



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration

## REPORT

NOVEMBER 2015

## Inside. . .

BORDER SURGE BECOMING A SUSTAINED WAVE

**PAGE 3**

ACROSS THE COUNTRY

**PAGE 4**

MOUNTING EVIDENCE IT'S TIME TO REPEAL THE CUBAN ADJUSTMENT ACT

**PAGE 5**

50 YEARS OF "THOUGHTLESS" IMMIGRATION POLICY IS ENOUGH

**PAGE 6**

FBI DIRECTOR ADMITS "CERTAIN GAPS" IN REFUGEE SCREENING

**PAGE 7**

## Senate Democratic Minority Votes to Protect Criminal Aliens Over Public Safety

**A**fter a string of high profile murders—including the July killing of Kate Steinle in San Francisco—which resulted from federal and local sanctuary policies that returned criminal aliens to the streets of America, the U.S. Senate rejected legislation designed to rein in these policies.

In a largely party-line vote, the Democratic minority blocked S. 2146, the Stop Sanctuary Policies and Protect Americans Act, from

coming to a final vote. Under Senate procedures, 60 votes are necessary to invoke cloture and end a filibuster in order to bring a bill to the floor for final passage. The cloture vote was 54-45, with Republican Mark Kirk (Ill.) joining with the Democrats. Two Democrats, Joe Donnelly (Ind.) and Joe Manchin (W.Va.) voted for the cloture motion.

S. 2146 would have denied certain federal funds to jurisdictions that refuse to share information

CONTINUED ON PAGE 2

## Taxpayers Look Out: Obama Administration Calls for More Tuition Handouts for Illegal Aliens

**U**nder outgoing Secretary of Labor Arne Duncan's watch, college tuitions at both public and private institutions have continued their steep increases. The result is that many students are unable to afford the colleges of their choice, or are forced to assume large debts to pay for their education.

Despite these stark realities, Duncan reiterated his (and the Obama administration's) support for providing

**83% of Americans believe that illegal aliens should not be legally allowed to receive federal, state or local benefits.**



CONTINUED ON PAGE 3

  
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SENATE PROTECTS CRIMINAL ALIENS *continued*

about criminal aliens with the federal government or comply with Immigration and Customs Enforcement (ICE) detainer requests.

Similar legislation was easily approved by the House of Representatives in July. However, Senate Democrats, led by Minority Leader Harry Reid (D-Nev.), killed the measure. Ignoring the fact that sanctuary policies have already been directly responsible for numerous crimes committed against innocent citizens, Reid lashed out harshly against S. 2146, describing these crimes as mere “myth.” “This vile legislation might as well be called the Donald Trump Act, like the disgusting outrageous language championed by Donald Trump... This Donald Trump Act was designed to demonize immigrants and spread the myth that they are criminals and threats to the public,” Reid said.

The families of Kate Steinle, Marilyn Pharis, and Margaret Kostelnik — three women

The 45 senators who voted against cloture will now be at least partially complicit in any future crimes committed by illegal aliens who were protected by sanctuary policies.

Among its key provisions, S. 2146 would have:

- Created a uniform national definition of what constitutes a “sanctuary jurisdiction.”
- Denied SCAAP, COPS and HUD grants to sanctuary jurisdictions and redirected those funds to compliant jurisdictions.
- Increased penalties against illegal aliens who reenter the country after deportation.
- Protected individuals who are victims of crimes, or who provide information to police. Such individuals could not have been asked about immigration status or have their immigration status investigated.

murdered by illegal aliens with criminal records who had been released as a result of local or federal sanctuary policies — might dispute Reid’s assertion that illegal alien criminals are a “myth,” or that efforts to ensure that local governments comply with ICE detainers requests are “vile.”

