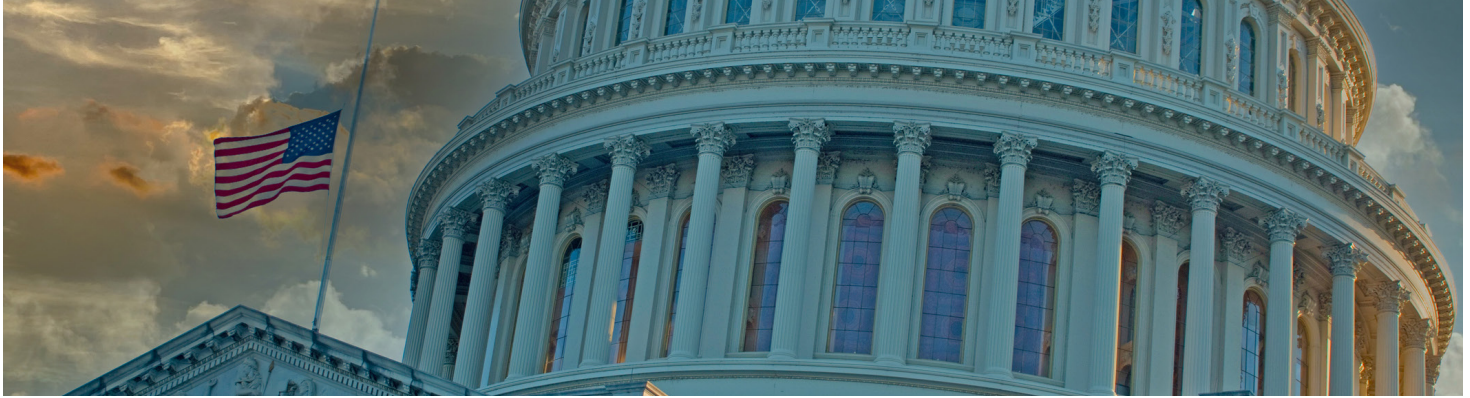


# IMMIGRATION REPORT



## Senate Border Security ‘Compromise’ Bill Crashes and Burns After FAIR Exposed It as a Sham

It took a handful of senators – meeting in secret for months – to craft what they billed as a bipartisan plan to secure our borders and halt mass illegal immigration. It took three days for the plan to go down in flames, as FAIR and others exposed that it was not a border enforcement bill at all. The only thing that was compromised in the bill’s 370 pages were the interests and security of the American people.

The closely-guarded bill was released late on Sunday evening, February 4. FAIR’s government relations team quickly divvied it up and read through it, section by section. What jumped out immediately was that the Senate border package would not secure our borders. Rather than offering real policy changes to stop the border crisis, the bill actually codified catch-and-release policies that encourage asylum abuse and was packed with giveaways to open-borders advocates.

First, the bill would have created an asylum system that requires all migrants to be released by simply claiming asylum (i.e. released before they are screened by an

asylum officer) – codifying the Biden administration’s catch-and-release policies already in place. The bill also offered asylum-seekers work permits almost immediately, creating even greater incentive for economic migrants to engage in asylum fraud.

Second, the so-called enforcement provisions would have expired after three years and were riddled with exceptions and loopholes. Under the bill, the president would not have been required to expel illegal migrants until border encounters reached 5,000 a day over a seven-day period – essentially setting illegal entries of 1.825 million people a year as an acceptable level. But even that provision included broad exceptions. Aliens seeking asylum or parole at ports of entry, unaccompanied minors, and trafficking victims would have all been exempted from automatic expulsion, as well as any aliens the government feels should be exempted for operational reasons or “the totality of the circumstances.”

The Senate plan also failed to end the Biden administration’s flagrant abuse of parole authority,

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# Border Security Bill

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under which they have allowed hundreds of thousands of otherwise inadmissible aliens to enter the country. In several places, the bill stated that nothing in the legislative language should be construed to expand or narrow the parole powers already in the statute.

