



FAIR Federation for American Immigration Reform

# Immigration

## REPORT

FEBRUARY 2009

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## New FAIR Report:

### *Who's Lobbying on Immigration?*

According to the findings of a new research study by the Federation for American Immigration Reform (FAIR), 521 corporations, trade associations, business groups, labor organizations, government entities, and nonprofit organizations reported lobbying on three critical immigration bills introduced in Congress over the past three years. The report, *Immigration Lobbying: A Window into the World of Special Interests*, examines lobbying activities on two versions of the comprehensive amnesty and guest worker bills that were introduced in the Senate in 2006 and again in 2007. The third piece of legislation was a 2008 House bill that would have scrapped the highly effective E-Verify program.

*Immigration Lobbying: A Window into the World of Special Interests*, is the first in-depth look at lobbying activity on these important bills. Had they been enacted, millions of illegal aliens would have received amnesty and American workers would have faced irreparable harm.

Among those filing reports with the

Clerk of the House and the Senate Office of Public Records, 98 percent of those lobbying on these bills were on record supporting amnesty for illegal aliens, increases in government mandated immigration, new or expanded guest worker programs,



*Immigration Lobbying: A Window into the World of Special Interests*, is the first in-depth look at immigration-related lobbying activity.

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Who's Lobbying? continued

and elimination of effective procedures to verify worker eligibility.

Collectively, those who reported lobbying on these immigration bills spent \$345 million during this time period. While it is impossible to determine how much of that considerable sum was spent lobbying on specific pieces of immigration legislation, virtually all of the lobbying money expended by these groups is directed at gaining some benefit for themselves.

Only about 2 percent of those lobbying on these bills are known to have promoted positions in favor of enforcement of existing immigration laws, limiting the influx of foreign guest workers, and reducing overall levels of immigration. This small group working to advance the public interest in the immigration debate included FAIR.

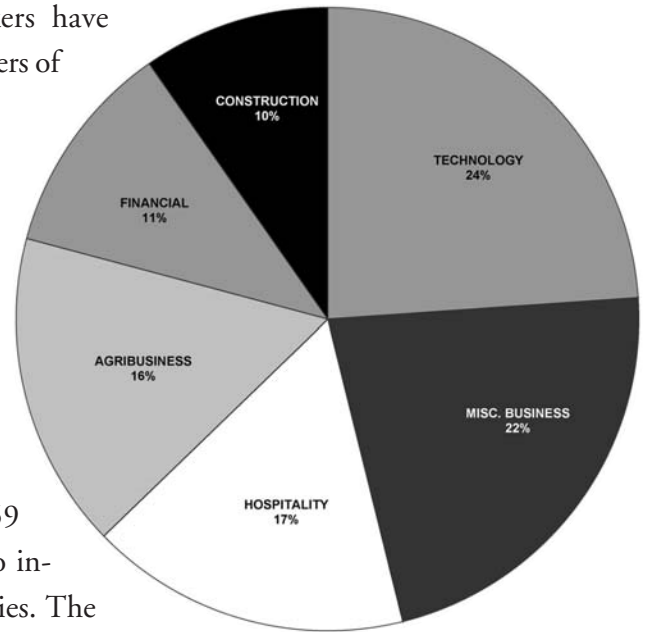
Prominent among those lobbying for more immigration and greater access to foreign labor are many who are responsible for the nation's financial crisis, and/or have sought bailouts from the American taxpayers. In addition, many of the corporations, and business and trade groups that were at the forefront of lobbying for

amnesty and guest workers have been laying-off large numbers of workers.

Business interests dominated the lobbying that took place on key immigration legislation between 2006 and 2008. Either directly, or as part of trade and industry associations, the business sector accounted for more than 59 percent of those seeking to influence immigration policies. The technology sector, which has been primarily interested in increased access to guest workers, was the most active business interest lobbying on immigration.

Other key business players included the hospitality industry, construction, and agriculture—all of which benefit directly from low-skill foreign labor, many of whom are in the country illegally. Also making their voices heard loudly was the banking and financial services industry. This sector, which has mismanaged the economy into its worst economic crisis since the Great Depression, was eager to provide mortgages, loans, credit cards, and arrange money transfers for illegal aliens sending remittances abroad.