While the lion’s share of the blame for the defeat of S. 2146 rests with Senate Democrats, it is also evident that the Republican leadership is likely to let the matter drop, rather than press forward with an effort to rein in dangerous sanctuary policies. Under the somewhat arcane rules of the Senate, Majority Leader Mitch McConnell could have switched his vote (ironically,

joining Harry Reid and the Democrats in opposing cloture), which would have allowed him to bring the bill up again. By not taking this symbolic step, McConnell signaled that he and the Republican leadership are not prepared to fight for this bill.

Having killed a bill that would have taken reasonable steps to prevent criminal aliens from being released back into the community, the 45 senators who voted against cloture will now be at least partially complicit in any future crimes committed by illegal aliens who were protected by sanctuary policies. The American public will need to hold them accountable.

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## The Untold Story: The Border “Surge” Is Becoming a “Wave”

The Obama administration and immigration advocates have been reassuring the American public that the surge of Central American migrants crashing our borders in the summer of 2014 was subsiding and that we are no longer dealing with a crisis. Like a lot of other things this administration tells us, this, too, turns out to be untrue.

While the number of illegal border crossers from Central America, including unaccompanied minors, abated from the record levels of the summer of 2014, they remained far above historic norms. However, the latest data from U.S. Customs and Border Protection (CPB) indicates a renewed spike during the summer of 2015. According to CPB data, in August alone, some 4,500 unaccompanied minors—mostly from Central America—were apprehended entering the country illegally along with an additional 5,100 families.

Chris Cabrera, vice president of the local chapter of the National Border Patrol Council, which represents

the interests of Border Patrol agents, attributes this latest border surge to policies of the Obama administration. According to Cabrera, information is getting back to the primary sending countries, El Salvador, Guatemala, and Honduras, that people who reach the United States are being released and allowed to remain here.

In addition, Border Patrol officials note the influence of a ruling by Federal District Judge Dolly Gee severely limiting the ability of CBP to detain illegal aliens who enter with minor children for more than a few days. These factors, combined with ongoing poverty and violence in these Central American nations, have fueled a new surge that is likely to continue indefinitely under current policies.

While much of the world’s attention is on the wave of migrants washing across Europe, these latest data indicate that the surge of illegal immigration from Central America is more aptly a wave that is being encouraged by U.S. government policies.

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### COLLEGE BENEFITS FOR ILLEGAL ALIENS *continued*

taxpayer-funded college tuition subsidies to all illegal aliens. Speaking to the Congressional Hispanic Caucus Institute conference in Washington in October, Duncan said, “We have to make sure we give financial aid to our undocumented students and the fact that as a nation we have yet to do that is a travesty.”

Duncan indicated his support for making illegal aliens eligible for Stafford and Pell Grants. Sen. Mazie Hirono (D-Hawaii) has introduced the College Option for DREAMers Act, S. 1059, which would give illegal aliens access to federal aid including the Pell Grant and work-study programs. About a third of states now offer in-state

tuition subsidies to illegal aliens. Hirono claims that her proposal would ensure illegal alien students have “a fair shot at affordable higher education.”

Apparently for Duncan and Hirono, denying law-abiding American students “a fair shot at affordable higher education” by allocating these scarce educational resources to illegal aliens would not be a travesty—but they seem to be part of a distinct minority. Efforts to provide taxpayer subsidized education benefits to illegal aliens remain extremely unpopular with the American people. A recent Rasmussen poll found that 83 percent of Americans believe those

here illegally should not be legally allowed to receive federal, state, or local benefits, such as financial aid for higher education.

The Department of Education is also encouraging schools at all levels to commit resources to serving the needs of illegal alien students. The department (at taxpayer expense) published a resource guide instructing educators and school systems in ways they can provide assistance to illegal alien students and their families, above and beyond the basic education, language instruction, and other needs-based programs that are already provided.

