



FAIR Federation for American Immigration Reform

Immigration REPORT

October 2007

The Deadly Price of Illegal Alien Sanctuary Policies

The story is a familiar one. An illegal alien who had previously been apprehended or stopped by a local police officer is released back onto the streets of this country because local policies prohibit cops from acting on suspicion that the individual is here illegally. That illegal alien then goes on to kill or maim some innocent member of the community, while the people who instituted the sanctuary policies in the first place point the finger of blame at someone else.

See Page 3

Elvira Arellano and the Illegal Alien Lobby Gamble and Lose

Fifty-two years ago, when Rosa Parks bravely sat down for her rights by refusing to move to the back of the bus, the Civil Rights movement in the United States found a symbol for the struggle for equality. The lone act of Ms. Parks forced other Americans to examine segregation policies, leading to their abolition.

Today, the illegal alien advocacy lobby is falsely laying claim to the mantle of civil rights in America, attempting to equate their demands for amnesty with the demands of black citizens for equal rights a half a century ago.

See Page 5

Arellano Case Demonstrates that Americans Reject Claims of the Illegal Alien Lobby

FAIR does not get involved in individual immigration cases, but the Arellano case is more than one woman trying to defy a legitimate deportation order. The case presents an important opportunity to refute disinformation being propagated by the illegal alien advocacy network.

See Page 6

CFAW Runs TV Ads and Petition Campaign Urging Protection for U.S. Workers

The Coalition for the Future American Worker (CFAW) is a broad-based umbrella group of professional trade organizations and immigration reform groups. FAIR, as a founding member of CFAW, has worked to champion the interests of American workers and to demonstrate how mass immigration, illegal immigration and unnecessary guest worker programs are undermining those interests.

See Page 7

We're Not Running Out of Workers!

To listen to President Bush, congressional backers of the guest worker amnesty bill, and the U.S. Chamber of Commerce, without a massive new infusion of low wage foreign labor, the U.S. economy is in serious danger of grinding to a halt. Normally, the business press has echoed the contention that there is a labor shortage in the United States. However, Business Week magazine departed from that orthodoxy in a story that makes much the same argument that FAIR has made for years: The problem is not a dearth of workers, but rather a reluctance on the part of many employers to offer attractive wages, working conditions and benefits.

See Page 8

Around the Country

See Page 9

ACLU, AFL-CIO File Suit to Stop Employer Sanctions Enforcement and to Stop Protection of American Workers

During the course of the recent Senate debate on the Bush-Kennedy illegal alien amnesty legislation, supporters of the bill, both in and out of Congress, repeatedly asserted their support for border and worksite enforcement. Yet, they have done everything in their power to block enforcement of immigration laws.

See Page 10

Hazleton Files Appeal of Judge's Ruling Barring Local Immigration Enforcement

In the September issue of the FAIR *Immigration Report*, we reported in detail the ruling by Federal Judge James Munley that Hazleton, Pennsylvania's, local ordinances, designed to crack down on illegal immigration, are unconstitutional. Judge Munley's ruling told Hazleton and other communities struggling with problems relating to illegal immigration that there is little, if anything, they can do so long as the federal government does not enforce immigration laws. On August 23, the city formally filed a notice of appeal of that ruling before the 3rd Circuit Court of Appeals in Philadelphia.

See Page 11

FAIR's Government Relations Director Testifies Before Congress on The STRIVE Act

Not to be outdone by their colleagues in the Senate, John McCain and Ted Kennedy, Representatives Jeff Flake (R-Ariz.) and Luis Gutierrez (D-Ill.), are promoting their own guest worker amnesty bill known as the Security Through Regularized Immigration and Vibrant Economy (STRIVE) Act. Coming back from the Labor Day recess, the House Immigration Subcommittee held hearings on the STRIVE Act, which bears a remarkable likeness to the McCain-Kennedy Senate bill that was soundly rejected by the American public.

See Page 12

The Deadly Price of Illegal Alien Sanctuary Policies

Brutal Murders in Newark Spark Outcry for Repealing Policies that Shield Illegal Aliens

The story is a familiar one. An illegal alien who had previously been apprehended or stopped by a local police officer is released back onto the streets of this country because local policies prohibit cops from acting on suspicion that the individual is here illegally. That illegal alien then goes on to kill or maim some innocent member of the community, while the people who instituted the sanctuary policies in the first place point the finger of blame at someone else.

