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## The RAISE Act: An Immigration Bill that Finally Gives American Families a Break

**W**hile President Trump's executive orders, aimed at undoing much of the damage inflicted on our immigration system during the past eight years, have grabbed national attention. A bill introduced in the U.S. Senate on February 7 would have the most significant and positive effect on reforming the nation's immigration policy.

The proposed Reforming American Immigration for Strong Employment Act (RAISE Act), introduced by Senators Tom Cotton (R-Ark.) and David Perdue

(R-Ga.), would overhaul our nation's legal immigration system and cut admissions by about half. The RAISE Act would abolish the nepotistic family chain migration system that has been in place for more than half a century and replace it with one that selects new immigrants based on individual merit.

According to its sponsors, the RAISE Act is intended to protect the interests of American workers, particularly lower skilled American workers who have been harmed by mass immigration, as well as the

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## The Public Supports Trump Actions on Immigration

**F**or all the *Sturm und Drang* over President Trump's temporary admission ban for citizens of seven terror prone nations, his policy has been met with wide support from the American public. According to a National Consult/Politico poll, conducted a week after the executive order was signed, 54 percent of registered voters approved of the admissions pause compared with 38 percent who disapproved of it. Thirty-five percent of those surveyed indicated that they "strongly support" the president's policy.



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## FAIR Defends: Trump Uses *His* “Pen and Phone” to Restore Some Immigration Enforcement

President Trump got right to work fulfilling his campaign pledges to restore the integrity of immigration enforcement. Under the guise of setting “priorities,” former President Obama effectively placed about 87 percent (according to the Migration Policy Institute) of all immigration law violators off-limits to enforcement.

On January 25, President Trump made a visit to the headquarters of the Department of Homeland Security (DHS), where he signed “Enhancing Public Safety in the Interior of the United States,” an executive order directing executive departments and agencies to employ all lawful means to enforce Federal immigration laws. This executive order effectively put an end to Obama-era policies that gutted immigration enforcement, punished State and local governments that attempted to enforce immigration laws, and stretched the concept of “prosecutorial discretion” to a



point where it rendered many immigration laws meaningless. “From here on out, I’m asking all of you to enforce the laws of the United States of America — they will be enforced, and enforced strongly,” President Trump told the assembled Immigration and Customs Enforcement (ICE) agents, Border Patrol officers, and other law enforcement personnel. “We do not need new laws. We will work within the existing system and framework.”

The Enhancing Public Safety in the Interior of the United States executive order addresses the following issues:

### Sanctuary Jurisdictions

Federal law explicitly prohibits sanctuary policies that impede cooperation between federal, state, and local officials when it comes to the sending, requesting, maintaining, or exchanging of information regarding a person’s immigration status. Some 300 jurisdictions across the United States maintain some form of sanctuary policy. The president’s order gives the Attorney General and DHS Secretary the authority to ensure “that jurisdictions that willfully refuse to comply with [federal statutes] are not eligible

to receive Federal grants, except as deemed necessary for law enforcement purposes.” Moreover, the order states explicitly that, “it is the policy of the executive branch to ensure, to the fullest extent of the law” that all jurisdictions in the United States comply with the law prohibiting sanctuary policies.

The threat of withholding federal grants puts teeth into this executive order. It will also be up to Congress to include specific language in appropriations measures barring sanctuary jurisdictions from receiving other types of federal funds. Congressional leaders previously balked at defunding sanctuary jurisdictions because of a likely veto by President Obama. President Trump has indicated clearly that he will sign such measures.

### Rolling Back Obama-era Non-enforcement Policies

While maintaining priority for removing violent criminals and others who pose security risks, the Trump administration ended Obama policies that exempted entire classes of immigration lawbreakers from enforcement and removal. In order to ensure that ICE has the capacity to carry out

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### TRUMP *continued*

Similarly, the poll found strong support for Trump’s executive order denying federal funds to sanctuary jurisdictions. Fifty-five percent of voters supported the action versus 33 percent who opposed it. A plurality of voters, 48 percent, indicated support for construction of the wall along the U.S.-Mexico border, compared

with 42 percent who opposed it.

