



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM
Immigration
REPORT

JULY/AUGUST 2016

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Supreme Court Blocks Obama from Carrying Out Amnesty Programs

The United States Supreme Court rejected the Obama administration's appeal of a lower court's injunction blocking implementation of two massive executive amnesty programs. The 4-4 split in *United States v. Texas* means that the injunction remains in place and that the case returns to Judge Andrew Hanen to be litigated on the merits.

The Supreme Court ruling represents a significant victory for the integrity of our immigration policy and the Constitution's Separation of Powers doctrine.

Judge Hanen issued the original injunction in February 2015 based on the Obama administration's failure to comply with procedural requirements. However, in that ruling, Judge Hanen

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FAIR FOIA Request: Amnesty Lobby's Influence on Administration Policy Revealed

The daily calendars of Homeland Security Secretaries Janet Napolitano and Jeh Johnson, from January 2013 through December 2015, reveal that amnesty advocates had an open door to the secretaries and their senior staff. These calendars cover the period during which the Gang of Eight amnesty bill was under consideration by Congress and the president's policies intended to grant de facto amnesty to millions of illegal aliens were being formulated.



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SCOTUS DECISION *continued*

strongly intimated that he believed that Deferred Action for Parents of Americans (DAPA) and an expanded version of Deferred Action for Childhood Arrivals (DACA+) were beyond the president's constitutional authority. The Supreme Court justices offered no opinion in their 4-4 decision maintaining the injunction.

In addition to preventing an estimated 4.7 million illegal aliens from gaining legal status and work authorization, the Supreme Court ruling provides an opportunity for Congress to exercise its constitutional responsibility to assert their plenary authority over immigration policy (a responsibility they have heretofore shirked). FAIR is urging Congress to include provisions in the Department of Homeland Security's FY 2017 appropriations bill barring the expenditure of funds on carrying out illegal alien amnesty programs that have not been authorized by Congress.

FAIR Uncovers Documents Showing ICE Low-Balled the Number of New Crimes Committed by Released Criminal Aliens

Immigration and Customs Enforcement (ICE) records obtained by FAIR under a Freedom of Information Act (FOIA) request show that the agency grossly misrepresented the number of subsequent offenses committed by criminal aliens it released from custody in FY 2014. The FOIA request was filed by IRLI on FAIR's behalf.

The documents cast doubt on ICE's previous claims about the extent of criminal activity by illegal aliens released from custody. In documents provided to the House Government Oversight Committee in July 2015, ICE reported that the 30,558 criminal aliens it released, instead of deported, in FY 2014 were convicted of an additional 1,423 offenses. However, the ICE records obtained by FAIR show that the actual number of subsequent convictions racked up by the criminal



aliens was 13,288. Not all crimes and misdemeanors result in convictions. Thus, the number of offenses committed by criminal aliens ICE turned loose is likely significantly greater.

The criminal aliens responsible for these 13,288 convictions were not considered sufficiently dangerous to be deported under ICE's self-declared priorities for removal. In recent years, the number of criminal aliens deported has plummeted, even though Congress has appropriated ample funds to remove many more. As a result of Obama administration policies that place protection of illegal aliens—including criminals—over the safety of the American public, thousands of people have been needlessly victimized.

The list of convictions for offenses committed by criminals ICE did not deem worthy of deportation in FY 2014 includes: homicide, kidnapping, assault, sexual assault, drunk driving, and others. Yet despite the clear knowledge that its policies resulted in thousands of avoidable crimes in 2014, ICE released nearly 20,000 additional deportable criminals in FY 2015.

The FAIR Immigration Report

(ISSN 1067-3337)

Published 10 times a year by the Federation for American Immigration Reform, a non profit membership organization.

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AMNESTY ADVOCATES INFLUENCE POLICY *continued*

The records of Napolitano's (who served as DHS Secretary until September 2013) and Johnson's schedules were obtained by FAIR through a Freedom of Information Act request filed by IRLI, the Immigration Reform Law Institute.

The three years' worth of calendar records for secretaries Napolitano and Johnson clearly suggest that advancing the administration's political goals took precedence over the department's mission of enforcement of U.S. immigration laws.

