



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

MARCH 2011

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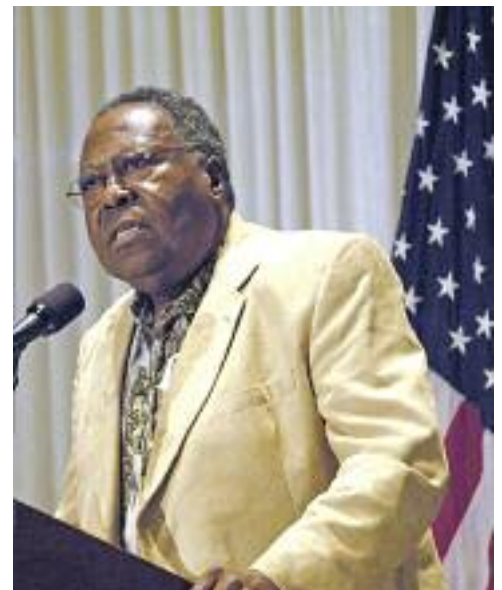
FAIR Board Member Frank L. Morris, Sr. Testifies on Impact of Immigration on American Workers

Fulfilling a pledge made after the last election to address the concerns of the American people in immigration policy, the new House leadership held a hearing on March 1 examining how mass immigration is affecting minorities in the United States. Among the witnesses presenting testimony before the House Judiciary Subcommittee on Immigration Policy and Enforcement was FAIR board member Dr. Frank L. Morris Sr.

Dr. Morris, who is a distinguished academic and a former executive director of the Congressional Black Caucus Foundation, detailed the disproportionate impact that illegal immigration and excessive levels of overall immigration are having on minority groups. In particular, he cited the harm current policies are inflicting on black Americans.

Morris noted that even as the nation has suffered through the worst recession

since the Great Depression, claiming some 8 million American jobs, immigration to the United States has continued at record pace. Moreover, while millions of American workers lost their jobs over the past several years, more than 1 million new immigrants — legal and illegal — arrived in the United States and found jobs.



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The FAIR Family Notes with Sadness the Loss of Long-Time Board Member Stephen B. Swensrud



The family of Stephen B. Swensrud and the FAIR board have requested that donations in his memory be made to FAIR.

FAIR notes with great sadness the passing of long-time board member and supporter Stephen B. Swensrud, a wonderful mentor and leader of our organization and the immigration reform movement. His commitment to the cause of immigration reform for the nation will be sorely missed. He passed away in Boston on February 6. For all of us who knew him and worked with him, Steve was a friend and advisor whose presence will be missed.

Steve's life was devoted to family, and service to his community and country. Throughout his life he worked tirelessly to make the world and America a better place. His long and distinguished record of philanthropy touched many lives and many institutions. Born in Cleveland, Ohio, in 1933, Steve graduated from Shady Side Academy of Pittsburgh, Penn., in 1951, Princeton University in 1955 and, after two years of service in the U.S. Army, Harvard Business School in 1961. As one of the early innovators in the venture capital community in Boston, he worked with Boston Capital Corporation in the 1960s and served as a director of many venture-funded enterprises for the remainder of his life.

Steve's leadership in community service was extensive. He was a Trustee of The Federation for American Immigration Reform, Washington, D.C. In the Harvard medical community he served as a Trustee of the Dana-Farber Cancer Institute for more than 25 years, a Trustee of The Childrens Hospital Med-

ical Center, a Member of the Committee on Resources of the Harvard Medical School and the Committee on University Resources of Harvard University. Additionally, he was active in the governance of The Park School in Brookline and the Museum of Science in Boston, and was a Fellow of the Massachusetts Historical Society. Gifts in Steve's memory will be welcomed by any of these organizations, including FAIR.

Steve's association with FAIR spanned nearly three decades. He understood far better than most the important role that immigration policy would play in shaping America's future; this drew him to the effort to reform U.S. immigration policy and to FAIR — an organization his late father, Sidney, helped found.

Steve is a part of the amazing Swensrud family, whose three generations of leadership has helped shape and guide America's immigration reform movement. Because of his time, dedication, knowledge and generosity to the organization, FAIR is a forceful and influential advocate for true immigration reform, and will remain so in the future. Steve's niece Nancy Anthony continues to serve on the FAIR board.

The entire FAIR family extends our condolences to his wife Patricia, his children Leslie, Blake and Tony, and to his 13 grandchildren. We commit ourselves to honoring his legacy by carrying on the work that was such an important part of his life.