On the night of August 4, the crime, allegedly committed by an illegal alien who had previously been in police custody, was so brutal that even the most fervent protectors of illegal aliens were forced to reconsider their sanctuary policies.

On that summer evening, four college students were gunned down in cold blood in Newark, New Jersey, killing three of them and leaving the fourth in critical condition. The community's anger and grief turned to outrage when it was revealed a few days later that the chief suspect in the murders was an illegal alien who had previously been arrested for other heinous crimes, including the sexual abuse of a five-year-old.

Jose Carranza, the prime suspect, is an illegal alien from Peru, who at the time of the murders was facing other serious felony charges, but had been released on bail because no one in the Newark Police Department, or in the Essex County prosecutor's office, had bothered to look into his immigration status. A second suspect was later revealed to also be an illegal alien.

Newark is a sanctuary city, having formally adopted policies that bar local police from seeking information about a suspect's immigration status, or reporting illegal aliens to federal authorities. In all likelihood, had Carranza's immigration status been known, he would have been denied bail as a flight risk, and Terrance Aerial, Dashon Harvey and Iofemi Hightower would all be alive, and Natasha Aerial would not be fighting for her life.

The Newark murders also coincided with efforts by state officials to make illegal aliens feel more welcome in New Jersey. In early August, Gov. Jon Corzine announced the formation of a blue ribbon commission tasked with finding ways to help guide illegal aliens on their pathway to citizenship.

As the facts of the case came to light, public anger boiled over as people learned that these crimes could easily have been prevented, but that their local governments had adopted policies that placed the protection of illegal aliens ahead of the protection of law-abiding citizens. That public outrage finally forced local officials to take action. On August 22, state Attorney General Anne Milgram issued a law enforcement directive setting down new guidelines for police in New Jersey.

Under Milgram's directive, whenever a law enforcement officer "makes an arrest for any indictable crime, or for driving while intoxicated, the arresting officer, or a designated officer, as part of the booking process, shall inquire about the arrestee's citizenship, nationality and immigration status." The change in policy, unfortunately, comes too late for the Aerial, Harvey and Hightower families, but if such policies are adopted and carried out nationwide, other families will be spared the grief that those New Jersey families have been forced to endure.

FAIR has fought vigorously against formal and de facto local policies that grant sanctuary to illegal aliens. In addition to creating an additional magnet for illegal immigration, these policies threaten the safety and security of ordinary citizens. Local police, in the course of carrying out their normal duties, who come across individuals whom they reasonably suspect are in the country illegal aliens, have an obligation to act on that suspicion, just as they would if they came across an individual who was sought by another police department. FAIR's field staff has worked extensively with local immigration reform activist groups who are seeking to have their communities participate in the 287(g) program, under which local police can receive federal training to help them identify and detain suspected illegal aliens.

In light of the senseless and preventable murders in Newark, all local sanctuary and non-cooperation policies must be repealed. Knowing the danger that these policies pose to innocent citizens, politicians and police chiefs who institute them must be held accountable when they result in avoidable tragedies such as the ones that took place in Newark.

Elvira Arellano and the Illegal Alien Lobby Gamble and Lose

Fifty-two years ago, when Rosa Parks bravely sat down for her rights by refusing to move to the back of the bus, the Civil Rights movement in the United States found a symbol for the struggle for equality. The lone act of Ms. Parks forced other Americans to examine segregation policies, leading to their abolition.

Today, the illegal alien advocacy lobby is falsely laying claim to the mantle of civil rights in America, attempting to equate their demands for amnesty with the demands of black citizens for equal rights a half a century ago. They have chosen as their symbol Elvira Arellano, an illegal alien from Mexico who, for more than a year, defied a deportation order. After being defeated by overwhelming public opposition to their attempt to enact a sweeping illegal alien amnesty, the advocacy network believed they could resurrect the amnesty proposal by creating a martyr: Elvira Arellano.

They appear to have misread how the public would react to the person they chose to represent their cause. Rather than produce an outpouring of public sympathy for illegal aliens in the United States, Arellano and her handlers have served to solidify the public's opposition to giving into their demands.