The key immigration roles in DHS were farmed out to long-time advocates for illegal aliens and mass immigration who sought and took advice exclusively from like-minded groups and individuals. The calendars also suggest that DHS's actions on immigration (or lack of action when it came to enforcement), were being directed from the White House. President Obama's director of the White House Domestic Policy Council, Cecilia Muñoz, met with Napolitano or Johnson on 19 occasions. These meetings coincided with administration efforts to enact amnesty legislatively, or through executive action. Prior to serving in the White House, Muñoz was vice president of the National Council of La Raza, an ethnic advocacy group that has long championed amnesty for illegal aliens.

The records suggest that neither Secretaries Napolitano nor Johnson ever considered the American people to be stakeholders in their nation's immigration policies. During

Highlights...

- The DHS secretaries and senior staff held 35 meetings with immigration advocacy groups and/or business interests.
- Among those outside "stakeholders" who met with the DHS secretaries were radical open borders advocates and representatives of the extremist group Code Pink.
- Napolitano and Johnson met with representatives of foreign governments that have expressed interest and claimed a stake in U.S. immigration policy at key junctures in the immigration debate.
- Promoting amnesty (described as Comprehensive Immigration Reform) was a high priority for DHS. The DHS secretaries held 45 meetings with high level staff on CIR.
- During the push for passage of the Gang of Eight amnesty bill, DHS coordinated closely with bill supporters in Congress.
- After it became evident that the Gang of Eight bill would not be approved by the House, Sec. Johnson and top DHS officials met regularly with Rep. Luis Gutierrez (D-Ill.) and other members of the Hispanic Caucus to discuss amnesty through executive action (even while the president was still denying that he had the constitutional authority to act alone).

this period, Sec. Johnson held just one meeting with advocates for immigration enforcement (including FAIR) and the families of victims of crimes committed by illegal aliens. This lone meeting took place under pressure from House Judiciary Committee Chairman Bob Goodlatte (R-Va.) and was described by participants as a "check-the-box"

opportunity so that Johnson could say he listened to opposing viewpoints.

As such, the department charged with enforcing U.S. immigration laws and protecting the security of the American people at home was almost entirely co-opted for the purpose of advancing the president's political agenda. ■

New Research from FAIR Finds Recent Unaccompanied Minors Cost Local Schools \$1.5 Billion a Year

Unaccompanied minors (UAMs) who have been apprehended by the Border Patrol entering the United States illegally since 2014 cost local K-12 schools around the country \$1.5 billion a year. That figure comes from a forthcoming report by FAIR about the impact of runaway immigration on America's schools.

The surge in UAMs began in 2014 in response to the Obama administration's Deferred Action for Childhood Arrivals (DACA) program, which sent a signal to people around the world that illegal aliens who arrive in this country under the age of 18 will eventually be given permission to remain. The phenomenon was exacerbated by the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), which makes it difficult to promptly repatriate UAMs from non-contiguous countries. Even though the TVPRA has had the perverse effect of incentivizing large-scale human smuggling, Congress has refused to amend the law.

Since 2014, the Border Patrol has apprehended 110,605 UAMs. Virtually all of them were subsequently released from custody and remain in the United States. Under a 1982 Supreme Court ruling, American taxpayers are obligated to provide a free K-12 education for any minor who is present in the country, regardless of immigration status. The \$1.5 billion a year obligation comes

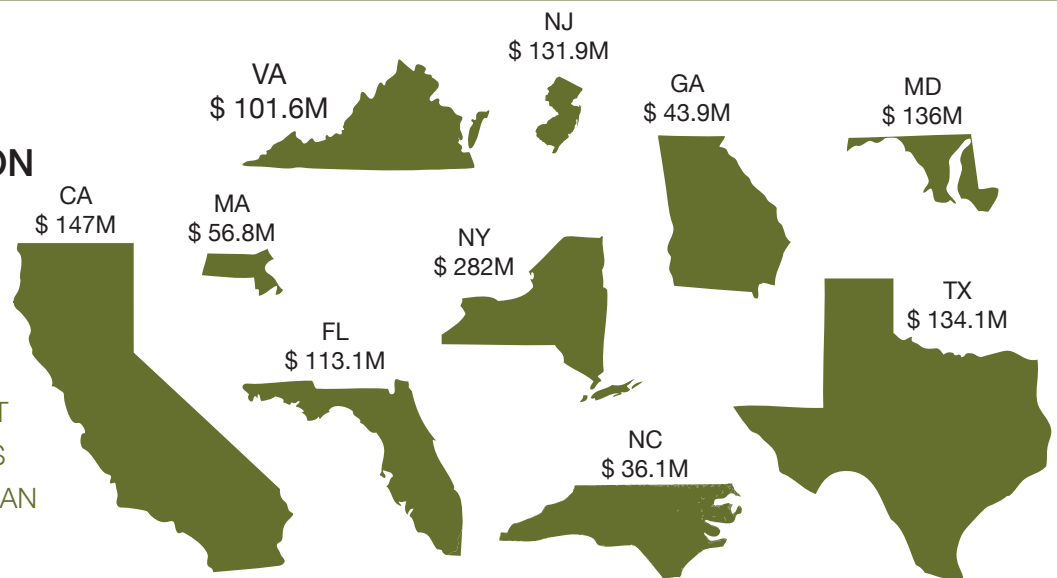
on top of the ongoing cost of educating other illegal alien minors and the U.S.-born children of illegal aliens. Combined, these education costs amount to the single largest unfunded federal mandate imposed on state and local governments. Only about 9 percent of education costs are funded by the federal government; states and localities are on the hook for the remaining 91 percent.