Immigration
REPORT

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Implementation of REAL ID Delayed Again

In response to the 9/11 Commission's finding that easy access to valid U.S. identity documents facilitated the attacks against the United States, Congress passed the REAL ID Act in 2005. The law sets forth requirements for state-issued driver's licenses and ID cards to be accepted by the federal government for official purposes such as boarding a commercial airliner or entering secure federal facilities.

REAL ID was originally scheduled to take effect on May 11, 2008, three years after passage of the law. Bureaucratic foot-dragging by state governments and resistance from advocates for illegal aliens pushed the implementation date back to May 11, 2011. With that deadline looming on the horizon, the Department of Homeland Security (DHS) announced yet another delay until January 15, 2013.

The latest delay — the third since passage of the law — means that illegal aliens, and potentially terrorists, will have an additional 21 months to exploit weaknesses in the way vital U.S. identity documents are issued. Not long before implementation of REAL ID was postponed again, Secretary Janet Napolitano

warned that the threat of terrorism targeting the United States is the greatest it has been since the attacks of 9/11.

Assuming that the latest deadline is met, nearly eight years will have elapsed between passage of REAL ID and the time all states are required to apply the enhanced security standards in the issuance of driver's licenses and other identity documents. By comparison, it took only a little more than eight years between the time President Kennedy announced the goal of sending a man to the moon, and Neil Armstrong and Buzz Aldrin landing there.

The repeated delays in correcting a glaring weakness in our defense against terrorist attacks demonstrates a continued lack of political will to close loopholes that allow illegal aliens to obtain government issued documents. These documents make it easier for them to live and work in the U.S. without detection. FAIR also believes that the repeated postponements are consistent with the Obama administration's efforts to ignore laws that it does not want to enforce.

“Sham U.” Illustrates Problem of Student Visa Fraud

Lax policies for issuing student visas and inadequate monitoring of foreign students once they arrive in this country pose a known threat to the security of the United States. From the attacks of 9/11 to the most recent plot by Saudi student Khalid Aldawsari, terrorists have been able to exploit the student visa program to gain legal entry into the U.S.

The case of Tri-Valley College in California illustrates how vulnerable to fraud the student visa process remains. Tri-Valley College, which was shut down by federal authorities in January, was little more than a visa mill. Immigration and Customs Enforcement officials allege that the operators of Tri-Valley College, which described itself as a “Christian higher education

institution,” reaped \$4 million in tuition profits as the sponsoring institution for thousands of foreign nationals seeking student visas. By the fall 2010 semester, there were 1,555 foreign students “attending” Tri-Valley, which offered nearly all of its courses online.

Many of Tri-Valley's foreign “students” lived nowhere near the Pleasanton, California, campus, which consisted of a single building. In fact, as online students they had no need to be in the United States at all. Yet, the Department of Homeland Security approved the school to accept foreign students and consular officers around the world issued visas on the basis of admission to Tri-Valley.

2012 DHS Budget Proposal Reveals Limited Effort at Immigration Enforcement

Hardly a week goes by without the Obama administration boasting about how effectively it is enforcing U.S. immigration laws. However, as FAIR has documented over the past two years, the administration has actually done everything in its power to dismantle most interior immigration enforcement.

In spite of the Department of Homeland Security's (DHS) own assessment that the country faces the greatest threat of terrorism since 9/11, a Government Accountability Office (GAO) report finds that just 44 percent, or 873 miles, of the southern border is under "operational control" and, of that, only 129 miles are under "full control." Virtually none of our 4,000-mile border with Canada or our coastlines are currently under operational control.

An accurate gauge of how seriously the administration takes immigration enforcement is how it proposes to allocate resources. The proposed FY 2012 DHS budget and congressional testimony by Secretary Janet Napolitano indicate that the Obama administration will continue to limit interior immigration enforcement.

Appearing before Congress, Napolitano stressed the need for improving border security, particularly in light of the escalating violence in Mexico. While the FY 2012 budget proposes to spend more money at the borders, administration policies continue to maintain incentives for people to attempt to enter the U.S. illegally.

The administration has virtually halted efforts by its own enforcement personnel as well as by local law enforcement officers working in collaboration with federal authorities to apprehend and remove illegal aliens who have not committed serious crimes in the United States. Worksite enforcement has been reduced to paperwork audits of company records that result in little consequence to the employers, or apprehension and removal of illegal workers.