Arellano attempted to manipulate the sympathies of the American public, claiming that deporting her would separate her from her American citizen son, Saul, who suffers from undisclosed ailments. Instead, what the public perceived was a woman and a political movement attempting to exploit a child.

Arellano is a woman with a long record of ignoring laws. She was deported in 1997, two years before the birth of her child, only to return again illegally. After returning to this country she committed another felony by procuring false documents, which she used to gain employment at O'Hare Airport in Chicago — a security sensitive location. She was apprehended and was again ordered deported. Rather than comply with the order, she took "refuge" in a Chicago church led by Rev. Walter Coleman. Although the government had the right to remove her from the church, they chose instead to allow her to remain there so as not to appear to violate the sanctity of a house of worship.

Not satisfied with the stand-off, Arellano and her handlers decided in August to instigate a show-down with immigration authorities. They sent out press releases announcing that Arellano would be leaving the church to attend political rallies in Los Angeles and Washington, D.C., where she intended to take part in a 9/11 commemoration ceremony. When Arellano arrived in Los Angeles she was taken into custody by immigration authorities and the deportation order was executed.

The public outcry over her arrest that the illegal alien advocacy lobby had anticipated failed to materialize. The public did not buy the argument that deporting illegal aliens breaks up families, as parents are free to take their American-born children with them. Moreover, the public understood that whenever parents break the law, they put innocent family members at risk. It was the act of the parent, not the response of the law, that caused harm to other family members.

Arellano Case Demonstrates that Americans Reject Claims of the Illegal Alien Lobby

FAIR does not get involved in individual immigration cases, but the Arellano case is more than one woman trying to defy a legitimate deportation order. The case presents an important opportunity to refute disinformation being propagated by the illegal alien advocacy network.

Illegal immigration is not a civil right. No one has a moral or legal right to settle in someone else's country without permission from that government. Equating the demands of illegal aliens and their advocates to be rewarded with citizenship and other benefits is not justified and does a great disservice to those who have struggled to secure legitimate civil rights as legal residents in this country.

Elvira Arellano and millions of illegal aliens in this country are treated differently because they have broken federal laws that apply to everyone.

Immigration law violators cannot hide behind their families. Unfortunately, whenever parents break laws their children inevitably wind up paying a price. While FAIR strongly supports ending automatic birthright citizenship for the U.S.-born children of illegal aliens, under the current policy, the fact that an illegal alien has citizen children should not shield him or her from deportation. Like all responsible parents, illegal aliens who are removed from this country can and should take their minor children with them.

The "sanctuary" movement does not occupy the moral high ground in the debate.

The new sanctuary movement, which has received a lot of publicity, is hardly a movement at all. It is a loose affiliation of a handful of churches around the country that have announced that they will each harbor one illegal alien family with a pending deportation order. These are political activists hiding behind clerical collars and church affiliations to wage a battle against the legitimate right of the United States to establish and enforce immigration laws. They do not represent the views of the vast majority of people of faith in the United States.

CFAW Runs TV Ads and Petition Campaign Urging Protection for U.S. Workers

The Coalition for the Future American Worker (CFAW) is a broad-based umbrella group of professional trade organizations and immigration reform groups. FAIR, as a founding member of CFAW, has worked to champion the interests of American workers and to demonstrate how mass immigration, illegal immigration and unnecessary guest worker programs are undermining those interests.

In late August, CFAW began a national television ad campaign and national petition drive aimed at ending government policies that undermine the interests and security of U.S. workers. The release of the ad was timed to coincide with the Labor Day holiday. The TV ad includes actual footage of a law firm's seminar teaching business executives how they can easily get around the provisions in guest worker programs designed to protect American workers, and allow their companies to bring in guest workers even when U.S. workers are available.

The ad also puts a human face on how mass immigration and guest worker programs affect the lives of ordinary American workers. The ads force people to consider the impact of these policies on Americans who are trying to earn a living and support their families.

On the first day that the ad began airing across the country, 40,000 people signed the online petition to save American jobs. The petitions will be presented to national leaders in order to impress upon them the high toll that American workers are paying for the desire of some businesses to gain access to cut-rate labor.

We're Not Running Out of Workers!

