



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration REPORT

APRIL 2018

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## DOJ Sues on the “Sanctuary State” of California

Tensions between the White House and the State of California are still simmering after President Trump visited the Golden State to tour eight border wall prototypes. The March visit—Trump’s first to the state as president—coincided with an escalating battle between his administration and the state. California officials have staunchly refused to help federal agents detain and deport illegal aliens.

“The place is totally out of control,” said Trump while visiting the San Diego area. “...You have criminals living in

sanctuary cities, and then the mayor of Oakland goes out and notifies them when ICE is going in to pick them up... I think the governor is doing a terrible job running the state of California.”

The Department of Justice (DOJ) is suing California, arguing that its sanctuary laws violate the U.S. Constitution’s Supremacy Clause, which states that federal law overrides state law when a conflict exists. California officially became a “sanctuary state” last year when Democratic Governor Jerry Brown

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## Democrats Now Talk of Abolishing ICE

The idea of abolishing Immigration and Customs Enforcement (ICE), which was once relegated to the political fringes, is now being talked about more seriously in the mainstream media and by leaders in the Democratic Party.

California, a state that has all but declared war with the federal government over immigration control, is dragging the Democratic Party to the left and making the abolishment of ICE an issue that Democratic presidential aspirants may have to contend with.



ICE CONTINUES ON PAGE 3

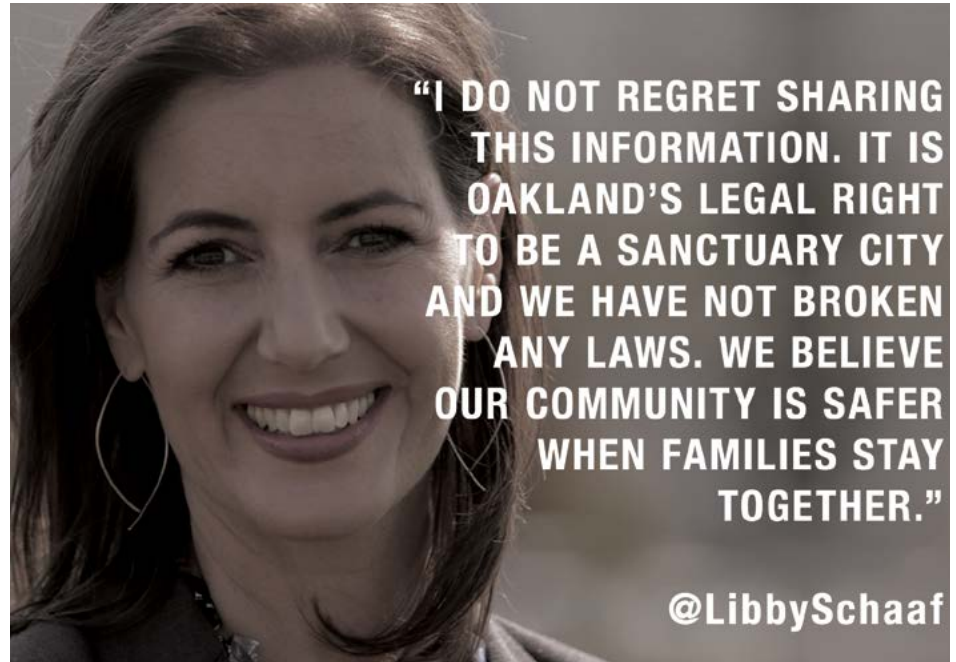
CALIFORNIA *continued from page 1*

signed a law into effect that bars police from asking people about their immigration status or participating in federal immigration enforcement activities.

During a visit to Sacramento, U.S. Attorney General Jeff Sessions unveiled the California lawsuit while speaking to local law enforcement officials. “I can’t sit by idly while the lawful authority of federal officers are being blocked by legislative acts and politicians,” he said.

Sessions also used the speech to target Oakland Mayor Libby Schaaf, who “tipped off” the public a week before Immigration Customs and Enforcement (ICE) was to make an unannounced operation to arrest illegal and criminal aliens in Northern California.

“How dare you?” an indignant Sessions asked of Schaaf at the California Peace Officers Association meeting. “How dare you needlessly endanger the lives of law enforcement just to promote your radical open borders agenda?”



Schaaf has refused to apologize after she tweeted out details about a surprise ICE raid in the Bay Area. Thomas Homan (the Acting Director of ICE) says that 800 illegal aliens were able to avoid arrest because of Schaaf’s “tip-off”. Homan compared the Oakland Mayor to a “gang look-out yelling ‘police’ when a police cruiser comes in the neighborhood.” He went on to declare, “[to] every other politician that wants to vilify the men and women of ICE – we are not going away, we are going to keep enforcing the law.”

