.

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House Homeland Security Committee Investigates Secretary Alejandro Mayorkas for ‘Dereliction of Duty’

On February 2, 2021, Alejandro Mayorkas took an oath to ‘faithfully discharge the duties of the office’ as Secretary of the Department of Homeland Security (DHS). Two and a half years later, it is patently evident that not only is Mr. Mayorkas not faithfully discharging his duties as Secretary, but that he never had any intention of doing so.

On June 14, 2023, the House Homeland Security Committee, chaired by Rep. Mark Green (R-Tenn.), announced that it has launched an investigation to determine whether Secretary Mayorkas is in dereliction of his duties and in violation of his oath of office.

As Secretary, Mayorkas has refused to carry out his duties to enforce our nation’s immigration laws or secure our borders, resulting in an unprecedented humanitarian and national security crisis.

His actions have empowered and enriched international criminal cartels that engage in the abhorrent trade of smuggling and trafficking human beings, often with tragic consequences. Additionally, those cartels smuggle lethal narcotics, responsible for the deaths of more than 100,000 Americans each year, across the borders Mayorkas refuses to protect. At the same time, his defiance of our laws and his oath of office are imposing unsustainable burdens on communities all across the United States, costing American taxpayers additional billions of dollars.

Secretary Mayorkas has also overseen a precipitous decline in morale among the ranks of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) the two primary agencies within DHS that are charged with enforcing the nation’s immigration laws. While career law enforcement officers have been disciplined by Mayorkas and other political appointees for attempting to do their jobs (even



when they have been exonerated, such as the case of the mounted agents falsely accused of whipping migrants), the secretary has subcontracted important duties to open border advocacy groups, with little oversight.

Mayorkas has also repeatedly lied to the American public, and even under oath in testimony to Congress, claiming that our borders are secure. These falsehoods have been directly contradicted by CBP and ICE agents on the front lines, and by the recently resigned head of the Border Patrol, Raul Ortiz, who twice testified under oath that we do not have operational control of our borders.

More than a year ago, FAIR initiated calls for Mayorkas’ impeachment, citing many of the same reasons as the Committee did in opening its investigation of his actions. Since then, the situation has only grown worse. In addition to defying his duty to control the border and faithfully enforce our laws, Mayorkas, in recent months, has created illegal schemes under which DHS is allowing hundreds of thousands of inadmissible aliens to enter the country by abusing the Executive Branch’s very limited authority of humanitarian parole.

If the committee concludes that Secretary Mayorkas is in dereliction of his duties and in violation of his oath of office, the next step will be for the Judiciary Committee to consider initiating impeachment proceedings.



The Biden Administration's Claim that They Have Reduced Illegal Immigration is False

The Biden administration has been disseminating a very carefully crafted message designed to convince the American public that they have regained control of our borders. In the aftermath of the repeal of Title 42 in May, that message – repeated and amplified by compliant media outlets – asserts that there has been a 70 percent reduction in Border Patrol encounters of migrants crossing the border illegally between ports of entry (POEs).

The inference they want the American public to come away with is that *illegal immigration* has been reduced by 70 percent since the administration ended Title 42 and implemented what they claim are tough new policies that prevent people from entering illegally. If that sounds too good to be true, that's because it is. The number of inadmissible foreign nationals arriving in the United States continues at a record pace. But rather than crossing between POEs and being encountered by the Border Patrol, the Biden administration is redirecting them to land border POEs, or allowing them to fly directly to airports in the interior of the country, where they are encountered by another division with the Customs and Border Protection (CBP) agency, the Office of Field Operations.

The administration's "success" in stemming the number of Border Patrol encounters of migrants crossing illegally is premised on what they are touting as "new legal pathways" they have created for migrants to enter

the country. The problem is that the Executive Branch does not have the authority to create new legal pathways for people to enter the country. Under our Constitution, only the Legislative Branch has that power to do so, and Congress has not acted. But why let a little thing like the Constitution stand in their way?

In the past several months, policies formulated by Homeland Security Secretary Alejandro Mayorkas have redirected many illegal migrants who might otherwise have illegally crossed between ports of entry to land and air POEs. Beginning late last year, the administration announced it would grant humanitarian parole to up to 360,000 migrants annually from Cuba, Haiti, Nicaragua and Venezuela. Earlier this year they added Colombia to that list. The law governing parole is extremely limited: It must be done on a case-by-case basis and must serve some compelling humanitarian or national interest, and that people granted parole must leave once those requirements no longer pertain. Of course, none of these criteria is being applied.