The president’s executive orders on immigration were by far the most popular of those signed during his first two weeks in office. These included his scrapping of the Trans Pacific Partnership, his plans to repeal the Affordable Care Act, approval of construction of the Keystone XL Pipeline

and other measures. In fact, his immigration enforcement directive proved to be more popular than Trump himself who enjoyed a slim 47 percent approval to 46 percent disapproval rating after his first two weeks as president. ■

### RAISE ACT *continued*



Senators Cotton and Perdue holding a press conference.

impact of globalization and mechanization. Currently, only about one in every 15 immigrants legally admitted to the United States is selected based on his or her skills. The unending “influx of low-skilled labor has been a major factor in the downward pressure on the wages of working Americans, with the wages of recent immigrants hardest hit,” noted Cotton and Perdue. Since the 1970s, American workers with less than a high school diploma have seen their real wages — wages that have been adjusted for inflation — decline by nearly 20 percent.

The RAISE Act would limit family-based migration to nuclear families — spouses and unmarried minor children — and eliminate preferences for parents, adult siblings,

and adult children. These preference categories not only dominate the current immigration flow, but also create ever-increasing demand for higher levels of immigration. Elderly parents who require the care of U.S. citizen children would be eligible for admission on renewable temporary visas. However, these parents would be barred from employment and public benefits, and the sponsoring children would have to guarantee support and private health insurance.

The bill would also abolish the mindless Diversity Immigrant Visa Program Lottery, which annually admits 55,000 applicants who are randomly drawn. In addition, the legislation would cap refugee resettlement at 50,000 a year — a generous level in line with admissions during most of the Obama presidency.

Enactment of the RAISE Act would also restore overall immigration levels to historic norms, in line with the recommendations made by the bipartisan Jordan Commission during the 1990s. The elimination of extended family preferences would result in a 41 percent reduction in legal immigration admissions in the first year and a 50 percent reduction from current levels within 10 years.

According to models created by professors at Princeton and Harvard Universities, overall admissions would decline from about 1 million annually to 638,000 in the first year, and level out at about 540,000 within a decade.

Most importantly, the RAISE Act would restore public interests objectives for U.S. immigration policy along the lines of what FAIR has advocated for decades. Immigrants — without regard to race, ethnicity, or national origin — would be admitted based on an objective assessment of their likelihood to succeed economically and assimilate into the American mainstream. The people admitted would complement the existing labor force, not compete with it. Moreover, cutting admissions by 50 percent would significantly slow population growth in the United States to more sustainable levels. ■

FAIR will continue to its work educate the American public and build broad-based support for these long overdue reforms to our legal immigration system.

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IMMIGRATION ENFORCEMENT *continued*

reasonable levels of enforcement in the interior of the country, the executive order calls for the hiring of an additional 10,000 law enforcement officers.

#### Reinstitution of the Secure Communities Program

In November 2014, DHS got rid of the effective Secure Communities

Program which identified deportable aliens who were arrested for other offenses by local law enforcement. Secure Communities was replaced by the ineffective Priority Enforcement Program, which shielded all but the most dangerous criminal aliens from deportation. By restoring Secure Communities, ICE will be able to issue detainer requests for and take custody of a much larger group of deportable criminal aliens.

#### Reinstitution of the 287(g) Program

In 1996, Congress established the 287(g) Program which allows local police and sheriff's departments to receive federal training to lawfully identify and detain deportable aliens. Even though this was a program established by Congress, the Obama

administration dramatically rewrote the rules for participation and constrained its use by local jurisdictions. President Trump's executive order restores the program as it was intended by Congress to allow local jurisdictions to assist in immigration enforcement.

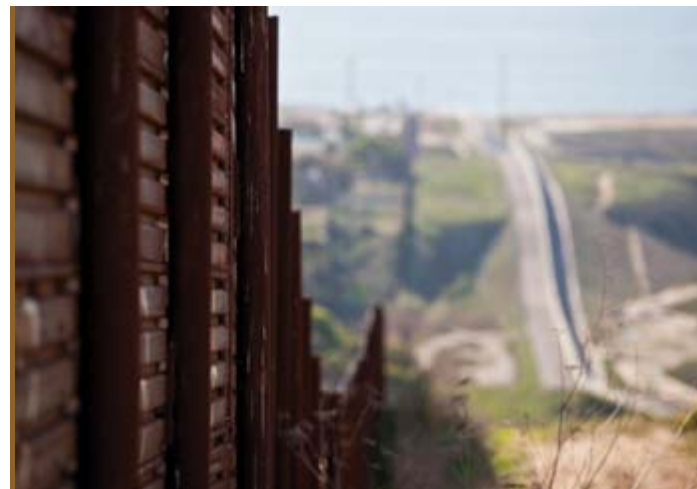
#### Countries that Refuse to Accept Return of their Citizens

There are approximately 250,000 aliens with final orders of deportation — including some 60,000 with criminal records — who cannot be returned to their countries of origin because those governments refuse to accept them. Under President Trump's executive order, these recalcitrant governments could face a cutoff of new visas issued to their citizens. ■

## Trump Promises Action on Border Wall

One of Donald Trump's signature campaign pledges was the construction of a wall along key stretches of the U.S.-Mexico border. During his first week as president, Trump took an important step toward fulfilling that promise when he signed the "Border Security and Immigration Enforcement Improvements" executive order. The order not only makes good on his own campaign promise, but on a promise made to the American people by Congress in 2006 when they passed the Secure Fence Act. (That bill was supported by then-Senators Barack Obama, Joe Biden, Hillary Clinton and current Minority Leader Chuck Schumer.)