These added burdens on state and local education budgets come at a time when many jurisdictions are having trouble meeting their basic education obligations. Chicago schools are bracing for a 20 percent reduction in school funding in the coming school year. Washington State is currently in contempt of a state Supreme Court order to adequately fund education that is costing taxpayers \$100,000 a day in fines. (Ironically, Chicago and Seattle have some of the strongest sanctuary policies that serve as magnets to illegal immigration.)

By and large, UAMs contribute nothing in taxes or are placed in the custody of family members (often illegal aliens themselves) who pay little in taxes. However, because nearly all UAMs have limited or no English proficiency and many had little education in the countries they came from, these students cost local schools considerably more to educate than other students.

TOP 10 HIGHEST SPENDING STATES ON UAM EDUCATION SINCE 2014

FAIR IS EXPECTING TO RELEASE ITS COMPREHENSIVE REPORT ON THE IMPACT OF MASS IMMIGRATION ON AMERICAN EDUCATION LATER THIS SUMMER.



Source: U.S. Customs And Border Protection; National Center For Education Statistics (NCES)

Across the Country

NEW YORK

The Democrat-controlled New York Assembly approved legislation in June to create a new college scholarship fund. But unless you are an immigrant, legal or illegal, living in New York, your son or daughter will not be eligible to benefit from the New York DREAM Act (AB 4311). Most of the scholarship benefits would be directed toward the 4,500 illegal aliens who graduate from New York high schools each year. Money for the New York DREAM Act would come from private funds, but Gov. Andrew Cuomo is requesting that the legislature approve \$27 million for the state to administer the program. AB 4311 must also be approved by the State Senate, where Republicans are in the majority. Even if the scholarship fund for illegal aliens fails, the New York Board of Regents, without a vote by the State Legislature, took steps in May to ensure that illegal aliens who have received protection from deportation under President Obama's DACA program are eligible to receive professional licenses, including those allowing them to practice medicine or teach. In doing so, the unelected Board of Regents likely violated federal law, which bars DACA recipients from gaining professional licenses unless the state legislature affirmatively enacts a law granting illegal aliens these licenses.

NEW JERSEY

Meanwhile, on the other side of the Hudson River, the Paterson, New Jersey, City Council voted to give municipal ID cards to illegal aliens. Under the program, anyone who shows proof they live in Paterson would be eligible, regardless of their immigration status. Paterson officials estimate that it will cost at least \$7,000 to produce just 500 of the cards, and doesn't include the cost of administering the program in its estimate. Granting municipal ID cards invites fraud and abuse, as local governments are generally ill-equipped to verify the identity of individuals seeking the IDs, and permit the use of easily obtained non-secure documents to establish identity.

It Starts: California the First State to Seek Obamacare for Illegal Aliens

Just when you think there is nothing more California could do to heap benefits, privileges, protections, and rewards on illegal aliens, they surprise you. On June 10, Gov. Jerry Brown signed into law SB 10, under which the state will seek federal waivers to allow illegal aliens to purchase health insurance through state exchanges set up under the Affordable Care Act (ACA), also known as Obamacare.

When Congress enacted the ACA in 2010, it specifically excluded illegal aliens from buying or receiving subsidies for health coverage under the program. How-

ever, the ACA allows states to apply for an "innovation waiver" to expand coverage so long as they pay for any additional costs.