Finally, the bill contained giveaways for open-borders advocates and special interests. It expanded legal immigration by adding 50,000 green cards every year for five years. It also granted work permits to the spouses and children of H-1B workers, allowed adult children of H-1B workers to obtain green cards essentially as dependents, legalized Afghan parolees, and spent billions in taxpayer funding for NGOs to facilitate illegal immigration.

FAIR quickly disseminated our legislative analysis to Senate offices that had been left in the dark as the backroom deal hammered out by Senators James Lankford (R-Okla.), Chris Murphy (D-Conn.) and

Kyrsten Sinema (I-Ariz.) was set for a vote only three days later. Additionally, FAIR's analysis was also circulated to news media outlets all across the country in order to rebut the false assertions that this was a sincere effort to control the border and halt mass illegal immigration.

By the time the Senate voted the verdict was in. In a procedural motion to take up the bill, the 'compromise' not only failed to garner the 60 votes needed to move forward, it did not even win a simple majority, failing 50-49.

While the sham bill was quickly defeated, it also represented a missed opportunity to pass real border security and immigration enforcement legislation, like H.R. 2, the Secure the Border Act, which was passed by the House last May. FAIR will continue to advocate for inclusion of H.R. 2 in other must-pass legislation that comes up throughout the remainder of this year.



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# Mayorkas Impeached

## House Sends a Clear Message that the Homeland Security Secretary Must Be Held Accountable

Homeland Security Secretary Alejandro Mayorkas, the architect of the ruinous Biden Border Crisis, was finally impeached by the House of Representatives for his “willful and systemic refusal to comply with the law” and his “breach of public trust.” On February 13, by a vote of 214-213, the House approved articles of impeachment, based on Mayorkas’ refusal to enforce countless immigration laws and secure our borders, repeatedly obstructing congressional oversight, and making false statements to Congress and the American people. FAIR has been at the forefront, making demands for his removal.

While illegal immigration has been a long-standing problem, Secretary Mayorkas’ actions have actually encouraged it. Indeed, Mayorkas has ‘distinguished’ himself by his deliberate efforts to undermine the laws he swore to uphold and by his brazen efforts to replace those laws with his own policies. Mayorkas inherited many effective policies, put in place by the previous administration, that had resulted in some of the lowest levels of illegal immigration in recent history, and proceeded to systematically dismantle them.

During his first year in office, Mayorkas also gutted the enforcement capability of the Immigration and Customs Enforcement (ICE) agency under his command through a series of policy memos. Under those edicts, he barred ICE from arresting, detaining and removing all but a miniscule fraction of the more than 16.8 million illegal aliens in the country. In an explicit contradiction of federal statutes, he declared that merely being present in the country illegally is not sufficient grounds for initiating removal proceedings.

The results of his sabotage of laws and policies were immediate and dramatic. By the end of his third year at the helm of DHS, some 10 million illegal aliens had

entered the country, including about 1.8 million who were never encountered and have disappeared into the country. With the end of Title 42 last May – a public health provision invoked during the COVID pandemic that allowed for immediate expulsion of illegal aliens encountered at the border – Mayorkas privately conceded that some 85 percent of those encountered at the southern border are now being released into the country.

Mayorkas’ dereliction of his duties as Homeland Security Secretary have not been limited to undermining our laws. His actions have imperiled the security of the United States, leading House Homeland Security Committee Chairman Mark Green (R-Tenn.) to label him, “the greatest domestic threat to the national security and the safety of the American people.” At a time when Iran and its proxy terror groups have made overt threats against the United States, and FBI Director Christopher Wray has testified that the dangers posed by these groups have reached a “whole other level,” Mayorkas continues to resist enforcement of our laws and protection of our borders.

Unfortunately, the adoption of articles of impeachment alone won’t remove Mayorkas from office. Removal requires a conviction by a two-thirds majority of the Senate. Still, this extraordinary action by the House – impeaching only the second cabinet member in U.S. history – sends a clear message that this is an unprecedented case of a public official deliberately subverting laws and violating his oath of office.

