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Obama Administration Implements Non-Enforcement Policy

Based on the president’s first six weeks in office, the April edition of FAIR’s *Immigration Report* began to connect the dots and sketch out the Obama administration’s immigration policy. “With or without [amnesty] legislation, the administration is sending unmistakable signals to illegal aliens that they will not vigorously enforce laws against illegal immigration,” we observed.

Since that time, “unmistakable signals” have been translated into unmistakable

deeds, all leading to the inescapable conclusion that not only won’t the administration vigorously enforce laws against illegal immigration, but their intent is to dismantle immigration enforcement programs altogether. Following an Immigration and Customs Enforcement (ICE) worksite enforcement action in Bellingham, Washington, in late February, the administration stated publicly that such actions are under review.

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Vice President Biden Acknowledges the Obvious: *Americans Oppose Amnesty*

At a recent news conference in Costa Rica, Vice President Joe Biden, a man known for being direct, came right to the point on the subject of a potential amnesty for illegal aliens. “It’s difficult to tell a constituency while unemployment is rising, they’re losing their jobs and their homes, that what we should do is in fact legalize (illegal immigrants) and stop all deportation,” Biden stated. The vice president was in the Costa Rican capital meeting



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Non-Enforcement Policy *continued*

By the end of March the review was over and so, apparently, is worksite enforcement. Homeland Security Secretary Janet Napolitano signaled in late March that the arrest of illegal alien workers would be abandoned in favor of going after employers only. A planned enforcement action against a military-related facility in Chicago, suspected of employing hundreds of illegal aliens, was called off. Even more pointedly, DHS released 27 of the 28 illegal aliens nabbed in the Bellingham enforcement action and issued them work permits and the right to remain in the country for an indefinite period.

Napolitano indicated that the administration will focus its enforcement efforts on businesses and executives responsible for employing illegal aliens. How the government will be able to prosecute businesses and executives for employing illegal aliens without conducting worksite enforcement is not clear. Nor is it clear how ICE plans to carry out enforcement ac-

tions against company executives, while ignoring the illegal workers on the factory floor or the construction site.

While DHS was reviewing and gutting worksite enforcement, the president was busy appointing illegal alien advocates to key positions in his administration. With the nomination of Thomas Perez to head up the civil rights division of the Department of Justice and Esther Olavarria as a deputy assistant secretary of DHS, the upper echelons of the Obama administration have now been filled with individuals who are openly hostile to any sort of immigration enforcement.

What distinguishes the actions of the Obama administration from those of its predecessors is that the president is affirmatively dismantling existing immigration enforcement programs and infrastructure. While Presidents Bill Clinton and George W. Bush did little to enforce immigration laws when they assumed power, their inaction was merely a perpetuation of the status quo.

The status quo inherited by President Obama, on the other hand, was one in which ICE was successfully car-

rying out enforcement actions against businesses, prosecuting employers, deporting illegal workers, and discouraging other employers from hiring illegal aliens. In the case of the current president, not enforcing worksite immigration laws required a deliberate and calculated change in direction.

The Obama administration's policy of non-enforcement will not go unchallenged in Congress or by organizations like FAIR that have worked hard to promote sensible enforcement of U.S. immigration policies. Secretary Napolitano's announcement that worksite enforcement would be curtailed drew immediate concern from key members of Congress on both sides of the aisle who urged the administration to maintain efforts to rescue American jobs from illegal aliens.

FAIR, too, has been waging a national effort to keep the heat on the administration to protect the jobs of U.S. workers. In the media, and through our national network of immigration reformers, FAIR will make sure that the president and Congress hear the voices of the American public.