SB 10 was sponsored by State Senator Ricardo Lara, whose Los Angeles-area district has high concentrations of illegal aliens. Supporters of the bill estimate that approximately 390,000 of California's more than 2.5 million illegal aliens would immediately become eligible to apply for health coverage through the state-run ACA marketplace.

Still questionable is whether these immigrants will receive the same subsidies that citizens are given. Consid-

IRS Pays Out Billions of Dollars to Illegal Aliens

A new report from the Treasury Inspector General for Tax Administration revealed that the federal government “erroneously” paid out \$15.6 billion through the Earned Income Tax Credit (EITC) in Fiscal Year 2015. These improper payments account for 23.8 percent of the total tax dollars distributed through the EITC, with most of the money likely going to illegal aliens.

Once eligible for the EITC, tax law allows a person to amend their tax returns from the past three years to claim the credits—even if that person was ineligible during those years.

The EITC is a tax credit for lower income tax filers but requires a Social Security number in order to claim it. If the EITC credit is larger than the tax filer’s tax liability (as is often the case for low-wage illegal aliens), the difference is paid out directly to the filer.

In the 1990s, Congress took steps to prevent illegal aliens from collecting EITC payouts by requiring that tax filers use valid Social Security numbers (SSNs) rather than Individual Taxpayer Identification Numbers (ITINs) favored by illegal aliens. However, President Obama’s DACA program has put valid SSNs in the hands of more than 800,000 illegal aliens.

Outrageously, once eligible for EITC, tax law allows a person to amend their tax returns from the past three years to claim the credits—even if that person was ineligible during those years. The Congressional Research Service—the nonpartisan policy research arm for lawmakers—confirmed that amnestied illegal aliens may be eligible for more than \$24,000 in tax credits through the EITC.

In addition to EITC payments to illegal aliens despite Congress’s clear intent to prevent such payments, the IG report noted other refunded tax credits that also result in significant improper payments. Notably, the Additional Child Tax Credit (ACTC) which is a refundable credit, allows individuals with three or more children to reduce their federal income tax by up to \$1,000 for each child who meets certain criteria. The ACTC program did not exist at the time Congress enacted the requirement that tax filers use a valid SSN to collect tax credits. As such, the IRS has been doling out billions of dollars annually in ACTC payments to people using ITINs on their tax returns. The Inspector General found that improper payments for the ACTC program were 24.2 percent in fiscal year 2015, totaling \$5.7 billion.

While Members of Congress have blasted the IRS for improper and potentially fraudulent payments, neither the House nor Senate leadership has brought legislation correcting this problem up for a vote.

CALIFORNIA SB 10 *continued*

ering illegal alien households earn 28 percent less than American families on average, it is doubtful that many can afford full-price insurance. Given the California Legislature’s track record, it is likely that subsequent legislation would grant state assistance to illegal aliens who purchase insurance through the state-run exchange.

Based on income data for illegal aliens, it is estimated that subsidies for illegal aliens could amount to as much as \$5,200 per year, or about \$2 billion a year for the 390,000 illegal aliens who would be immediately eligible. Gov. Brown signed the bill despite his own projection of a looming budget shortfall of \$4 billion by 2019.

It is also highly likely that if the federal government approves California’s waiver request, other illegal alien-friendly states will rush to enact similar legislation, effectively reneging on promises made to the American people at the time the ACA was enacted that they would not have to subsidize health coverage for illegal aliens.

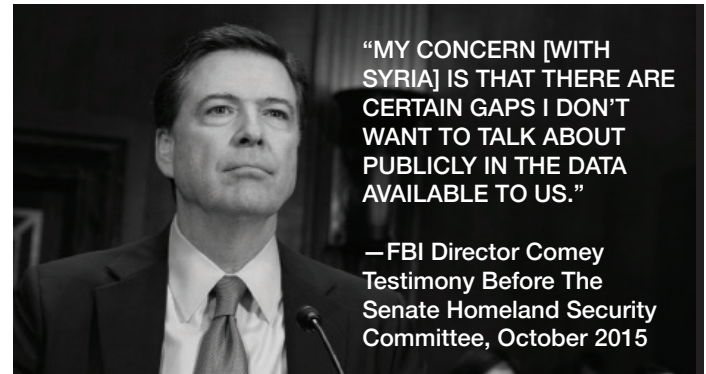
Despite Public Concern, Administration Speeds Up Resettlement of Syrian Refugees

With just months to go in the White House, President Obama is making good on his stated goal of resettling at least 10,000 Syrian refugees in the United States this year. The State Department reported that 1,069 Syrian refugees arrived in the U.S. in May, more than double the number who were resettled in April. The increase is due in part to the administration’s demand that the vetting process be reduced from 18-24 months to just three months. The pace of resettlement is expected to accelerate even more between now and the time Obama leaves office.