# Across the Country. . . FAIR *in Action*



## California

Just when you think that California legislators have gone about as far they can possibly go to accommodate and reward illegal aliens, they prove you wrong. During the 2015 legislative session, the State Legislature passed a series of bills designed to bestow new protections and benefits on the state's illegal alien population. In early October, Gov. Jerry Brown signed four bills into law:

**SB 4, the Health Care for All Act**, will provide taxpayer-funded Medi-Cal benefits to illegal aliens under the age of 19. As a result, 170,000 illegal aliens are expected to be added to the already overburdened program.

**SB 674, the Immigrant Victims of Crime Equity Act**, protects illegal aliens who have been victims of crimes from deportation by requiring law enforcement to certify that alien victims are "helpful" or "likely to be helpful" in the prosecution of that crime, for the purpose of making that alien eligible for a residency visa. Under S.B. 674, law enforcement officers are required to make this certification, whether or not the alien's assistance is actually required or useful to law enforcement at all.

**AB 1461, the California New Motor Voter Program**, provides for automatic voter registration for all eligible driver's license applicants. This measure poses serious concerns for voter fraud because the California Department of Motor Vehicle's databases are specifically designed to make noncitizen license holders unsearchable.

**AB 622, the E-Verify System: Unlawful Business Practices Act**, creates new state penalties for misuse of E-Verify. Under this legislation, the state of California will fine employers \$10,000 any time an employer uses E-Verify in violation of the terms of use established by the federal government. Despite an absence of evidence that California employers are misusing E-Verify, the bill creates a chilling effect on employers who use the system to identify ineligible workers.



## North Carolina

The North Carolina General Assembly approved the Protect North Carolina Workers Act, HB 318. The bill strengthens the state's

E-Verify law, prohibits sanctuary policies that impede the enforcement of immigration law, and cracks down on identity fraud. The law requires contractors hired by the state to verify that their employees are authorized to work in the United States using E-Verify. It also takes a stand against policies instituted by localities that limit or prohibit their law enforcement agencies from cooperating with federal immigration authorities and inquiring into the immigration status of individuals in custody. Lastly, the bill restricts government officials from accepting foreign consular cards, including the Matrícula Consular card issued by the Mexican government, as proof of identity or residence.

Gov. Pat McCrory signed HB 318 into law on Oct. 28. At the signing ceremony, McCrory stated, "We cannot allow our local officials in towns and cities to make up their own rules that conflict with our nation's laws and our nation's values...No politician should select which laws to obey or not to obey and this includes immigration. Law enforcement officers should be helping enforce our immigration laws."

HB 318 was promoted by local immigration reform groups in North Carolina and was supported by FAIR.

## Mounting Evidence that It's Time to Repeal the Cuban Adjustment Act

For decades, the United States has maintained a separate immigration policy for Cuban nationals. Under the Cuban Adjustment Act (CAA), which was passed in 1966, Cubans who arrive in the United States are treated as de facto refugees. They are allowed to remain in the country and can adjust to permanent legal resident status 12 months after their arrival.

FAIR has long called for the repeal of the CAA, as an ineffective and unfair relic of the Cold War. In fact, the wholesale resettlement of Cuban dissidents to the United States probably helped solidify the Castro brothers' grip on power as dissidents who might have challenged their regime settled in the U.S.



Earlier this year, the United States took steps to normalize relations with Cuba and reestablished diplomatic relations with that country after more than half a century. At the same time, growing evidence illustrates the fact that the vast majority of arriving Cubans who are taking advantage of the CAA are not fleeing political persecution, but are blatantly exploiting this special policy for economic reasons.

A series of articles appearing the *Ft. Lauderdale Sun-Sentinel* document that large numbers of Cuban nationals who are gaining U.S. residency under the CAA are immediately registering for a whole range of

public benefits that are not available to other legally settled immigrants. Moreover, many of these people are actually returning to Cuba — where the average income is about \$20 a month — and living off of the welfare, disability, and Supplemental Security Income benefits that are being paid for by American taxpayers. By law, these benefits cannot be collected outside the U.S., but few steps have been taken to prevent Cuban nationals from doing so, even when the government is made aware of the abuse.