To listen to President Bush, congressional backers of the guest worker amnesty bill, and the U.S. Chamber of Commerce, without a massive new infusion of low wage foreign labor, the U.S. economy is in serious danger of grinding to a halt. Normally, the business press has echoed the contention that there is a labor shortage in the United States. However, Business Week magazine departed from that orthodoxy in a story that makes much the same argument that FAIR has made for years: The problem is not a dearth of workers, but rather a reluctance on the part of many employers to offer attractive wages, working conditions and benefits.

According to the Bureau of Labor Statistics, if "discouraged" workers, i.e. those who have given up looking for work, are added to those officially classified as unemployed, the United States has an available pool of 9.1 million workers to draw on. That unutilized labor force would more than offset the number of illegal aliens currently working in the United States. According to David Rosenberg, an economist with Merrill Lynch, "When employers say that there's a worker shortage, what they really mean is they can't get enough workers at the price they want to pay..." That sentiment is echoed by Jared Bernstein of the Economic Policy Institute. "I can't sign on to the idea that there are jobs people won't do at any price."

These are precisely the arguments that FAIR has made in response to calls to flood the labor market with more low-wage foreign workers, including in our publication "Immigration and Rising Income Inequality," originally published in 2004 and updated this year. The report is available online at www.fairus.org. Slowing immigration and cracking down on the employment of illegal immigrants not only makes for good social policy, but even many economists are now acknowledging that it makes good business sense as well.

Immigration Up, Wages Down

In areas of the country that have been experiencing large scale immigration over a long period of time, it is hard to get an accurate read on how the phenomenon affects American workers. South Carolina, where large scale immigration has only occurred recently, provides an interesting case study. According to a new study by the University of South Carolina, wages in the state fell 3.1 percent between 2000 and 2005 as immigrants flooded into the labor market. The impact was especially pronounced in sectors of the labor market with the highest concentrations of immigrant workers. Wages in construction fell 5 percent during this period.

Around the Country

MISSOURI

Gov. Matt Blunt, responding to what he termed an “unnatural influx” of illegal immigrants, has ordered all Missouri state police to begin checking the immigration status of people they arrest, or even stop for traffic violations. Blunt also cited the triple homicide in New Jersey, allegedly committed by an illegal alien who had been released from custody because his immigration status was not checked, as a basis for his executive order.

Missouri’s 1,100 state troopers, along with other state law enforcement officers, will be affected by this directive. If an individual is found to be in the country illegally, Missouri police will detain that person and turn him over to federal authorities. Missouri’s tough new policy is also a response to growing activist pressure in the state to enforce immigration laws locally. FAIR’s southern field representative, Joyce Mucci, is a Missouri resident and she and other activists in the state have worked for years to convince state and local officials that they must act to protect the safety and interest of Missourians.

MISSISSIPPI

FAIR’s field director, Susan Tully, has helped Mississippians organize local immigration reform groups and work with local political leaders who are trying to deal with the state’s growing illegal immigration problems. One of the key leaders that FAIR has worked with over the years is State Auditor Phil Bryant. In August, Bryant proposed a new “comprehensive safety plan for crimes related to illegal immigrants.” Mississippi, like most states, has not collected data on crime or other costs associated with illegal immigration. An audit, along the lines of the one being proposed in Mississippi, could provide a model for other states to follow.

FLORIDA

Immigration reform activism has been growing in Florida for years, as costs related to illegal immigration have risen. FAIR’s southern field representative, Joyce Mucci, held a statewide activists meeting in September, as local governments have become more involved in enforcement efforts. Collier County Sheriff Don Hunter announced in August that 25 of his deputies would receive federal immigration enforcement training under the 287(g) provision. Collier County joins a growing list of state and local entities that have elected to participate in immigration enforcement.

UTAH

FAIR representatives worked closely with immigration reform activists in Utah to bring pressure on local officials to enforce immigration laws locally. While Utahans overwhelmingly want local action to address the growing illegal immigration problem in the state, local officials have often stood in the way. Responding to the increased alien smuggling operations within Utah, local police, along with Congressman Jim Matheson, sent a letter to Homeland Security Secretary Michael Chertoff requesting 287(g) training for police in southern Utah.

ACLU, AFL-CIO File Suit to Stop Employer Sanctions Enforcement and to Stop Protection of American Workers

During the course of the recent Senate debate on the Bush-Kennedy illegal alien amnesty legislation, supporters of the bill, both in and out of Congress, repeatedly asserted their support for border and worksite enforcement. Yet, they have done everything in their power to block enforcement of immigration laws.