*Immigration Lobbying: A Window into the World of Special Interests* provides a unique perspective explaining why in spite of overwhelming public support for immigration enforcement and overall immigration reductions,



Many of the corporations, and business and trade groups that were at the forefront of lobbying for amnesty and guest workers have been laying-off large numbers of workers.

Washington refuses to listen. The lobbying dollars spent to gain amnesty for illegal aliens, opened the doors for more guest workers, and increase other flows of immigration have been in reverse proportion to wishes and interests of the American people.

The report also demonstrates the effectiveness of those involved with the immigration reform movement. In spite of being vastly outspent and outgunned by lobbyists for every conceivable special interest, the adamant refusal of the American public to capit-

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**Immigration REPORT**

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## Department of Homeland Security Warns of Continued Terrorist Threats

As if we really needed to be reminded that poorly guarded borders pose an ongoing threat to homeland security, the Thanksgiving weekend attacks in Mumbai, India, demonstrated that terrorists can and will exploit any weakness with deadly consequences. That reality was reinforced by a 38-page report released by the Department of Homeland Security (DHS) over the holidays warning that “persistent challenges to border security” are

among the greatest threats to the United States over the next five years.

According to the Associated Press, the DHS assessment warns that terrorists “will continue to try to evade U.S. border security measures and place operatives inside the mainland to carry out attacks.” In addition to gaining access to the U.S. through illegal entry, sophisticated terrorist organizations are likely to exploit weaknesses in our refugee and asylum programs,

and take advantage of the visa waiver program. The visa waiver program was expanded last year so that citizens of 35 nations are now able to enter the U.S. without first obtaining a visa.

While the out-going Bush administration has fought to expand the number of countries covered by the visa waiver program, FAIR has fought to eliminate it. Many terrorist groups with roots in the Middle East and elsewhere have operatives who

hold passports from countries covered by the visa waiver program. The report of the 9/11 Commission similarly warned that the visa waiver program amounts to a glaring weakness that can be exploited by terrorists. FAIR’s 2008 analysis of the security threat posed by our uncontrolled borders and programs like the Visa Waiver Program, *Immigration and National Security*, is available on FAIR’s Web site at [www.fairus.org](http://www.fairus.org).

### Who’s Lobbying? *continued*

ulate on amnesty and guest worker programs has held these powerful interests to a stand-off. While representing just 2 percent of the lobbying activity that took place on immigration policy, FAIR and other public interest reform groups were able to effectively represent the interests of the American people and provide them with a voice in this debate.

As we begin a new administration and a new Congress, during an extraordinary period in our

country’s history, FAIR will not settle for a legislative stalemate on Capitol Hill. In 2009 we will vigorously press the interests of the American people and expose the special interest agendas of those who continue to place their own political and economic interests before those of the public.

The complete report, *Immigration Lobbying: A Window into the World of Special Interests*, can be found at FAIR’s Web site, [www.fairus.org](http://www.fairus.org).

### California Supreme Court to Hear In-State Tuition Challenge

Last fall, a California Appeals Court issued a resounding ruling declaring the state’s policy of granting in-state tuition benefits to illegal aliens attending state-run colleges and universities to be unconstitutional. In early January, the California Supreme Court agreed to hear the case and resolve the matter.

The challenge to the California policy was initiated in 2005 by FAIR and the Immigration Reform Law Institute (IRLI) on behalf of 80,000 U.S. citizen students who were denied

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## Foe of Immigration Enforcement Named as Secretary of Labor

For American workers, 2008 was a disastrous year. The U.S. economy lost nearly 2 million jobs during the last four months alone, and most economists see things getting worse before they get better.

Unfortunately, President Obama's choice to head the Department of Labor gives millions of unemployed and underemployed American workers little hope of gaining access to the 8 million jobs estimated to be held by illegal aliens or raising wages depressed by cheap foreign labor. In appointing Rep. Hilda

fought to provide taxpayer supported benefits and services to illegal aliens and to allow them to obtain driver's licenses.