The Department of Homeland Security (DHS) has also been encouraging migrants who wish to abuse our political asylum process to do so by using a phone app, known as CBPOne. As many as 40,000 migrants a month can now use the app to schedule an appointment at a POE to enter an asylum claim – the vast majority are then allowed to enter while they wait for years for their claims to be adjudicated.

Total CBP Enforcement Actions

Numbers below reflect Fiscal Year (FY) 2017 - FY 2023.

Fiscal Year 2023 runs October 01, 2022 - September 30, 2023.

| | FY17 | FY18 | FY19 | FY20 | FY21 | FY22 | FY23YTD |
|--|---------|---------|-----------|---------|-----------|-----------|-----------|
| Office of Field Operations (OFO) Total Encounters¹ | 216,370 | 281,881 | 288,523 | 241,786 | 294,352 | 551,930 | 570,587 |
| U.S. Border Patrol Total Encounters² | 310,531 | 404,142 | 859,501 | 405,036 | 1,662,167 | 2,214,652 | 1,246,371 |
| Total Enforcement Actions | 526,901 | 683,178 | 1,148,024 | 646,822 | 1,956,519 | 2,766,582 | 1,816,958 |

¹ Beginning in March FY20, OFO Encounters statistics include both Title 8 Inadmissibles and Title 42 Expulsions. To learn more, visit [Title-8-and-Title-42-Statistics](#). Inadmissibles refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

² Beginning in March FY20, USBP Encounters statistics include both Title 8 Apprehensions and Title 42 Expulsions. To learn more, visit [Title-8-and-Title-42-Statistics](#). Apprehensions refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

The migrants who enter under parole or using the CBPOne app are encountered by the Office of Field Operations (OFO), rather than by the Border Patrol. So, while the administration wants us to look at the declining number of Border Patrol encounters, they are hoping no one will notice the exploding number of OFO encounters. What DHS's own data show is that by the end of April – just seven months into the current fiscal year, the number of OFO encounters had already reached 570,587, which was more than recorded in all of FY 2022, which was itself a record-setting year for such encounters.

In other words, the administration's boast that *Border Patrol* encounters have been reduced does not mean that the numbers of illegal aliens entering the country has been reduced. It just means they have moved many of the encounters off of the Border Patrol's books and shifted them to OFO, while removing the bad optics of large numbers of migrants crossing the border between POEs. As the president gears up for his reelection bid next year, we should expect further abuses of presidential authority to convince the American public that illegal immigration is under control, when it is anything but.

House Committee Examines Biden Administration's Refusal to Enforce Immigration Laws

One of President Biden's first acts in office was to sign an executive order suspending all deportations for 100 days. A federal judge quickly blocked that order, but it nevertheless sent a clear message that his administration would ignore or subvert every immigration law that conflicted with their own open

borders policies. The judicial order, notwithstanding, the numbers of illegal aliens deported under the Biden administration have plummeted to historic lows and have been limited to small categories of lawbreakers who are deemed as "priorities" for removal.

House Examines Biden

from page 5

For the first two years of this administration, the Department of Homeland Security (DHS) was able to get away with refusing to enforce immigration laws, while Democrats controlled both houses of Congress. However, with Republicans now in charge of the House, lawmakers have begun to look into whether the administration can simply decide not to enforce laws they don't like. In June, the House Judiciary Committee held hearings to look into DHS's handling of the border crisis. The hearing posed the question, "Is the law being faithfully executed?"

Rep. Tom McClintock (R-Calif.), who chairs the subcommittee on Immigration Integrity, Security and Enforcement, zeroed in on the Biden administration's abuse of our asylum system and parole authority in his opening statement. "The law specifically provides that any asylum claimant shall be detained while their claim is heard. This is now routinely ignored," McClintock said. "The law specifically provides that parole is to be granted only on a case by case basis for urgent humanitarian reasons or significant public benefit. This law is now being ignored while parole is granted en masse to release many tens of thousands of immigrants illegally into our country."