ICE says the targeted operation resulted in the arrests of 232 illegal aliens, 180 of which “were either convicted criminals, had been issued a final order of removal and failed to depart the United States, or had been previously removed.” Of those arrested, 115 “had prior felony convictions for serious or violent offenses, such as child sex crimes, weapons charges and assault, or had past convictions for significant or multiple misdemeanors.”

The staggering ratio of those arrested with violent convictions like “child sex crimes” should be a clear indicator that sanctuary policies endanger the general public. Faced with those grave statistics, Schaaf should have apologized promptly. Instead, Schaaf is now alleging that the Trump administration’s immigration crackdown is “racist,” and that it’s a “racist myth” that “immigrants are dangerous criminals.”

Open borders advocates often imply that tighter controls on illegal immigration is “racist.” Race is not a factor in our immigration system, nor would it be in a merit-based immigration system. Regarding the dangers posed by illegal immigration, data confirm that there is a higher crime rate among aliens who’ve already broken the law once by coming into the country illegally. According to Homan “nearly 10,000 criminal aliens that have been released rather than turned over to ICE have recommitted other crimes.” Furthermore,

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## President vs. Candidate: Has Trump Kept His Campaign Promises?

**D**uring the 2016 presidential campaign, President Trump made many promises on immigration reform before being elected to the White House. We are now more than a year into his administration—a reasonable time frame to assess his performance in fulfilling the pledges he made:

### 1) BUILD THE WALL: INITIATED

One of Trump's signature themes during his campaign was promising to build a wall along the U.S.–Mexico border. So far, the president has initiated work on the wall with the Department of Homeland Security (DHS), having hired independent contractors to build several prototypes of it in San Diego County, California. However, DHS says the wall (if built) will not span all 1,900 miles of the border. Aside from logistical issues,

the president is also running into problems funding the wall, as Congress has rejected all legislative proposals that would pay for it, including those that include protections for DACA recipients.

### 2) END SANCTUARY CITIES: IN-PROGRESS

On the campaign trail in 2016, President Trump spoke about ending sanctuary cities and of the tragic death of Kate Steinle in San Francisco—killed by an illegal alien who had free run of the streets—thanks to sanctuary policies. Despite setbacks in Congress to pass legislation which would strip away federal dollars from sanctuary cities, the Trump administration has increased federal immigration enforcement through Immigration Customs and Enforcement (ICE). ICE

PROMISES CONTINUES ON PAGE 4

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“This is a growing position on the left, and I imagine [the] 2020 Democratic presidential aspirants will have to grapple with it,” tweeted Chris Hayes, a host on MSNBC.

In January, the idea was endorsed by Brian Fallon, a former top aide to 2016 Democratic nominee Hillary Clinton, and Eric Holder, President Barack Obama's attorney general. “ICE operates as an unaccountable deportation force,” Fallon tweeted.



Sen. Kamala Harris (D-Calif.)

“Dems running in 2020 should campaign on ending the agency in its current form.”

Senator Kamala Harris (D-Calif.), a rising star in the Democratic Party and possible 2020 presidential aspirant, expressed a mild view in a recent interview with Hayes. Said Harris, “ICE has a purpose... ICE should exist. But let's not abuse the power.” She faced an immediate backlash.

“Kamala Harris is very likely running for president in 2020,” Jack Mirkinson of the liberal Splinter website wrote. “It could be a political problem for her that she is not willing to take her criticisms of ICE to their logical conclusion and call for its abolition.”

*The Nation* recently published an article accusing ICE of being part of a “white-supremacist surveillance state.” The article, titled “It's Time to Abolish ICE,” argued that as the

party has moved to the left “...it's time for progressives to put forward a demand that deportation be taken not as the norm, but rather as a disturbing indicator of authoritarianism,” wrote author Sean McElwee.

While not endorsing an abolition of ICE per se, House Minority Leader Nancy Pelosi (D-Calif.) called the recent targeted enforcement actions taken by ICE against criminal aliens in the Oakland area “unjust and cruel.” According to ICE, the targeted operation resulted in the arrests of 232 illegal aliens, 180 of which were either convicted criminals or awaiting deportation. 115 of those arrested “had prior felony convictions for serious or violent offenses, such as child sex crimes, weapons charges and assault, or had past convictions for significant or multiple misdemeanors.”



## PROMISES *continued from page 3*

has targeted several sanctuary cities across the country, apprehending hundreds of illegal and criminal aliens, some of whom have committed violent crimes.