In Congress, Rep. Solis has co-sponsored or supported numerous bills that would have harmed American workers, including:

- The AgJOBS amnesty, which would have granted green cards to virtually every illegal alien employed in some agriculture-related industry.
- The 2007 STRIVE Act, which would have granted amnesty to most illegal aliens in the U.S. In addition,

and retirees of the United States by improving their working conditions, advancing their opportunities for profitable employment...[and] helping employers find workers."

While President Obama has embarked on an ambitious jobs creation program to deal with the unemployment crisis, millions of existing jobs could be made available to American workers by enforcing laws against employing illegal aliens. Given Secretary Solis's long history of siding with illegal aliens, if she is confirmed by the Senate in that position, it will require strong direction from the



Solis (D-Calif.) as Secretary of Labor, the president chose an implacable foe of immigration enforcement generally, and specifically enforcement in the workplace. Coupled with the selection of Janet Napolitano as Secretary of Homeland Security, there is little reason to expect either department to vigorously enforce laws against businesses that employ illegal aliens.

During her time in Congress, Solis supported or co-sponsored just about every effort to grant amnesty to illegal aliens and expand the number of foreign guest workers in the U.S. While a member of the California Legislature, Solis

*During her time in Congress, Solis supported or co-sponsored just about every effort to grant amnesty to illegal aliens and expand the number of foreign guest workers in the U.S.*

the bill would have allowed an additional 400,000 to 600,000 foreign guest workers to enter the U.S. labor force each year.

- The DREAM Act, which would have granted green cards to illegal aliens who entered the country before age 16, and would have granted them subsidized college tuition benefits.

The Department of Labor can play a significant role in preventing the employment of illegal aliens. It is the department's responsibility to promote "the welfare of the job seekers, wage earners,

White House to ensure that the Labor Department fulfills its stated mission.

FAIR will be reaching out to Congress and the new administration to stress the added importance, in this time of economic crisis, of vigorous enforcement against employers who rob American workers of job opportunities and seek to suppress wages. The first test of the Obama administration's and the Congress's commitment to protecting American jobs is likely to come in early March when the E-Verify program will need to be reauthorized. (See FAIR op-ed, page 7.)

## Majority Leader Reid Seeks to Finance Health Care for Children of Immigrants

One of the first immigration-related legislative battles of the 111<sup>th</sup> Congress is likely to be over a proposal to extend the State Children's Health Insurance Program (SCHIP) and include the children of immigrants in the coverage. Immigrants have been barred from receiving most federally-funded benefits because Congress recognized that legal immigrants have sponsors and it would be unfair to ask the American taxpayer to pay for such programs. SCHIP provides federal funding to the states in order to make basic health services available to the millions who lack health insurance. Efforts to extend the program in the 110<sup>th</sup> Congress were vetoed by President Bush.

In announcing the effort to extend SCHIP in the 111<sup>th</sup> Congress, Senate Majority Leader Harry Reid (D-Nev.) indicated that he would support exempting SCHIP from the ban on legal immigrants receiving government benefits during their first five years of residency. That restriction was imposed by Congress in 1996 in an effort to control the costs of federal welfare programs.

Mass immigration is an important contributing factor to the growing number of people in the United States who lack health insurance coverage. In 2007, 13 percent of na-

tive households lacked health insurance, compared to 34 percent of immigrant households.

While no one wants to see any children in the United States lacking access to needed health care, Sen. Reid's proposal exposes the glaring failures of our government mandated immigration policies. The effort to cover the children of legal immigrants acknowledges the reality that our policies admit millions of people who are ill-prepared to be self-sufficient. It also concedes the government's failure to hold the sponsors of immigrants accountable for affidavits of support they signed and, once again, asks the American taxpayer to shoulder the burden.

While much of the focus in Washington and in the media has been on illegal immigration, there has been little attention paid to the consequences of our failed government mandated immigration policies. With the federal government facing trillion dollar budget deficits for the foreseeable future, Congress needs to be examining at all federal programs, including immigration, to evaluate whether they are serving the public interest. Unfortunately, rather than fixing a dysfunctional immigration policy, the congressional leadership appears to be seeking ways to fund a failed policy.

## In-State Tuition continued

the same tuition benefits the state afforded to illegal aliens. The suit, *Martinez v. Regents of the University of California*, contends that the California law explicitly violates a 1996 federal law which requires states that make in-state benefits available to illegal aliens to make the same benefit available to all U.S. citizens, whether residents of that state or any other state.

