



FAIR Federation for American Immigration Reform

# Immigration

## REPORT

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## FAIR Unveils Legislative Agenda for the 111<sup>th</sup> Congress

In January, the United States will have a new president and a new Congress. These new leaders will assume office under the most difficult economic circumstances this country has experienced in generations. They will also inherit a dysfunctional immigration policy that has contributed to huge budget deficits and unemployment.

While recognizing that the Obama administration and the leadership of the 111<sup>th</sup> Congress support amnesty and increased levels of immigration, FAIR believes that current economic realities combined with the unbending resolve of the American public make

it possible to enact positive reforms in the coming years. As FAIR has done each time a new Congress takes office, we will be reaching out to new members of Congress and sharing with them FAIR's legislative agenda, which represents the priorities of the American public on important immigration policy issues.

The following are some of the highlights of FAIR's Legislative Agenda for the 111<sup>th</sup> Congress.

Worksite Enforcement – During the last quarter of 2008, the U.S. economy has been

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## Obama, McCain Meet and Agree on Effort to Pass Illegal Alien Amnesty

As rivals for the presidency, there was little Barack Obama and John McCain could agree upon. However, in a post-election meeting, the two men appear to have buried the hatchet and have agreed to work together to enact immigration reform legislation that includes amnesty for illegal aliens as its centerpiece.



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**Legislative Agenda** continued

losing jobs at an alarming rate. Unemployment officially stood at 6.7 percent at the end of November, a month that saw the loss of 533,000 American jobs — the single worst month since 1974 — and economists predict that the figure will grow to between 8 and 9 percent in 2009. In addition, what is called the “underemployment rate” — people who are involuntarily working only part-time — recorded an astonishing one-month jump from 8 percent in October to 12.5 percent in November. It is also estimated that some 420,000 American workers simply gave up on finding jobs in November. Had these people been calculated into the official unemployment data, the actual rate would have hit 7 percent.

Given the dire unemployment picture, Congress and the Obama administration must act to prevent jobs from being filled by illegal aliens. FAIR’s legislative agenda calls for:

- Permanently reauthorizing E-Verify, and fully funding the program to guarantee enforcement.
- Making E-Verify a mandatory program for all employers.
- Increasing ICE worksite enforcement and increased funding for detention space.
- Approving legislation allowing legal workers to file unfair labor practices complaints against employers hiring illegal aliens, and the right of competitors to take civil actions against businesses employing illegal aliens.

**Secure ID** — Any effective worksite enforcement policy must be supported by verifiable documents used by all workers. FAIR calls for:

- Creating a secure, tamper-resistant Social Security card.
- Including biometric information in all immigration documents.
- Full implementation of the REAL ID Act.
- Barring the use of Mexican Matricula Consular cards or other foreign government-issued documents for purposes of accessing government benefits and services or opening bank accounts.

**Increased Intra-governmental Cooperation** — It is essential that Congress require the various government agencies responsible for overseeing and enforcing immigration laws to cooperate more closely and share relevant information. FAIR recommends:

- Requiring the Social Security Administration to share information with the Department of Homeland Security regarding the issuance of no-match letters to employers and the suspicious use of Social Security Numbers.
- Restricting the use of Individual Taxpayer ID Numbers to tax filing purposes only.
- Requiring the IRS to investigate and penalize employers who submit fraudulent tax documents for illegal workers.
- Removing business tax write-offs for illegal workers.

**Securing America’s Borders and Ports of Entry** — The horrific terrorist attacks in India in November remind us once again of the high cost of lax border enforcement.

To protect the security of the homeland, FAIR recommends:

- Completion of the security fence along our southern border.
- Increasing and funding the Border Patrol and providing them state-of-the-art equipment to do their jobs.
- Increasing screening at ports of entry.
- Repealing the Visa Waiver Program, which allows millions of people to enter our country without prior screening.

**Cutting Government Mandated Immigration** — The dramatic downturn in our economy reveals, yet again, the complete disconnect between U.S. immigration policies and other conditions in our country. To reform our government mandated immigration laws, FAIR recommends:

- Reductions in government mandated admissions to no more than 300,000 annually.
- Limiting family-based immigration to nuclear family members.
- Repealing the visa lottery provision.
- Elimination of automatic birthright citizenship to the children of illegal aliens.



An Immigration Report for the 111<sup>th</sup> Congress

FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

The complete Immigration Reform Agenda for the 111<sup>th</sup> Congress can be found on FAIR’s web site, [www.fairus.org](http://www.fairus.org).