Among the key witnesses at the hearing was Chad Wolf, the former Acting Secretary of DHS. Wolf explicitly accused the Biden administration of refusing "to follow their legal obligations" to secure the nation's borders and enforce a whole range of immigration laws. He said the Biden administration intentionally decided to ignore its legal mandate to detain illegal aliens or make them wait in Mexico throughout their immigration court proceedings. Because of the mass influx of migrants that resulted, Wolf noted that DHS is simply releasing migrants with a directive to self-report to a local Immigration and Customs Enforcement (ICE) office when they reach their destination, rather than actually charging them and issuing notices to appear in court.

The hearing also addressed the "outsourcing" management of the border crisis to open border advocacy groups. Rep. Tom Tiffany (R-Wis.) contended that these groups are receiving large amounts of taxpayer money to run a "pipeline to our border" and that further investigation is warranted to determine whether they are encouraging and facilitating illegal immigration.

As far back as the Obama administration, FAIR has argued that Executive Branch policies that exempt entire classes of immigration law violators amount to unconstitutional nullification of our nation's laws. Under the Biden administration, nullification of our immigration laws has been taken to a whole new level. While presidents may disagree with laws, and can advocate for Congress to change them, they have a legal obligation to faithfully carry them out. Failure to do so, not only undermines the integrity of our immigration laws, but our entire constitutional system by rendering duly enacted laws meaningless.

The Judiciary Committee hearing on the Biden administration's subversion of immigration enforcement laws laid the foundation for a subsequent effort to look into DHS Secretary Alejandro Mayorkas' role in formulating policies that have effectively nullified those laws.



Los Angeles Officially Declares Itself a Sanctuary City, Texas Governor Responds, ‘Here You Go’

Up until June 9, Los Angeles wasn’t officially a sanctuary city. Who knew?

California is officially a sanctuary state. The city of Los Angeles has had Special Order 40 on its books since 1979, which assures illegal aliens that the Los Angeles Police Department will not inform federal authorities when they encounter an illegal alien. Former Mayor Eric Garcetti signed a proclamation in 2019 assuring illegal aliens that they would be protected in Los Angeles. Los Angeles County bars Immigration and Customs Enforcement from entering its jails to identify deportable criminal aliens. But much to the surprise of everyone, the city of Los Angeles had never officially approved a sanctuary ordinance.

That oversight has now been “corrected.” By a 12-0 vote (with two members absent), the City Council codified its longstanding policy of obstructing the enforcement of federal immigration laws. “One in ten Angelenos are undocumented, and this community needs to be able to trust the government and access critical services just like anyone else,” rejoiced Councilman Hugo Soto-Martinez, one of the sponsors of the ordinance. Another sponsor, Councilwoman Nithya Raman, declared, “A significant number of residents in Los Angeles live in fear of being apprehended, detained and deported by federal immigration authorities” – a “fear” that under the current administration is about as real as being abducted by Martians.

Nevertheless, Mayor Karen Bass and members of the council got to bask in the warm glow of their virtue signaling for a few days, until. . . Texas Governor Greg Abbott took LA up on its offer.

Virtue signaling quickly gave way to righteous indignation. “Los Angeles is not a city motivated by hate or fear and we absolutely will not be swayed or

moved by petty politicians playing with human lives,” huffed Mayor Bass, adding that the city was “on the receiving end of a despicable stunt.” She was talking about the *40 migrants*, who got off the bus.



But even her outrage could not match that of California Governor Gavin Newsom, who was still seething about the 16 migrants the state of Florida had picked up in Texas and rerouted to Sacramento a week earlier. In response to that move to test the resolve of a self-declared sanctuary state, Gov. Newsom threatened to charge Florida Gov. Ron DeSantis with kidnapping and false imprisonment, even though all 16 passengers agreed to be bused to Sacramento.

Los Angeles County Supervisor Janice Hahn, however, took it in stride. “We were prepared to welcome these immigrants. The Catholic Church is stepping up to help and we will work to reunite them with their families,” even though all the children in the group arrived in Los Angeles in the company the family members they crossed the border with.

With such a welcome, Ms. Hahn, the governor, the mayor, the city council and the Catholic Church should be expecting many more to arrive in their now official designated sanctuary city in the coming weeks and months.

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