The executive order defines "wall" to mean a contiguous, physical wall or other similarly secure contiguous and impassable physical barrier. To implement the building of the wall, funds currently available for the wall will be used and then a long-term budget will be developed for Congressional approval. The president also directed the heads of each executive department and



federal agencies to identify all the sources or direct and indirect foreign aid to Mexico for the past five years.

In addition to the construction of physical barriers to impede illegal entrants, the Trump executive order

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# Across the Country

## Texas

Cutting off funds to sanctuary jurisdictions is not just a position being taken by the Trump administration. Texas Gov. Greg Abbott has put local jurisdictions across the state on notice that policies that provide sanctuary to illegal aliens will cost them much needed state funds. Travis County, which includes the state capital Austin, is the first jurisdiction in Texas to pay a price — \$1.5 million to be precise — for policies that encourage illegal immigration. Gov. Abbott took this action after Travis County Sheriff Sally Hernandez announced that the county jail would not comply with detainer requests issued by the federal government. The governor also threw his support behind SB 4, sponsored by Senator Charles Perry, which prohibits Texas localities and campuses from implementing sanctuary policies, requires law enforcement to comply with ICE detainers, and imposes liability on localities that release aliens from custody in defiance of a detainer request. In early February, SB 4 was approved by the Senate Committee on State Affairs by a 7-2 majority. A vote by the full Texas State Senate had not occurred by the deadline for this edition of the FAIR newsletter.

## Florida

President Trump's threat to cutoff federal funds to sanctuary jurisdictions saw its first success just one day after the president signed his executive order. Miami-Dade Mayor Carlos Gimenez ordered county jails to comply with ICE detainer requests, reversing a policy that had been in place since 2013. Miami had never formally declared itself a sanctuary jurisdiction, but had refused to detain inmates because it claimed that holding some 100 inmates sought by ICE would have cost the city \$52,000. In explaining his decision, Mayor Gimenez stated, "I want to make sure we don't put in jeopardy the millions of funds we get from the federal government for a \$52,000 issue." (On Feb. 8, the city of Dayton, Ohio, became the second jurisdiction to choose federal cash over maintaining sanctuary policies.)

## California

California is already a sanctuary state. There are laws in place that severely limit the circumstances under which police and sheriffs' departments are permitted to honor ICE detainers. The state issues driver's licenses to illegal aliens. It offers in-state tuition subsidies and state grants to illegal aliens to offset the costs of higher education. But just in case it wasn't clear enough, California legislators are poised to approve SB 54, described by its sponsor, Senate President Pro Tem Kevin de Leon as border-to-border sanctuary for illegal aliens. The bill cleared its first legislative hurdle winning approval from the (ironically named) Senate Public Safety Committee by a vote of 5-2. Gov. Jerry Brown has not indicated if he will sign the bill if it reaches his desk, but he did defiantly declare in his State of the State address that California will do everything in its power to protect illegal aliens against federal immigration enforcement, even at the risk of losing federal dollars at a time when the state is projecting a \$1.6 billion budget shortfall.



**BORDER WALL** *continued*

makes it more difficult for people to abuse our political asylum system by making fraudulent “credible fear” claims. More broadly, it attempts to end Obama-era “catch-and-release” policies under which inadmissible aliens were released into the United States, under a variety of pretexts, with little expectation that they would appear for future hearings. To halt these abuses, the president’s order mandates detention for all aliens pending the outcome of their removal proceedings or removal from the country.

To further enhance border security, the executive order calls for hiring and training an additional 5,000 Border Patrol agents and the construction of additional detention facilities to hold unlawful entrants who were being routinely released by the Obama administration.

The Border Security and Immigration Enforcement Improvements order also reins in the use of parole to allow otherwise inadmissible aliens to legally remain in the U.S. This authority was abused by the Obama administration to circumvent laws

barring entry of people who had previously violated immigration laws and even to grant a backdoor amnesty to some illegal aliens.