Now that the House has acted, all eyes are on the Senate. The House is expected to send the impeachment articles to the Senate in the coming weeks, following the government funding debate, but Senate Majority Leader Chuck Schumer (D-N.Y.) is already rumored to

# Mayorkas Impeached

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be considering a motion to dismiss them on arrival. If the Senate fails to convict the Secretary or fails to take up the articles of impeachment altogether, FAIR will continue to press the case for Mayorkas to either resign or be fired by President Biden. The American people deserve a secretary who is prepared to uphold the rule of law and faithfully carry out the duties of the office.

FAIR first began calling for Mayorkas' impeachment more than a year ago. For a comprehensive list of Secretary Mayorkas' deliberate actions designed to undermine border and immigration enforcement, go to "Secretary Mayorkas: Betraying the American People," on FAIR's website [www.fairus.org](http://www.fairus.org).

## FAIR Visits Texas Border; Finds that State Efforts are Having a Significant and Positive Impact

In early February, a team of FAIR researchers headed to the U.S.-Mexico border along the Rio Grande River to get a firsthand look at the impact of the Biden Border Crisis. The area around Eagle Pass and Del Rio, Texas, has seen some of the highest levels of illegal immigration in recent months, as nationwide border encounters soared to a record 370,925 in December.

Not only has that section of the Rio Grande been ground zero for the illegal alien invasion, but it has also been the center of a confrontation between the State of Texas and the federal government, which has primary responsibility for controlling the border. In recent months, Texas has enacted new state laws designed to deter illegal aliens from entering the state, and taken action on its own to prevent them from crossing into Texas. Texas' actions have sparked legal battles with open borders advocacy groups and with the Biden administration, which has staked out the position that not only won't they enforce our nation's immigration laws, but they will fight anyone else who tries to enforce them.

One of the key pieces in Texas' strategy to deter illegal aliens from entering the state was enactment of SB 4, which authorizes state law enforcement agencies to arrest and detain people suspected of entering the

country illegally. That law was set to go into effect on March 5. However, on February 29, a federal judge in Austin blocked implementation of SB 4 in response to a lawsuit brought by the Biden administration. That ruling was appealed by the state. On March 3, the Fifth Circuit Court of Appeals granted a temporary stay of the lower court's order. On March 5, the U.S. Supreme Court issued a temporary stay until March 13 while it considers whether it will allow the state to enforce Senate Bill 4. As this unfolds, updates will be posted on FAIR's website, [www.fairus.org](http://www.fairus.org).

The objective of FAIR's visits to border hot spots is to educate the American public about what is going on and the impact that it is having on the lives of the people who live and work in those areas. As many traditional news media outlets either ignore the border crisis or present a biased picture of what is happening, FAIR has undertaken efforts to fill the void with our own reporting. With large numbers of followers on our social media outlets, FAIR has the ability to bypass traditional media gatekeepers and deliver important information to millions of people.

During our week in the region, we met with local law enforcement officials, county prosecutors, ranchers and other local residents, who recounted how their lives



have been impacted over the past three years. Each of them ascribed the border crisis and its effects on the safety and security of their families and communities to the policies of the Biden administration. We encourage people to go to FAIR’s YouTube channel (enter Federation for American Immigration Reform in YouTube’s search engine) to view interviews conducted with local residents and officials, and scenes from the border region.



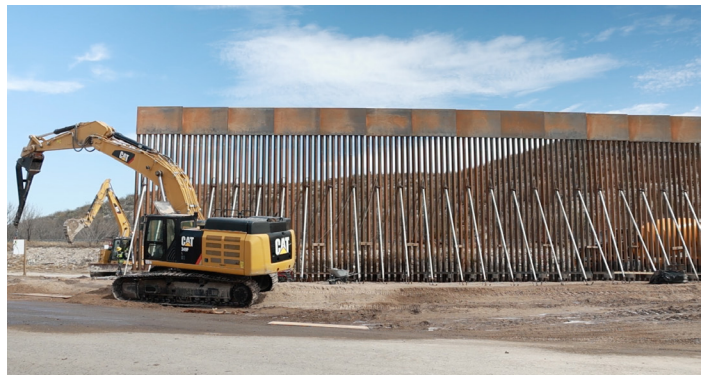
While the border crisis rages on, we also found evidence that Texas’ recent efforts to address it on its own are paying immediate dividends. Law enforcement and government officials, as well as local residents, report that the flow of illegal aliens into their communities has declined significantly in recent weeks due to new state laws and policies designed to deter and prevent illegal aliens from crossing into Texas.