According to the paper, the “conservative” estimate of the cost of this abuse of the CAA is \$682 million annually. Among the trends noted in the investigative

Large numbers of Cuban nationals who are gaining U.S. residency under the CAA are immediately registering for public benefits and returning to Cuba and living off the welfare, disability, and SSI benefits.

report, there has been a spike in elderly Cubans arriving in the U.S. who are registering for the Supplemental Security Income program, which pays retirement benefits to people who have never worked or paid into the Social Security system in the U.S. Many of these SSI recipients also return to Cuba to live.

The abuse is so rampant that even many Cuban Americans are appalled by it and are calling for steps to curb the fraudulent use of taxpayer benefits. Given the change in the U.S.-Cuba relationship and the public costs being incurred by people who are abusing the system, FAIR is renewing efforts to repeal the CAA. Cuba is far from an ideal or democratic nation, but political and economic conditions in that country are no worse than they are in many other countries around the world. There is no justification for maintaining an immigration policy that treats Cubans differently from citizens of every other nation — and doing so at great cost to American taxpayers.

## 50 Years of a “Thoughtless” Immigration Policy Is Enough: It’s Time for Thoughtful Reform

The historian Theodore White, one of the foremost chroniclers of the Kennedy and Johnson eras, described the Immigration Act of 1965 as “probably the most thoughtless of the many acts of the Great Society.” That law, which remains the basis for our immigration policy today, resulted in “a stampede, almost an invasion,” White wrote in 1982.

October marked the 50th anniversary of President Johnson signing the 1965 Immigration Act into law. The results of this “thoughtless” law have radically reshaped the United States over the past half century and will continue to do so even more if it remains the core of our immigration policy for another 50 years.

While much of the debate about immigration policy focuses on illegal immigration, FAIR has maintained that true immigration reform must also address our thoughtless legal immigration policy. To begin with, the United States must define a clear public interest objective for immigration. Until we define what national goals we want to achieve through immigration, all efforts at reform will be futile. Recent efforts at “immigration reform” have all failed because all they sought to do was to make the existing system bigger, not better.

To mark the 50th anniversary of the Immigration and Nationality Act of 1965, FAIR is renewing its call for common sense immigration reform. Policymakers need to develop immigration objectives based on clear public interest, and design policies around advancing those goals.

### COMMON SENSE IMMIGRATION REFORM...

- assimilates newcomers into the economic and cultural mainstream
- admits immigrants based on objective assessment of their likelihood to succeed economically and complement, not compete with, our existing labor force
- sets immigration at a level that controls runaway population growth and considers our existing resource and environmental challenges

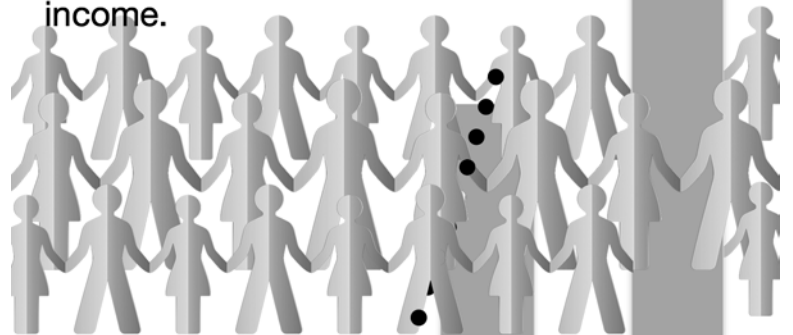
BECAUSE OF THE IMMIGRATION ACT OF 1965...

We have admitted **59 million** people into the U.S. since 1965...



making our current population larger by **72 million** people.