Immigration
REPORT

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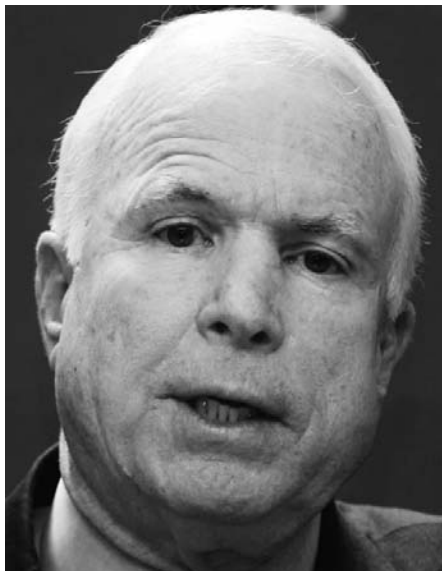
McCain Won't Provide GOP Cover for Amnesty

One of the political necessities of promoting unpopular legislation, like amnesty for illegal aliens, is bipartisanship — or at least the appearance

of it. When politicians do something that is guaranteed to anger the voters they want to be sure that they can spread the blame around.

CONTINUED on next page

McCain continued



Without a prominent Republican like John McCain prepared to take a public role, an amnesty-only bill would likely be a Democrat-only bill — which may be more political risk than the Democratic leadership is prepared to take.

In previous attempts to pass an illegal alien amnesty, congressional Democrats had President Bush and Sen. John McCain (R-Ariz.) to provide political cover. In 2009, the political landscape is very different. President Bush is back on his ranch in Texas, and in a closed door meeting with Hispanic business leaders in March, McCain angrily told them that he was not going to lead the charge in Congress for amnesty legislation.

It is not that McCain has had a change of heart on amnesty; rather, according to *The National Journal*, McCain let loose on Hispanic leaders for the failure of Hispanic voters to rally around him in his bid for the presidency, despite his long-time support for amnesty. Of course if McCain had looked at countless polls of Hispanic voters, he would have realized that the economy and other issues were the primary factors that influenced how Hispanics voted.

It is clear, then, that when these comments are coupled with indications that amnesty supporters on the political left intend to sever their ties to the business lobby, which demands more guest workers, achieving even the veneer of bipartisanship for an amnesty bill in 2009 is likely to be far more difficult than in the recent past. Without a prominent Republican like John McCain prepared to take a public role, an amnesty-only bill would likely be a Democrat-only bill — which may be more of a political risk than the Democratic leadership is prepared to take.

Immigration Enforcement Is “Un-American”, Says Speaker Pelosi

Non-enforcement of immigration laws is not the exclusive policy of the Obama administration. The president has key allies in his effort to dismantle immigration law enforcement among the leaders of Congress. House Speaker Nancy Pelosi (D-Calif.) made it very clear that she is in complete lockstep with the administration when she addressed amnesty supporters at a San Francisco church on March 18.

Echoing the exaggerated claims of the illegal alien lobby that ICE agents are indiscriminately “terrorizing” illegal aliens, Speaker Pelosi told a gathering of amnesty supporters, “Who in this country would not want to change a policy of kicking in doors in the middle of the night and sending a parent away from their [*sic*] families? It must be stopped... What value system is that? I think it’s un-American. I think it’s un-American.”

Pelosi went on to reinforce the Obama administration’s systematic dismantlement of existing worksite enforcement policies. Begun in late 2007 by the Bush administration, the Immigration and Customs Enforcement agency’s (ICE) stepped-up worksite enforcement strategy was creating effective deterrence to employing illegal aliens — too effective for the Obama administration and Speaker Pelosi. “We have to have a change in policy and practice and again ... I can’t

We have to have a change in policy and practice and again. . . I can’t say it enough, the raids must end. The raids must end.

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VP Acknowledges Obvious continued

with Central American leaders at an informal regional summit.

Biden reiterated the Obama administration's support for "a comprehensive approach" to immigration reform, but asked for "forbearance" as the U.S. struggles through its worst economic crisis since the Great Depression. "Comprehensive" immigration reform has become a euphemism for legislation that guarantees amnesty for millions of law-breakers in exchange for promises of better enforcement in the future. Both Biden and President Obama backed such

a plan in 2007 while they were in the Senate.