The president’s efforts to reach the 10,000 figure (described by a State Department spokeswoman as a floor, not a ceiling), comes in spite of warnings issued by his own top security officials. FBI Director James Comey unequivocally told Congress last year that the U.S. cannot properly vet Syrian refugee applicants for terrorist and national security threats. Specifically, Comey testified that the FBI can query databases “until the cows come home” but “nothing will show up because we have no record” on the person.

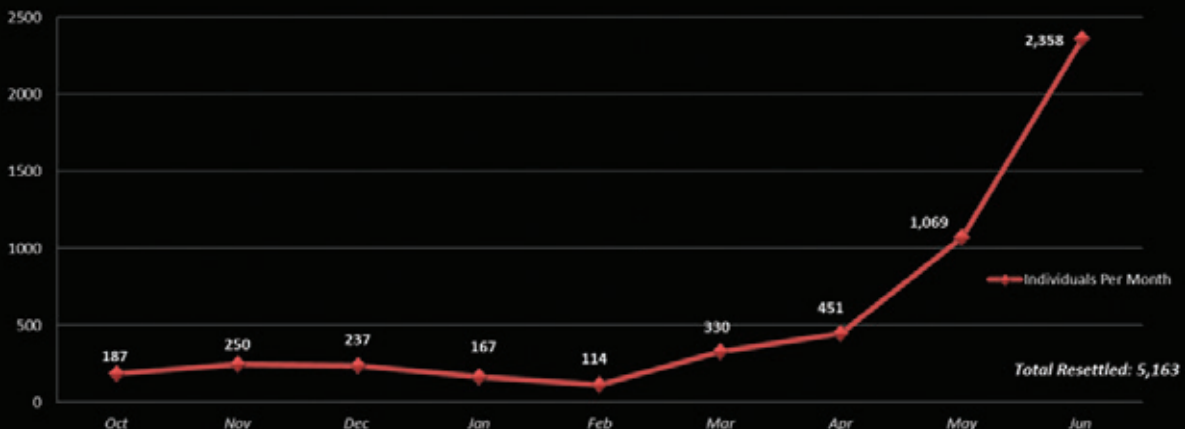
Ironically, the May data were released soon after the jihadist attack in Orlando, Florida, carried out by Omar Mateen, the U.S.-born son of Afghan refugees. The Orlando attack, like the San Bernardino massacre, the Boston Marathon bombing and at-

tacks in Paris and Brussels, indicate that not only does the inability to adequately vet refugees pose a security risk, but Western nations are failing to assimilate the children of refugees and immigrants from Islamic countries.



FAIR opposes blanket bans on entry to the U.S. based on race, religion or national origin. However, we do support the exclusion of people who hold ideologies that are antithetical to our culture and constitutional values. Adherents to radical or violent beliefs, regardless of their faiths, should not be allowed to enter the U.S. In order to prevent the entry of such people to the country, FAIR contends it is necessary to significantly reduce all forms of immigration in order to allow for proper scrutiny of immigrants and refugees, especially from countries known to harbor or support terrorism.

Syrian Refugees Resettled in the US From Oct-June 2016



Source: U.S. Department of State, Bureau of Population, Refugees, and Migration. *Refugee Arrivals from October 1, 2015 through June 29, 2016.*

- \$1,000
 \$500
 \$250
 \$100
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 \$25
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Charity Navigator has awarded FAIR four out of a possible four stars. In earning Charity Navigator's highest rating, 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.



What Legacy Will You Leave?

For nearly four decades FAIR has been fighting for immigration laws that better serve the American people. You can support us in that fight and leave a lasting legacy with a gift of a bequest to FAIR.

With a gift made through your will or living trust you can support a cause that is important to you and have an impact on immigration reform that will be felt by your children and grandchildren.

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