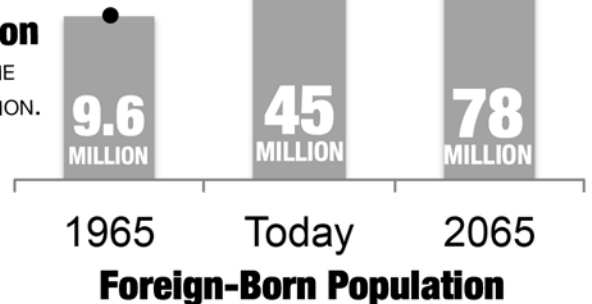
Our foreign-born population has skyrocketed from 9.6 million in 1965 to nearly **45 million** today. This has created an endless chain of extended family migration and a population that is generally low-skilled, less-educated, and lower income.



**More than half** of immigrant-headed households rely on some form of public assistance.

WITHOUT REFORM, THINGS WILL ONLY GET WORSE IN THE COMING 50 YEARS. BY 2065, FOREIGN-BORN POPULATION GROWTH COULD ADD MORE THAN

**100 million** PEOPLE TO THE U.S. POPULATION.



## FBI Director Admits “Certain Gaps” in Screening Process for Syrian Refugees

In response to the migration crisis that is overwhelming Europe with migrants and refugees from Syria and other countries in the Middle East and Africa, the Obama administration has announced that the U.S. will increase its intake of refugees by as much as 40 percent over the next two years. The United States plans to admit 85,000 refugees in the current fiscal year and 100,000 in FY 2017. At least 10,000 Syrians will be admitted as refugees, but that number could be significantly higher.

In addition to admissions of refugees, Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa), warns that the administration may bypass the refugee process and assert the authority to grant parole to large numbers of Syrians seeking admission to the U.S.

An influx of large numbers of migrants from any part of the world poses significant challenges. Adding to those challenges is the fact that source countries also serve as a base for international terrorist organizations. Moreover, because of the complete collapse of civil society in Syria and other countries producing mass flows of migrants, the already difficult task of conducting background checks on would-be refugees becomes impossible.

Testifying before the Senate Homeland Security Committee, FBI Director James Comey admitted that the plan to admit large numbers of Syrians as refugees poses a threat to our security. “There is risk associated with bringing anybody in from the outside, but especially from a conflict zone like that...My concern there is that there are certain gaps I don’t want to talk about

publicly in the data available to us,” Comey said. “Certain gaps,” might more accurately be described as gaping holes. Comey also acknowledged that the FBI is monitoring “dozens” of recently resettled refugees who are suspected of having ties to terrorist groups.

Other security officials have been more blunt in their assessments. In September, National Intelligence Director James Clapper expressed “huge concern” that ISIS and other terrorist organizations sworn to carrying

out attacks inside the U.S. would use the flow of refugees and migrants to infiltrate terrorists to the West. Similarly, German intelligence officials, where the largest number of migrants from Syria and the Middle East are being resettled, have explicitly warned that migrants are being targeted for recruitment by radical Islamic groups.

The opinions of Comey and Clapper seem to contradict the tepid reassurances of Homeland Security Secretary Jeh Johnson. When questioned by the committee about DHS’s confidence in its ability to identify security threats, Johnson replied, “It’s better than it used to be.”

In response to these security concerns, several senior members of the House have introduced the Resettlement Accountability National Security Act, H.R. 3314. That bill would halt the resettlement program until the Government Accountability Office performs an analysis of the federal and local costs of the program as well as an assessment of the program’s national security risks. The bill was introduced by Rep. Brian Babin (R-Texas).



“There is risk associated with bringing anybody in from the outside, but especially from a conflict zone like that...My concern there is that there are certain gaps I don’t want to talk about publicly, in the data available to us.”

— JAMES COMEY, DIRECTOR OF THE FBI

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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.

# Our goals are the same as yours.



The immigration issue has never been bigger and that means the challenges we face, and the opportunities, are greater than ever.

As America approaches a defining moment in its immigration history, your pledge to FAIR in the 2015 Combined Federal Campaign is needed now more than ever.

Choose the Federation for American Immigration Reform (#11696) in the 2015 Combined Federal Campaign.



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