The administration also remains committed to responding to the demands of the illegal alien advocacy lobby. Despite budgetary constraints, Secretary Napolitano's testimony documented plans to continue improving the detention care of illegal aliens. She noted continued improvements to "detainee access to quality health care, reducing the average length of stay, and facilitating access to family members and legal representation" as a goal for detention reform efforts.



FY 2012 Budget in Brief



THE ADMINISTRATION HAS VIRTUALLY HALTED EFFORTS BY ITS OWN ENFORCEMENT PERSONNEL AS WELL AS BY LOCAL LAW ENFORCEMENT OFFICERS WORKING IN COLLABORATION WITH FEDERAL AUTHORITIES TO APPREHEND AND REMOVE ILLEGAL ALIENS WHO HAVE NOT COMMITTED SERIOUS CRIMES IN THE UNITED STATES.

KANSAS

The Kansas House of Representatives approved legislation in February that would terminate in-state tuition benefits for illegal aliens attending public colleges and universities. Illegal aliens have been eligible for in-state tuition benefits, amounting to as much as \$6,400 per year, since 2004. Kansas is grappling with a projected \$492 million budget shortfall for the current fiscal year and has been forced to cut \$100 million in funding for higher education over the past two years. Kansas' in-state tuition policy also appears to violate federal law, although neither the current nor the previous administration has attempted to enforce it. The repeal measure passed the House easily by a 72-50 vote but faces a tougher battle in the State Senate. It is also unclear where the state's new governor, Sam Brownback, stands on the issue. FAIR and the Immigration Reform Law Institute (IRLI) have assisted in legal challenges to the Kansas in-state tuition policy and have worked with activists in the state who are seeking a legislative repeal.

INDIANA

The Indiana State Senate approved an Arizona-style immigration enforcement bill in late February. The vote was 31-18. The legislation was sponsored by Sen. Mike Delph who has long been a champion of state-based immigration enforcement in Indiana. The bill would require police to inquire about immigration status when they have "reasonable suspicion" that an individual they have stopped might be an illegal alien. It would also mandate that the state study the full cost of illegal immigration and submit a bill to the federal government. The bill must now go before the Indiana House, where previous immigration enforcement measures have been bottled up by key committee chairmen. FAIR and IRLI have consulted with Delph and other legislators as they attempt to enact state-based enforcement policies.

OKLAHOMA

An Arizona-style immigration enforcement measure cleared its first legislative hurdle, winning the approval of the Oklahoma House Judiciary Committee. Oklahoma has already taken significant steps to discourage illegal immigration with the enactment in 2007 of HB 1804, which dramatically limits illegal aliens' access to state benefits and services. The bill now awaits a vote by the full Oklahoma House.

NEW MEXICO

Overcoming significant opposition from special interests supporting illegal aliens, the New Mexico House of Representatives overwhelmingly approved a bill that would have ended the state's policy of issuing driver's licenses to illegal aliens. The bill passed the House by a lopsided 42-28 margin only to be scuttled by the New Mexico Senate. The Senate legislation maintains driving privileges for illegal aliens, but requires them to reapply for a license every two years. Gov. Susana Martinez, who pledged to end licenses for illegal aliens during her campaign vowed to continue working for repeal. "I promised the people of New Mexico that I will fight to repeal this law and that fight will continue," she said.

Hiring Illegal Aliens, \$7 Million in Fines; Parking Illegally in New York City, \$554 Million in Fines

As part of the Obama administration's efforts to convince the American people that it is making a serious effort to crack down on employers that hire illegal aliens, the Immigration and Customs Enforcement (ICE) agency has been boasting about its performance in FY 2010.

During FY 2010, ICE claims to have audited 2,740 companies and levied a record \$7 million in fines against employers who were not in compliance with the I-9 process for collecting identity and immigration status data designed to deny jobs to illegal aliens. With an estimated 8 million illegal aliens in the labor force, those fines work out to less than \$1 per illegal alien

employed in the United States. The 2,740 audits average out to about 7.5 per day, including weekends and holidays.

By way of comparison, New York City (at least through FY 2007) published a record of revenues generated by fines against people for parking illegally. According to an official New York City website, the city issued \$554,400,818 in fines for parking violations in FY 2007. According to an unofficial website that monitors parking violations, the city wrote 9,955,441 parking tickets in FY 2008, 27,275 per day, and increased its revenue to \$624 million. Now that's serious enforcement!