In contrast to the thousands of people fording the Rio Grande each day as recently as December – many in broad daylight – we witnessed many fewer crossings during early February. The illegal crossings we saw and recorded occurred mainly at night and were smaller groups of working age men who were apprehended by Border Patrol agents.

At Shelby Park, a stretch of open land on the riverfront in Eagle Pass that just a few weeks earlier was being overwhelmed by migrants crossing illegally, we saw none. The park is where Texas has placed shipping containers, topped with razor wire, along the banks of the river and stationed National Guard troops at the park’s entrance to prevent the federal government from cutting the wire or removing the barriers.

The Biden administration, which is fighting Texas’ efforts in court, has been given a green light to remove the barriers the state has put in place while the case makes its way through the legal system, but has largely refrained from doing so. According to a captain in the Texas Military Department we spoke with, members of the federal Border Patrol – who are themselves residents of these border communities – do not want to remove the barriers and have so far not been forced to do so by orders from Washington.

Fifty-five miles upriver from Eagle Pass, in Del Rio, another city that was being overwhelmed a few weeks earlier, we saw construction of Texas’ own border wall being built. The Texas-built wall is almost identical to the federal border wall construction that President Biden halted on his first day in office. The state-built wall is designed to protect the safety and security of the state and its residents. The statistics do not lie. U.S. Customs and Border Protection (CBP) statistics show that in different Texas sectors of the border, illegal alien encounters are down between 23 percent and 69 percent.



# Texas Border

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While this is all good news for Texas, it does not solve the national illegal immigration crisis unleashed by the Biden administration's policies. The decline in illegal aliens crossing into Texas has been offset by sharp increases in illegal traffic across some other sections of the border. In the Tucson section of the border in Arizona, encounters are up over 182 percent. The criminal cartels that smuggle and traffic record numbers of people across our borders are simply taking the path of least resistance and avoiding Texas in favor of states that are more hospitable to illegal immigration.

What Texas has demonstrated, however, is that the current border crisis does not need to be an immutable fact. Contrary to the protestations of the Biden administration that nothing can be done about mass

illegal immigration until Congress yields to their demands for mass amnesties and the creation of "new legal pathways" to accommodate everyone who wants to come here, it can be significantly curtailed.

Second, Texas has shown that states are not powerless to act when the federal government refuses to carry out its obligations to enforce our borders and immigration laws. Citizens in other states – even those that do not share an international border – can encourage their own state and local governments to emulate the steps Texas has taken in the absence of a meaningful effort by the federal government to address the problem. We urge FAIR members and supporters to contact our State and Local Engagement team to learn more about making an impact in your own communities.

## Show Us the Money: How States and Local Governments Make Themselves Magnets for Illegal Immigration

Preventing illegal aliens from getting into the country is primarily the responsibility of the federal government (although, as this month's report from the Texas border demonstrates, states are not entirely powerless to deter and prevent illegal immigration). Where the aliens wind up after they enter illegally is often determined by the policies adopted by state and local governments. Local jurisdictions that accommodate, or even reward illegal immigration, find themselves attracting large numbers of illegal aliens to the detriment of their own citizenry.

### **New York**

No place in the country has been hit harder by the influx of illegal aliens over the past several years than New York City. Some 175,000 migrants have turned up in the Big Apple in less than two years, and the flow shows

no sign of abating any time soon. The city has budgeted \$12 billion to provide for migrants' needs between now and the end of Fiscal Year 2025. According to New York City Councilwoman Vickie Paladino, the city now spends more on the migrants than it does on the Police, Fire and Sanitation Departments combined. Mayor Eric Adams is resorting to across-the-board cuts to every city agency to offset the costs.