**Immigration REPORT**

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## Governor Napolitano Picked to Head Department of Homeland Security

In the aftermath of the attacks of 9/11, responsibility for implementing and enforcing the immigration laws of the United States has fallen under the jurisdiction of the Department of Homeland Security (DHS). To head up DHS in the new administration, President-elect Obama has selected Arizona Governor Janet Napolitano.

If she is confirmed by the Senate, her purview will include securing our borders and ports of entry, enforcement of immigration laws in the interior of the country and in the workplace, and vetting all individuals applying for immigration benefits.

During her tenure not just as governor of a border state, but as Arizona's attorney general and as U.S. attorney for Arizona, Napolitano has a long record on issues relating to immigration. Based on that record, there is little evidence that secretary-designate Napolitano is personally committed to vigorous enforcement of U.S. immigration laws.

### State Legislation

As governor of Arizona, Napolitano frequently complained about the federal government's failure to exercise its responsibilities to control our borders and enforce our immigration laws. These failures, she claimed, imposed unfair burdens on state and local governments that were forced to deal with the consequences of illegal immigration. Yet, when given the opportunity to show leadership in enforcement, she only begrudgingly signed Arizona's recently enacted E-Verify law and either vetoed or limited other enforcement measures. As Secretary of Homeland Security, Gov. Napolitano will have the opportunity to correct the federal failures that she complained about as a state official.

### Amnesty

Gov. Napolitano supports amnesty for illegal aliens. Although she does not call it amnesty, she is on record supporting legislation that would legalize virtually every illegal alien living in the United States.



### Border Security

She has been a vocal opponent of the border fence, but she has supported the deployment of National Guard troops along the border.

### Benefits to Illegal Aliens

As governor she worked to defeat Proposition 200, a 2004 Arizona ballot initiative designed to deny most non-essential benefits and services to illegal aliens. When the measure was overwhelmingly approved by voters in Arizona, she sought to overrule the electorate by limiting its scope to five minor state benefit programs. She later vetoed legislation that would have ended in-state tuition benefits to illegal aliens attending public colleges and universities in her state.

### Workplace Enforcement

In 2007, Gov. Napolitano signed into law a bill that denies business licenses to companies that knowingly hire illegal aliens, calling it the "business death penalty." That law — among the toughest of any state laws designed to discourage businesses from hiring illegal aliens — has withstood legal challenges from the illegal alien advocacy network and provides a model for other states to follow.

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## On the Way Out, Bush Administration Still Promoting Amnesty

Throughout the current administration, FAIR has been critical of President Bush's immigration policy — especially his zealous pursuit of amnesty for illegal aliens. FAIR has also welcomed and acknowledged the belated enforcement efforts of the administration, particularly the excellent work of Julie Myers, who announced her resignation in November from her position as Under Secretary of Homeland Security in charge of Immigration and Customs Enforcement (ICE).

In statements during the final weeks of the administration, both President Bush himself and DHS Secretary Michael Chertoff revealed

*The efforts of the past 18 months have been motivated by their continued desire to enact an illegal alien amnesty.*

that recent enforcement efforts represented a change in strategy, not a change of heart. In an interview with ABC News, President Bush admitted that one of the greatest disappointments of his presidency was the failure to pass a sweeping illegal alien amnesty.

Secretary Chertoff, speaking to the *Washington Times*, took credit for improving border security and for stepped-up worksite enforcement, which he claimed has resulted in “a real significant decrease quarter to quarter in illegal immigrants coming into the country.” Chertoff argued that these recent efforts represent “a very good down payment on confidence and enforcement,” and should open the door to a renewed amnesty effort under the Obama administration. In other words, far from a sincere effort on the part of the Bush administration to secure our borders and protect American jobs, the enforcement efforts of the past 18 months have been motivated by their continued desire to enact an illegal alien amnesty.

Unsurprising from an administration that is leaving office with one of the lowest public approval ratings of any presidency, their own success seems to be lost on them. Having proven that a policy of attrition through enforcement works, Chertoff seems to be counseling the incoming administration to abandon that strategy in favor of a new effort to grant amnesty to illegal aliens. It is advice the new administration would be well advised to ignore.