FRANK MORRIS CONGRESSIONAL TESTIMONY *continued*

The impact on black workers has been especially devastating. “[I]n line with American tradition and history, African American incomes fell more than any other major American racial group during the great recession. The percentage loss for African American household income was almost double the percentage losses for white and Asian households and almost 30 percent more than for Hispanic households,” Morris told the committee.

Morris charged that our legal immigration policies, combined with the Obama administration's refusal to effectively enforce laws against the employment of illegal aliens, has created an “immigrant privilege” in the labor market. While American workers have seen job opportunities and wages erode, newly arrived immigrants, including millions of illegal aliens, receive preferential treatment.

Younger black Americans bear the brunt of the “immigrant privilege” in the labor market. New legal and illegal immigrants tend to have job skills similar to those of less educated black workers, and compete directly for scarce jobs. While more than 40 percent of black Americans with a high school diploma or

less do not have full-time jobs, Morris noted, our immigration policies continue to flood the labor market with hundreds of thousands of new lower-skilled workers each year.

Morris urged the committee to take heed of the impact of mass immigration and unenforced laws against illegal immigration on American workers generally, and on disadvantaged American minorities in particular. He urged reductions in overall levels of immigration — especially in response to difficult economic conditions in the United States — and greater awareness of how the immigrants we do admit affect the jobs and prosperity of American workers.

Morris also called on Congress to mandate that all U.S. employers use E-Verify to ensure that American workers do not lose job opportunities to illegal aliens. “For immigration to work for American minorities, current American immigration and labor laws, plus the mandatory application of E-verify procedures with stiff sanctions, should be vigorously enforced especially at a time when all American workers, especially African American workers, are so economically vulnerable,” Morris concluded.

Utah Approves Its Own Illegal Alien Amnesty in Defiance of Federal Law

A bill passed by the Utah legislature on March 4 is aimed at effectively granting amnesty to illegal aliens living in the state. Under the Utah legislation, illegal aliens who can prove they have been living in the state and can pass a criminal background check would be granted a two-year work permit. Gov. Gary Herbert signed the legislation into law on March 15.

Under federal law, illegal aliens are prohibited from working anywhere in the United States, including Utah. The Utah law gives the governor until 2013 to negotiate with the federal government a waiver to the federal law in order to allow illegal aliens to remain in the state as guest workers. If a waiver is not obtained by that deadline, the state law would go into effect anyway.

In addition to being a clear violation of federal law, issuance of a waiver by the Obama administration could present a constitutional conflict between the executive and legislative branches of the federal government. The ban against employment of illegal aliens was enacted by Congress in 1986, and a waiver by the executive branch would appear to be unconstitutional. The bill passed in spite of opinions issued by legislative attorneys that the law is clearly unconstitutional.

The same day that the Utah legislature approved a de facto

amnesty for illegal aliens who are already in Utah, it also approved legislation creating a program that would allow the state to facilitate the entry of additional guest workers from the Mexican State of Nuevo Leon. Utah's official unemployment rate stood at 7.6 percent in January. While the state would facilitate the entry of workers from Nuevo Leon, Utah employers would be required to comply with federal policies governing the admission of guest workers.

Still another piece of legislation approved by Utah lawmakers would allow state residents to sponsor up to two individuals or a family from another country to live in Utah.

After suing Arizona for attempting to enforce federal immigration laws, it is unclear how the current administration (or future administrations) would react if Utah were to implement an illegal alien guest worker program in direct defiance of federal law. As a political matter, the Obama administration supports efforts to grant amnesty to all noncriminal illegal aliens. However, the Utah legislation granting work permits to illegal aliens so clearly infringes on federal authority over immigration policy that even the president of the American Immigration Lawyers Association called it, "another ill-advised attempt to regulate immigration."

SHAM U. *continued*

After the attacks of 9/11, Congress created the Student Exchange and Visitors Information System (SEVIS), which requires educational institutions to report any change in status of foreign students. Most legitimate colleges, universities and trade schools have complied with the SEVIS requirements. But examples such as Tri-Valley demonstrate that the volume of visas being issued and the number institutions authorized to accept foreign students leaves dangerous holes in the system.

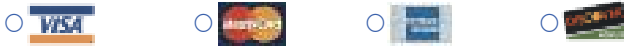


MANY OF TRI-VALLEY'S FOREIGN "STUDENTS" LIVED NOWHERE NEAR THE PLEASANTON, CALIFORNIA, CAMPUS. IN FACT, AS ONLINE STUDENTS THEY HAD NO NEED TO BE IN THE UNITED STATES AT ALL.

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