By implementing these steps to carry out the promises made in the 2006 Secure Fence Act and eliminating catch-and-release policies, the Trump administration aims to discourage people from attempting to enter the United States illegally. Detering illegal entry is the most effective way of securing our borders. ■

## Trump Orders Pause in Admissions from Terror-Prone Nations

Former President Obama’s top national security advisors testified on several occasions that the screening procedures for refugees — particularly those from war-torn Syria — were inadequate to ensure the safety of the American people. The outgoing Obama administration also compiled a list of seven countries of concern with regard to international terrorism.

The former president largely ignored those concerns and, in fact, increased the inflow of refugees from Syria. However, upon assuming office, President Trump decided to act on the security concerns raised by his predecessor’s national security team. During his first week in office, President Trump issued a directive halting the admission of citizens of Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen for 90 days. In addition, he implemented a 120-day pause in refugee resettlement (perhaps longer for Syrian nationals), while security officials develop better screening procedures. Importantly, the refugees whose admission to the United States would be delayed by the president’s order continue to receive protection by the United Nations and other international humanitarian organizations.

The president’s actions were widely and erroneously reported as being a ban on Muslims entering the United States. In fact, the vast majority of the world’s estimated



1.6 billion Muslims are not affected by these temporary restrictions on admission to the United States. The countries covered by the president’s order were placed on the list because they are known to sponsor or support terrorism, or because terrorist organizations like ISIS, al-Shabab, and al-Qaeda operate from within their borders. In other words, they pose security risks.

FAIR categorically opposes restrictions on immigration or admission of people based on characteristics such as religion, race, ethnicity or national origin. However, throughout our history, the United States has restricted the admission of people who adhere to violent or hate-

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## Key Immigration Positions in Trump Administration Filled

In contrast to the political appointees who filled the top immigration enforcement roles in the Obama administration who often displayed open hostility to the laws they were sworn to uphold, President Trump and Homeland Security Secretary John Kelly are filling those posts with people who believe in upholding our nation’s immigration laws. Among those named to key immigration positions at DHS are:

**Thomas Homan, ICE Director.** Homan is a 33-year veteran of law enforcement and has nearly 30 years of immigration enforcement experience. He has served as an NYPD officer; a U.S. Border Patrol agent; a special agent with the former U.S. Immigration and Naturalization Service; as well as supervisory special agent and deputy assistant director for investigations at ICE.

Since 2013, Homan has served as the executive associate director of ICE Enforcement and Removal Operations (ERO). In this capacity, he led ICE’s efforts to identify, arrest, detain, and remove illegal aliens, including those who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of federal immigration laws and border control efforts.



**Ronald Vitiello, Border Patrol Chief.** Vitiello has more than 30 years of Border Patrol experience, including a stint as Acting Chief from December 1, 2015 until July 20, 2016, when he was appointed Executive Assistant Commissioner for Operations Support.

Vitiello has front-line experience in protecting the country’s borders. Throughout his distinguished career, he has held numerous leadership positions within the U.S. Border Patrol. Also, unlike his Obama-appointed predecessor, Vitiello has the respect of the men and women he will be leading. Brandon Judd, the president of the National Border Patrol Council, the union which represents Border Patrol agents, issued a statement saying that although he does not always see eye-to-eye with Vitiello, he believes the new Border Patrol Chief shares the rank and file’s desire to secure our borders and enforce our laws. ■

**ADMISSIONS** *continued*

ful ideologies. The beliefs of people who belong to, or identify with radical Islamic terror groups clearly fit within the definition of ideologues that should be kept from entering the United States. The temporary pause in admissions will allow for improvements in the screening process which are necessary to provide reasonable protection to the American public.

Within days of issuing this executive order, a federal judge in Seattle issued a temporary restraining

order (TRO) preventing the government from carrying it out. The Trump administration immediately appealed that ruling before the Ninth Circuit Court of Appeals. A three-judge panel of the Ninth Circuit Court of Appeals upheld the lower court’s ruling.

FAIR and its legal affiliate, the Immigration Reform Law Institute, believe that the president has clear legal authority to bar the admission of foreign nationals. There is no guaranteed right of any noncitizen to

enter the United States. Moreover, the president’s right to bar admissions of certain foreign nationals has been repeatedly affirmed by the Supreme Court.

Regardless of the legal wrangling, the Trump administration is moving forward with a review of the screening process for the admission of refugees, immigrants and visitors so that only those who do not pose security risks, or otherwise abuse the terms of their admission to the United States, can be allowed to enter the country. ■

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