## Obama/McCain continued

In a recent interview with the *Detroit Free-Press*, Senate Majority Leader Harry Reid (D-Nev.) stated, “On immigration, there’s been an agreement between Obama and McCain to move forward on that... We’ll do that.” Reid did not specify a timeline for bringing up an amnesty proposal, but suggested that, “We have to get this economy stuff figured out first.”

Senator Reid confidently predicted that with McCain’s support for amnesty, there would be enough backing among Republican legislators to enact an amnesty similar to the one that failed in 2007. “I don’t expect much of a fight at all,” Reid said. “People understand the issues very well.”

Last year, Reid also suggested that the back-room deal hatched by a handful of senators in 2007 would pass with little opposition. Of course it did not, precisely because the American people do understand the issues very well and recognize the devastating impact that an illegal alien amnesty and massive increases in immigration would have on the nation. Thanks to FAIR’s ability to frame the issues, and the overwhelming response of the American public, members of the Senate faced the most decisive response from their constituents that any of them can remember.

If, indeed, Congress has forgotten what the public wants in terms of immigration policy, FAIR is more than ready to remind them. With the economy in deep recession, with millions of Americans out of work, and governments at every level running massive deficits, neither the American people nor FAIR will sit idly by should Congress and the Obama Administration seek to reward special interests with another amnesty.

## A New Amnesty? We're Still Not Finished with the One from 1986

As Congress and the Obama administration contemplate reviving amnesty legislation for the estimated 13 million illegal aliens living in the United States, they might want to consider the fact that the illegal alien advocacy network has still not finished litigating the 1986 amnesty.

As a result of a class action suit settlement agreement in September, the Citizenship and Immigration Services (USCIS) agency announced it has begun accepting applications for people seeking to benefit from the 1986 amnesty. In spite of explicit eligibility requirements in the legislation, an army of

attorneys has relentlessly spent the past 22 years suing to expand the number of people who might benefit. As a result of the recent settlement, USCIS expects as many as an additional 10,000 illegal aliens will qualify for the 1986 amnesty program.

Given that there are now four times as many illegal aliens living in the U.S. as there were in 1986, and the pace at which challenges have been litigated, legal challenges to an amnesty enacted in 2009 might still be in the courts in 2097.

## National Council of La Raza Gets White House Appointment

Cecilia Muñoz, the long-time senior vice president of the National Council of La Raza (NCLR), has been appointed Director of Intergovernmental Affairs by President-elect Obama. In her new role in the Obama White House, Muñoz will be the chief liaison between the Obama administration and state and local governments.

The office of Intergovernmental Affairs will provide her with a powerful platform from which to continue NCLR's efforts to block meaningful enforcement of U.S. immigration laws. Her new position is especially critical at a time when most of the important advances in that area are being promoted by state and local governments.

The National Council of La Raza bills itself as a "Latino civil rights organization...[that] works to improve opportunities for Hispanic Americans." In

reality, the organization has long been at the forefront of the effort to stop all meaningful immigration enforcement measures and has been a powerful lobbying force for amnesty and expanding immigration.

As senior vice president of La Raza, Muñoz has been one of NCLR's chief strategists for the past 18 years. She has also been the architect of the effort to shut down debate about immigration, and demonize any opposition to NCLR's goals as a form of hate speech.

Because of this appointment, FAIR's well-established network of local activist groups and its ties to local political leaders are likely to play a more important role than ever. Continued pressure from the grassroots to enact and enforce laws against illegal immigration locally will be critical to counteracting the influence of an NCLR operative in the White House.



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## Bush Issues Late-Term Presidential Pardons, But Ramos and Compean Remain in Prison

Since Election Day, President Bush has issued 14 pardons, for a total of 171 granted during his presidency. Among the beneficiaries of this recent wave of presidential forgiveness are people who had been convicted of distributing marijuana, killing bald eagles, defrauding the government, and one turkey. Two people who have not benefited from Mr. Bush's clemency are Border Patrol Officers Ignacio Ramos and Jose Compean. Nor has the president shown any inclination to commute their sentences and let the two men out of prison. (The two officers are technically



not eligible for a pardon, but could have their sentences commuted.)

Ramos and Compean were prosecuted by the federal government for protecting the nation they were sworn to serve and for defending their own safety.

In the course of apprehending an il-

legal alien drug smuggler in 2005, they shot and wounded Osvaldo Aldrete-Davila who had attacked the agents and then attempted to flee back across the border. Ramos and Compean are currently serving 11- and 12-year federal prison sentences.