New York City is facing a full-blown crisis, to which Gov. Kathy Hochul and the state legislature have responded by adding new benefits for asylum abusers. The state, which is facing its own \$4.3 billion budget deficit (exactly the amount that Gov. Hochul has set aside out of the state's budget to provide for needs of the migrants), has quietly made changes to its Safety Net Assistance program to offer benefits to 'asylum-

seekers.’ The cash assistance, which amounts to “hundreds of dollars per month,” can be used by the migrants to cover the costs of housing, utilities, clothing and other necessities. This new enticement for more illegal aliens to settle in New York has even raised the ire of some Democratic lawmakers. New York City Councilman Robert Holden decried the new benefits, saying “endless handouts to the entire world are a slap in the face to every citizen who has contributed to and sacrificed for this country.”

### **Washington**

New York is far from the only state offering additional benefits to illegal aliens and a slap in the face to citizens. On top of the \$2.62 billion a year in costs that Washington State incurs as a result of illegal immigration, the state has come up with new ways to funnel cash assistance to illegal aliens. A report from the Economic Policy Innovation Center (EPIC) revealed that Washington diverted \$340 million in federal COVID funds to illegal aliens. These funds, distributed as checks or prepaid cards ranging from \$1,000 to over \$3,000, were administered by the Washington State Department of Social and Health Services to aliens ineligible for pandemic relief. Just to be sure that illegal aliens did not miss out on the free cash, the state allocated \$283,000 to advertise the availability of the assistance. Not surprisingly, Washington has become a magnet for illegal aliens, with 60,000 settling in the Evergreen State between 2017 and 2021 and, undoubtedly, many more arriving since the Biden administration threw open the floodgates.

### **Colorado**

Like his counterpart in New York, Denver Mayor Mike Johnston is having to resort to deep cuts in city services in order to accommodate the needs of some 40,000 newly-arrived illegal aliens. Denver recently cut \$5 million from public services to provide shelter, health care, schooling and other services to migrants. These public service cuts are in addition to the \$25 million that were already diverted last month from the city’s budget to address the migrant crisis.

Even these cuts are unlikely to cover the costs of the

Biden illegal immigration crisis. Mayor Johnston says the city may be on the hook for an additional \$180 million in 2024 and has asked every office from the police department to the Clerk and Records office to plan for additional cutbacks. However, one option the mayor refuses to consider is repealing Denver’s sanctuary city status. Despite the crushing burdens, Johnston reiterated that Denver remains “a welcoming city, and we also don’t want to cut core city services. But, right now, we’re in this dilemma where we can’t get any help from the federal government on work authorization or on controlling entry or on the ability to actually provide resources to cities.”

### **FAIR is Responding**

Meanwhile, FAIR is working with state and local officials on ways to make their jurisdictions less appealing to illegal immigration and protect the interests and resources of their citizens.

- In Colorado, FAIR is working with law enforcement and activists in the state to support HB 1128, which was recently heard in the State, Civic, Military, and Veterans Committee. This legislation, while facing an uphill battle, would reinstate Colorado’s anti-sanctuary ban.
- In Indiana, FAIR is supporting passage of Senate Bill 181, which would add teeth to the state’s existing anti-sanctuary law. SB 181 has already passed the Senate and is moving in the House.
- In New Hampshire, Shari Rendall, FAIR’s Director of State and Local Engagement, testified in February in support of Senate Bill 563. That bill stipulates clearly that, “No state government entity, local government entity, or law enforcement agency shall knowingly enact, issue, adopt, promulgate, enforce, permit, endorse, maintain, or have in effect any sanctuary policy.”

As the burdens of the Biden illegal immigration crisis become more onerous on state and local governments, our State and Local Engagement departments urge members and government officials to reach out for ideas and legislative language that can help them avoid, or repeal, ruinous sanctuary policies.



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