While the Obama administration remains committed to a sweeping illegal alien amnesty, Vice President Biden's remarks offer some hope that the administration may take a more pragmatic approach to immigration policy. Amnesty for millions of illegal aliens is inherently a bad policy idea that undermines the rule of law and the interests of law-abiding citizens and immigrants, and has been resoundingly and repeatedly rejected by the American public,

even during relatively good economic times.

In spite of Biden's remarks, the illegal alien lobby and its supporters in Congress continue to press for consideration of amnesty legislation. As the economy and rising unemployment have become overwhelming concerns for the public, FAIR has been working in Washington and around the country to raise awareness of the impact that amnesty would have on workers, taxpayers, and on state and local budgets.

Obama's Aunt: a Symbol of U.S. Immigration Policy Abuse

Zeituni Onyango is an illegal alien from Kenya whose story made headlines because she happens to be President Obama's aunt. But the real significance of Onyango's case is that she offers a textbook example of the way illegal aliens routinely manipulate the adjudication process and abuse the political asylum system.

After a closed door hearing before an immigration judge in Boston in April, Onyango received a stay of deportation for one year, so that she could remain in the United States and press her claim for political asylum. Beside the fact that it is hard to imagine that President Obama's aunt would be politically persecuted in her native

Kenya — a country in which her nephew has attained folk hero status — her appearance in a Boston immigration court was her latest in a long series of attempts to defy U.S. immigration laws.

Onyango previously applied for political asylum in the United States, and in 2002 her request for asylum was denied after she could not convince a judge that she faced a bona fide threat of persecution in Kenya. In 2003 she was ordered deported. That ruling was appealed and, in 2004, a second deportation order was issued. Instead of complying with the order of deportation and leaving the country, Onyango moved into a public housing project in Boston and lived in



a taxpayer-subsidized apartment.

After seven years of open defiance of U.S. immigration laws, Onyango was still able to take advantage of the legal process to gain at least one more year in this country. The ability of illegal aliens fighting deportation to stall for time by tying the judicial system in knots is not limited to those who happen to be relatives of the president. Onyango's situation is all too common. Illegal aliens are

permitted to ignore deportation orders and are still able to file endless appeals and frivolous claims for political asylum.

Because President Obama and his administration are ideologically committed to gutting nearly all areas of immigration enforcement, this sort of abuse of the judicial process is likely to increase.

The Onyango case provides a high profile example of the sort of abuses that FAIR has fought for years. Her flagrant (and so far, successful) abuse of the legal process demonstrates why appeals of deportation orders must be limited and frivolous claims for political asylum must be prevented.

AROUND THE COUNTRY



GEORGIA

A Georgia state law passed in 2006 requires that all state contractors use the federal E-Verify system in order to do business with the state. The law also mandates that local governments use a federal database to check whether people are eligible for welfare and other public benefits. House Bill 2, approved by the Georgia House of Representatives on April 1, is aimed at making sure that local governments around the state comply with the law. Under House Bill 2, local governments that do not follow procedures to make sure they are not hiring illegal aliens could lose state funding for road building projects. The State House and the State Senate must work out differences between their respective versions of the legislation before it can be approved by both houses.

INDIANA

As FAIR reported in the April edition of the *Immigration Report*, the Indiana Senate overwhelmingly approved sensible legislation that would require state and local governments to use the E-Verify system and encourage other employers to do the same. But, Depression era unemployment rates in pockets of the state, the Indiana House of Representatives has indicated that it will not even hold a vote on the bill. Rep. Earl Harris (D-East Chicago), who chairs the committee to which the bill was assigned stated, "No, I don't think this session. I really don't think this is the year we should do that." FAIR and the Immigration Reform Law Institute (IRLI), which worked closely with the Senate sponsors, will continue to work closely with Indiana activists to press for a vote in the House.