In the waning days of the Bush presidency, FAIR is asking all Americans to call the White House comment line at (202) 456-1111 and demand that President Bush commute the sentences of these two Border Patrol officers.

## Economics 101: The DREAM Act Would Be Unaffordable

It is widely expected that the illegal alien amnesty lobby will renew its efforts to enact an all encompassing amnesty in 2009. But even advocates for illegal aliens understand that the nation's economic crisis may make such an ambitious bill impossible, and that their objectives may have to be pursued incrementally.

At the top of the list of "mini-amnesty" bills likely to come up for consideration is the Development, Relief and Education for Alien Minors (DREAM) Act. The DREAM Act, which has been introduced every Congress since 2000, would grant amnesty

to just about every illegal alien under the age of 30 and anyone who could vaguely be described as a student. In addition to a green card, DREAM Act amnesty recipients would be entitled to taxpayer subsidized in-state tuition benefits and would become eligible for financial aid.

Besides being unjustifiable on its merits, the DREAM Act also faces another challenge: the sorry state of America's higher education system. In December, the National Center for Public Policy and Higher Education gave failing grades to 49 state university systems in terms of their affordability to middle class families. California's Lieu-

tenant Governor John Garamendi said his state's public higher education is on a "starvation diet, and each year it becomes weaker and weaker," and that in addition to cutting educational programs, California may be forced to reduce admissions at a time when applications are increasing.

Nearly every state university system is in similarly dire straits, and many middle class families are left wondering how their own children are going to get the college educations they need. Passage of the DREAM Act would directly affect every middle class American family with kids hoping to attend college without

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## Napolitano continued

### Secure ID

Gov. Napolitano has called for “tamper-proof immigration documents,” and an electronic system to verify a worker’s eligibility to hold a job in this country, using information in the Social Security Administration’s database. “We have the technology; now we need to put it to work,” she has said. One of the first tests of her sincerity will be the role she and the Obama administration play when Congress takes up the issue of reauthorizing the E-Verify system, which is set to expire in March 2009.

Most disturbingly, Gov. Napolitano opposed implementation of the federal REAL ID Act. That 2005 law requires all states to make driver’s licenses and state-issued ID documents more secure and to prevent individuals who are not legally present in the U.S. from obtaining these “breeder” documents. In June 2008, she signed a law barring Arizona from complying with REAL ID. In contrast to her apparent indifference to the costs of providing state services and benefits to illegal aliens, Napolitano testified before a Senate committee that implementation of the law would cost states \$11 billion.

### Guest Workers

Gov. Napolitano has been a strong proponent of new and expanded guest worker programs. These programs have been promoted heavily by business lobbyists in an effort to suppress wages. With the economy in sharp decline and unemployment on the rise, her views on guest worker programs will be of crucial interest to struggling American workers.

## Economics 101 continued

bankrupting the family or starting off in life with crushing debts. Just as state universities are being forced to make cuts in programs and admissions, the DREAM Act would mean that American kids would be forced to compete for seats with illegal aliens, who would then be subsidized with their tax dollars. These former illegal alien students, whose families most often are living in poverty, would also then become eligible to compete for scarce scholarship aid.

Fighting the DREAM Act has always been challenging because many of the direct beneficiaries would be young people who were brought to this country illegally by their parents. FAIR has always emphasized that, in addition to indirectly rewarding the illegal behavior of the parents, the legislation punishes the innocent children of citizens and legal immigrants by denying them opportunities. Given the crisis gripping America’s higher education system, it will be critical to stress to lawmakers that the DREAM Act will compound the difficulties many hard-working families already face in ensuring their own kids get the educational opportunities they need.



The year is almost over which means time is limited for you to receive a tax benefit in 2008 for your support of FAIR. In addition to the IRA rollover, other ways to support FAIR include:

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*For additional information on IRA Rollovers and other ways you can support FAIR, please contact Marjorie Wilkinson at (202) 328-7004 or Brandi Felser at [bfelser@fairus.org](mailto:bfelser@fairus.org).*

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## OUR GOALS ARE THE SAME AS YOURS.

- ▶ End illegal immigration
- ▶ Restore common sense to immigration policies
- ▶ Enforce immigration laws
- ▶ Stop terrorists at our borders
- ▶ Find a balance between people and resources

The immigration issue has never been bigger or hotter – 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 2008 Combined Federal Campaign is needed now more than ever. Look for FAIR under our full name in your CFC brochure.

Federation for American  
Immigration Reform

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