As the Department of Homeland Security (DHS) announced plans to crack down on employers whose workers' Social Security numbers do not match information in the government's database, the illegal alien advocacy lobby once again demonstrated that they are opposed to any enforcement of U.S. immigration laws. The ACLU and the AFL-CIO, (which claims to represent the interests of American workers) filed suit in Alameda County, California, to prevent the government from enforcing laws designed to bar illegal aliens from working in this country.

Under the new policy being implemented by DHS, employers and workers would have 90 days to correct any discrepancies that might lead to the Social Security Administration issuing a no-match letter. However, this is still not good enough for the ACLU, AFL-CIO and the illegal alien rights lobby. Even after millions of American workers have been displaced by illegal aliens, AFL-CIO president John Sweeney responded to the new enforcement effort by calling it "a new tool to repress workers' rights." Rather than welcoming the new policy as a protection for American workers and an opportunity for legal residents of the U.S. to correct discrepancies in the Social Security database that might cause them problems in the future, AFL-CIO has sided with illegal aliens.

It is becoming increasingly evident that groups like the Coalition for the Future American Worker (CFAW), and union locals in touch with the concerns of their members, have become the true representatives of working Americans. Through our direct work with union locals and our participation in CFAW, FAIR is working to ensure that the voice of American labor is heard in this debate. By filing this lawsuit, the illegal alien advocacy lobby demonstrated conclusively that there is no immigration enforcement strategy they will deem acceptable.

Hazleton Files Appeal of Judge's Ruling Barring Local Immigration Enforcement

In the September issue of the FAIR *Immigration Report*, we reported in detail the ruling by Federal Judge James Munley that Hazleton, Pennsylvania's, local ordinances, designed to crack down on illegal immigration, are unconstitutional. Judge Munley's ruling told Hazleton and other communities struggling with problems relating to illegal immigration that there is little, if anything, they can do so long as the federal government does not enforce immigration laws. On August 23, the city formally filed a notice of appeal of that ruling before the 3rd Circuit Court of Appeals in Philadelphia.

FAIR and the Immigration Reform Law Institute (IRLI) are working closely with Hazleton officials in preparing the appeal, which is likely to be heard by the 3rd Circuit in early 2008. The 3rd Circuit is not likely to be the last stop for this precedent setting case. However the three-judge panel in the 3rd Circuit rules, the decision is almost certain to be appealed before the U.S. Supreme Court.

Attorneys for FAIR and IRLI helped Hazleton officials draft the ordinances, which were overwhelmingly popular with local residents. These ordinances were carefully designed not to infringe upon the federal government's exclusive authority over immigration matters. FAIR, IRLI and Mayor Lou Barletta have expressed confidence that these ordinances will ultimately be upheld by a higher court.

FAIR's Government Relations Director Testifies Before Congress on The STRIVE Act

Not to be outdone by their colleagues in the Senate, John McCain and Ted Kennedy, Representatives Jeff Flake (R-Ariz.) and Luis Gutierrez (D-Ill.), are promoting their own guest worker amnesty bill known as the Security Through Regularized Immigration and Vibrant Economy (STRIVE) Act. Coming back from the Labor Day recess, the House Immigration Subcommittee held hearings on the STRIVE Act, which bears a remarkable likeness to the McCain-Kennedy Senate bill that was soundly rejected by the American public.

Among those called to testify at the September 6th House hearing was FAIR's Government Relations Director Julie Kirchner. In her testimony, Kirchner reminded House members that the Senate bill, which went down to defeat in June, failed "because the American public saw that it was created to serve special interests by perpetuating the status quo."

A close examination of the STRIVE Act, Kirchner told the subcommittee, reveals that it contains three amnesty provisions, an increase of up to 600,000 guest workers per year, and more than doubling current employment based green cards. Meanwhile, the alleged enforcement provisions of the act are riddled with loopholes that make it unlikely that the bill would do anything to curtail future illegal immigration.

As was the case during the debate on the Senate bill, FAIR called for reducing illegal immigration through enforcement and enhancement of existing laws. "While some in Congress feel that the best course of action is to grant amnesty and otherwise adjust the law to accommodate illegal activity, FAIR believes there are many other alternatives that uphold the rule of law and better serve the long-term interests of our nation," Kirchner testified.