*Though the ruling in a state court is enforceable only in California, it sets an important legal precedent.*

The Appeals Court ruling is the first to address the merits of policies that grant in-state tuition benefits to illegal aliens. The 84-page ruling declared emphatically that the California policy violates both the equal protection clause and privileges and immunity clause of the U.S. Constitution. Though the ruling in a state court is enforceable only in California, it sets an important legal precedent that will inevitably open the door to challenges of other state policies that grant in-state tuition benefits to illegal aliens.

IRLI will continue to play a crucial role in the legal effort to clear the final hurdle of the California Supreme Court and ensure that this important judicial victory for the interests of American citizens is upheld.

## Immigrant Advocacy Groups Played a Key Role in Mortgage Meltdown

Over the years there has been no greater cheerleader for mass immigration than the *Wall Street Journal*, which once famously editorialize for a constitutional amendment declaring that America shall have open borders. These long-standing positions make a January 5<sup>th</sup> investigative report all the more remarkable.

An investigation by reporters Susan Schmidt and Maurice Tamman of the mortgage meltdown that has plunged the nation into a deep economic crisis found that the network of advocacy groups for mass immigration played an important role in creating the crisis. “An examination of that borrowing spree by *The Wall Street Journal* reveals that it wasn’t simply the mortgage market at work. It was fueled by a campaign by low-income housing groups, Hispanic lawmakers, a congressional Hispanic

housing initiative, mortgage lenders and brokers, who all were pushing to increase homeownership among Latinos,” states the article.

The *Journal* details the relentless political pressure brought by these groups to provide mortgages to people with few, if any, assets and even to people without valid identity documents or proof of earnings. According to the report many of the toxic loans that created the crisis “were based not on actual income histories but on a borrower’s ‘stated income.’” These loans, known as “no-doc loans” (because the borrowers could not document their identities, their work histories, or their incomes) went primarily to Hispanic borrowers, many of whom were presumably immigrants and illegal aliens.

The investigation notes that the areas of the country that experienced the

greatest explosion of the housing bubble—California, Nevada and Florida—also have experienced the highest levels of legal and illegal immigration. It cites specific examples of immigrant workers who were able to borrow large amounts of money with virtually no income with “loan applications that [were] complete fabrications.”

While immigrants and their advocates cannot be blamed for the utterly irresponsible decisions and behavior of financial institutions, there can be no question that ethnic politics played an important role in the crisis. Moreover, the report demonstrates the self-serving motives of the ethnic advocacy, and open immigration and pro-amnesty advocacy network and the enormous damage they have inflicted on the nation in pursuit of their political objectives.

## Alan Kuper: The Passing of a True Advocate for the Environment

FAIR notes with sadness the passing of Alan Kuper, a long-time member of our board of advisors. Alan was a passionate advocate for environmental issues and recognized the inexorable connection between our immigration policies and the



health of our environment and preservation of our natural resources.

In addition to providing valued input to FAIR, Alan relentlessly kept up the pressure on environmental organizations for their reluctance, or outright refusal, to make immigration reform a key component of their agendas. Alan understood that America’s immigration-fueled population growth poses a threat to our environmental future, and coura-

geously fought to bring our immigration policies in line with these vital considerations.

Alan’s indefatigable dedication to the causes of immigration reform and environmental responsibility will be sorely missed by our movement. His personal presence at FAIR meetings and conferences will be missed by the FAIR staff and his colleagues on the board of directors and advisors.

# INTHE NEWS

The following opinion editorial by FAIR's Media Director Ira Mehlman, appeared in the *Seattle Post-Intelligencer* Published January 7, 2009

## Guest Columnist: Ensure new public works projects employ American workers

With the U.S. economy shedding jobs at the rate of about half a million a month, President-elect Barack Obama is putting the final touches on a massive public works and economic stimulus initiative. The plan calls for still greater deficit spending in the hopes of jump-starting our sputtering economy and providing jobs for millions of unemployed Americans.

If we are going to spend billions, perhaps even trillions, of borrowed dollars to create public works jobs, an absolute prerequisite must be an insurance policy that the beneficiaries of the program are U.S. workers. The mechanisms for guaranteeing that American workers are the beneficiaries of a massive jobs stimulus package exist, but it will be up to the Congress and the Obama administration to see that they are used.