ARKANSAS

Just a few years ago, state legislation granting in-state tuition to illegal aliens at public colleges and universities was gaining traction all across the country. Thanks to public opposition and legal challenges to illegal alien in-state tuition policies mounted by FAIR and IRLI, that trend appears to be halted. In March, the Arkansas Senate rejected a measure that would have granted in-state tuition to illegal aliens. Immigration reform activists and other Arkansans flooded the offices of state senators with calls and emails opposing the bill. The in-state tuition legislation was defeated by a vote of 21-13.

NEW JERSEY

Last August, Gov. Jon Corzine convened what he called a Blue Ribbon Advisory Panel on Immigrant Policy. In March, the panel delivered its recommendations to the governor. Stacked with members who share Gov. Corzine's support for providing benefits, privileges and services to illegal aliens, the panel recommended that New Jersey grant in-state tuition benefits and driver's licenses to illegal aliens. While the panel may reflect the governor's views, a Monmouth University poll found the panel's recommendations to be out of step with most New Jerseyites. Only 20 percent of Garden State residents favor in-state tuition benefits for illegal aliens, and only 33 percent believe illegal aliens should be given driver's licenses. A 2007 FAIR study found that illegal immigration (at the time) cost state taxpayers \$2.1 billion annually.

The (Recurring) DREAM Act

Congressional amnesty supporters would first and foremost like to enact a comprehensive amnesty bill that legalizes all illegal aliens in the United States. But, as in the past, their contingency plan is to break it into a bunch of smaller amnesties and pass it piece by piece.

As expected, the first of the “mini-amnesties” to emerge is the DREAM Act, which was reintroduced in both houses of Congress in March. Sponsored by Sen. Richard Durbin (D-Ill.) and Rep. Howard Berman (D-Calif.), the DREAM Act is being sold as a measure to help the innocent children of illegal aliens who want to be able to pursue a college education and the right to remain in the country where they grew up. In reality, the bill would grant amnesty to just about any illegal alien under the age of 35. And, because of the family sponsorship provisions of our immigration system, this “mini-amnesty” would pave the

way for remaining family members to gain legal status.

In addition to granting green cards to millions of illegal aliens, the DREAM Act would also permit states to provide in-state college tuition subsidies for those who benefit from the amnesty. While the legislation is advertised as a measure to help those who are illegally in the U.S. through no fault of their own, the reality of the bill is very different. The DREAM Act:

- Rewards parents through their children and encourages more people to break our laws in the expectation that all will be rewarded.
- Absolves parents of responsibility for the consequences their illegal behavior has on their children.
- Punishes students who are citizens and legal residents by denying them much needed opportunities at public universities, and much needed tuition subsidies.

- Imposes enormous cost burdens on state university systems that are already struggling to maintain admission levels, academic programs, and cap skyrocketing tuition increases.

Because they worry President Obama will lose political capital over time, the illegal alien lobby is desperate to get some form of amnesty passed in this session of Congress. But FAIR will be closely tracking the DREAM Act and other piecemeal amnesty bills and educating the American public about their scope and cost. In the past, when the public learned about such bills, they voiced their overwhelming opposition to their members of Congress. The result will be no different with this bill, especially as American families increasingly struggle to pay for their own children’s college educations.

Illegal Alien Lobby Amasses Large War Chest for Amnesty Push

The illegal alien lobby is gearing up for a major push to enact amnesty this fall, and has amassed a reported \$18 million war chest to fund a media and grassroots campaign to back their cause. According to the McClatchy News Service, the money has been raised from “liberal foundations,” with billionaire activist George Soros providing the largest chunk of the funding.

The shift in funding to the political left also indicates a change in strategy on the part of the amnesty lobby. Previous efforts to enact amnesty have been coupled with legislative lan-

guage that would also increase business’ access to foreign guest workers. The prospect of more guest workers led business interests to spend lavishly in support of the McCain-Kennedy amnesty legislation in 2006 and 2007.

Flush with liberal foundation cash, and sensing that increasing guest worker admissions will be hard to justify amidst a deep recession and rising unemployment, the left wing of the open borders coalition appears to be gearing up for an amnesty-only bill in 2009. In an effort to move a bill this year, the illegal alien

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“Un-American” continued

say it enough, the raids must end. The raids must end,” she said.

The San Francisco church where Pelosi made her remarks was one of the stops on Rep. Luis Gutierrez’s 17-city tour to organize support for amnesty legislation. The Speaker did not stop at condemning the enforcement of laws enacted by Congress as “un-American.” She offered praise for those who are demanding



to benefit from having broken the law, declaring them to be true patriots.

After apologizing to the audience for not being able to speak to them in Spanish, she told them, “You are special people. You’re here on a Saturday night to take responsibility for our country’s future. That makes you very, very patriotic.”

Speaker Pelosi’s speech at St. Anthony’s Church in San Francisco can be viewed in its entirety on www.YouTube.com.

Immigration Enforcement and Families:

A RATIONAL RESPONSE

Amnesty supporters often argue that it is wrong, no matter the circumstances or the behavior, to separate illegal alien parents from their families. House Speaker Nancy Pelosi has called immigration enforcement that takes an illegal alien parent into custody, “un-American.” Speaking from the pulpit, Cardinal Francis George of Chicago declared, “May this be the year that raids and separation of families stop.”

As the illegal alien lobby wages its battle against immigration enforcement and gears up for yet another attempt at amnesty, its strategy to sell their ideas to the American public is clear: appeal to emotion and hope and the public will ignore the serious economic and social impact mass illegal immigration has on the American people.

Illegal alien advocates do not hold the moral high ground in this debate, and their tactics cannot go unanswered. As immigration reform activists, it is important that you are armed with rational responses to the illegal alien lobby’s emotional – and only – argument for amnesty. The following are a few (by no means the only) responses to the opposition’s appeal to emotion:

Law enforcement often separates families. Whenever people break

laws they run the risk of being separated from their families. Being a parent cannot be a “get out of jail free” card. Nobody would rationally suggest that we cease enforcing other laws, or declare amnesties, because enforcing those laws might harm family members of the offender. The responsibility for any negative consequences to family members rightly rests with the people who break laws, not the people or the society that enforces them. U.S. citizen parents are separated from their children every day in courts across America as a consequence of our laws being enforced.

Illegal aliens have the option of staying with family members. Illegal aliens who are deported have the option of taking their children with them. If families are separated, it is the result of decisions made by the deported alien to leave children behind.

Illegal immigration harms American families. Illegal immigration is not a victimless crime. When illegal aliens come to the U.S. and take jobs and use benefits and services, Americans pay a price. In particular, the steady erosion of the rule of law is one that cannot be measured in dollars. The impact immigration has on those legally here is the reason we have immigration laws in the first place.

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War Chest continued

lobby is promoting the idea of legislation that grants amnesty to illegal aliens in exchange for future reductions in guest worker admissions.

With solid Democratic majorities in both houses of Congress, and stiff opposition to guest worker programs by organized labor, illegal alien advocates appear to believe they have a better shot at passing an amnesty-only bill than one that also appeals to business interests. In addition to jeopardizing lobbying dollars from the business wing of the coalition, the strategy could risk the loss of support from key Republican legislators who supported McCain-Kennedy. Without the appearance of bipartisanship on a bill that is sure to be opposed by an overwhelming majority of the American public, however, many Democrats may be reluctant to risk alienating their constituents.

Whether congressional leaders promote an amnesty-only bill, or resuscitate the McCain-Kennedy legislation, FAIR is already working to oppose their efforts. During February and March, Rep. Luis Gutierrez (D-Ill.) conducted a 17-city nationwide tour to rally illegal aliens and their supporters for an amnesty push. Almost everywhere Rep. Gutierrez stopped, he found that FAIR had already been there — making the case against amnesty on local talk radio, meeting with newspaper editorial boards, and organizing local immigration reform activists.