One of the early decisions awaiting the new Congress and the Obama administration will be reauthorization of the E-Verify program that allows employers to check the employment eligibility of the people they hire. Without congressional reauthorization, E-Verify will expire in March.

In 2008, President George W. Bush signed an executive order requiring all federal contractors and subcontractors to participate in the E-Verify program. With the Obama administration's announced goal of having the federal government create millions of new jobs, enforcing laws against the employment of illegal immigrants will take on added urgency.

It is the availability of jobs in this country that has attracted illegal immi-

grants here for decades. As the economic crisis spreads around the world, millions of people in other countries will be searching for jobs wherever they can find them. Thus, without a reliable system to screen out unauthorized workers, a publicly financed jobs creation program in this country would certainly create a magnet for even larger scale illegal immigration.

Obama and congressional leaders should publicly commit to reauthorize the E-Verify without any political strings attached. The House of Representatives approved a five-year reauthorization in September by a vote of 407-2, but Senate consent was scuttled by a single member, Robert Menendez, D-N.J., who demanded more than half a million additional green cards be issued—a figure ominously close to the number of jobs our economy lost in November alone.

As president, Obama should fully implement his predecessor's executive order requiring that companies being paid by the public serve the public interest by employing only legally authorized workers. With hundreds of billions, even trillions of dollars in federal contracts at stake, employers would have a real incentive to participate in the E-Verify program and, in doing so, ensure that American workers benefit from new public spending.

As an added benefit, the widespread use of E-Verify would increase the likelihood that billions of dollars are spent in the communities where the work is being done. Illegals not only take jobs that Americans want and need, but a sizeable portion of their in-

comes flow directly out of our economy in the form of remittances sent to relatives abroad. Money earned by American workers would likely be spent locally, supporting, rejuvenating, and expanding local economies.

The best employment authorization system is of little use if the government is not prepared to enforce laws against employers who hire illegals. Even before the bottom fell out of the economy and millions of American workers lost their jobs, Sen. Obama spoke emphatically about the need to hold employers accountable.

As president, he will have the opportunity to protect American jobs by maintaining and expanding current efforts to crack down on employers who deny much-needed opportunities to American workers by hiring illegals. Without creating a single new job, the Obama administration could free up millions of existing jobs by enforcing employer sanctions laws.

With 10.3 million workers in the U.S. officially unemployed, and nearly 20 million additional workers involuntarily relegated to part-time employment, job creation will clearly be the Obama administration's most pressing priority. Who fills those jobs must also be of concern to the new administration. Reauthorization and expansion of E-Verify and vigorous government enforcement against businesses that employ illegals would go a long way toward making certain that new and existing jobs are filled by American workers instead of illegals.

## Give a FAIR Gift Membership and Get a Gift!

Giving a gift membership is easy. Just fill out the coupon below or contact Melissa Bradley-Wilson at FAIR, using our toll-free number, (877) 627-3247, and for a contribution of \$25 or more, we will send a confirmation letter to you and a welcome letter to the gift recipient.



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FAIR is one of a select few charitable organizations certified by the BBB Wise Giving Alliance. You can be sure we are operating responsibly and are committed to ethical standards.

## FAIR's Web site Gets a New Look

If you haven't visited us lately – in cyberspace, that is – we invite you to take a look at our newly re-designed Web site at [www.fairus.org](http://www.fairus.org). We think you'll be pleased not only with the look of the new Web site, but with many of the new features that make it easier for you to find information and be more effective as an immigration reform advocate.



From the homepage, you will have access to the latest immigration news, research, and activist tools. New features on the Web site allow you to tailor the information you receive to your specific needs and interests. As a member and supporter of FAIR, you will be able to follow what the organization is doing to promote true immigration reform, and even listen to or view many of the media appearances made by FAIR spokespeople.

We hope that you will visit the site frequently and keep yourself informed about important events, debates and legislative efforts so that you can make your voice heard. We also hope that you will take a few minutes to give us some feedback on the new Web site or on any of the many activities FAIR is undertaking to promote true immigration reform.