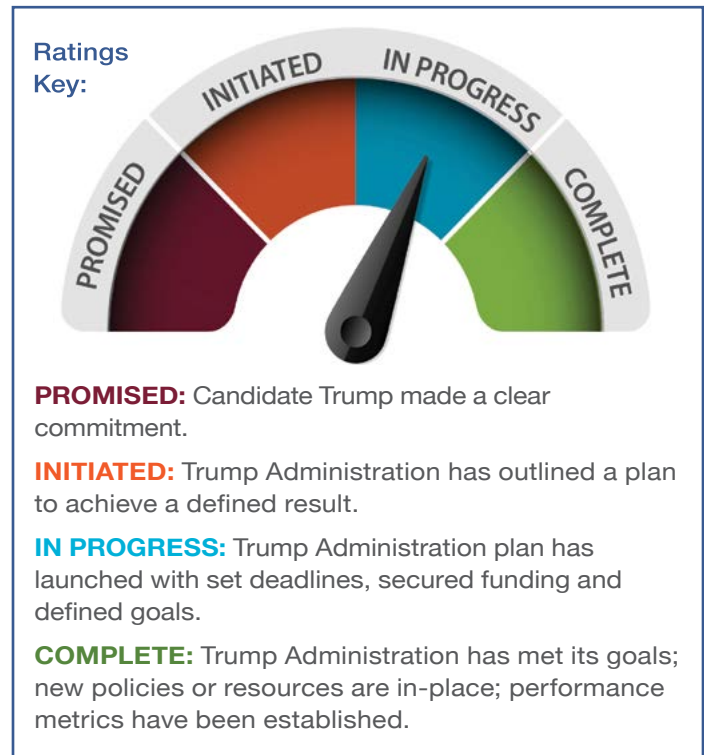
### 3) TERMINATE DACA: STALLED

President Trump promised to “immediately terminate” President Obama’s illegal executive order on immigration, DACA, which protects nearly 700,000 illegal aliens. Last year Trump made good on that promise by creating a March 5 deadline for DACA to expire. However, that plan has been stymied by two district court judges who ruled that DACA continue even though there is no statutory basis for the program. The Supreme Court (at this point) has declined to pick up the issue, and Congress has failed to act on it as well.

### 4) REDUCE OVERALL IMMIGRATION AND MAKE IT MERIT-BASED: INITIATED

Senators Tom Cotton (R-Ark.) and David Perdue (R-Ga.) introduced the “Raise Act” (S.1720) which cuts legal immigration by 50 percent through ending chain migration and by eliminating the diversity visa lottery. It also completely overhauls the legal immigration system to make it merit-based. President Trump has endorsed this legislation along with H.R. 4760, the “Securing America’s Future Act,” which would end chain migration and the diversity visa lottery.

A national poll conducted in February by Harvard University and the Harris polling company found overwhelming public support for adopting a merit-based



immigration system. According to the poll, 84 percent of registered voters support the idea. Yet so far neither bill has made it through their respective chambers. Open border advocacy, in the form of universal opposition from congressional Democrats and a small number of Republicans, has blocking every attempt at passage.

These are just some of President Trump's the campaign promises on immigration reform. Keep up with the latest news on Trump's promises at [Fairus.org](http://Fairus.org)

## CALIFORNIA *continued from page 2*

the White House has released a fact sheet pointing out particularly violent crimes committed by illegal aliens in California and who were subsequently released back onto the streets by sanctuary policies.

Open border lobbyists claim that immigration should be a state's rights issue; shockingly, they declared the opposite in 2010 when Arizona passed S.B. 1070, a law that made it a misdemeanor for an alien to be in the

state without required documents. During that time period, under the Obama administration, the Justice Department sued the state of Arizona claiming the legislation was unconstitutional and preempted federal law.

It is the height of hypocrisy that Democratic leaders and illegal alien activists would claim the Justice Department has no right to do under the Trump administra-

tion the same thing it did under the Obama administration. The current administration has been more than patient with sanctuary jurisdictions that impede federal immigration enforcement. With Mayor Schaaf's flagrant obstruction of ICE's ability to enforce immigration laws, it is time for DOJ to take action.

# NEWS FROM OUR State & Local Operations

## Oregon

In Oregon, the will of the people appears to mean nothing to state legislators. Just before the 2018 legislative session ended, the legislature passed so-called “emergency legislation,” House Bill (HB) 4111, to give driver’s licenses to illegal aliens. When HB 4111 was first introduced, it had bipartisan support and was completely non-controversial. In fact, the bill clarified the fees required to obtain a REAL ID compliant driver’s license. [REAL ID licenses require citizenship status and more stringent proof of identification and were mandated for all states by the U.S. Congress after 9/11.] HB 4111, as introduced, sailed through the Oregon House unanimously.

It was only when the bill reached the Senate that the shenanigans began. During the Senate consideration of HB 4111, an amendment was added to provide driver’s licenses to those without “proof of legal presence” if certain conditions were met and if the person provided certain documents to the Department of Motor Vehicles. However, the amendment precluded the DMV from verifying the authenticity of the documents presented. Not surprisingly, this amendment occurred with virtually no notice and at the end of the short legislative session, according to Cynthia Kendoll, president of Oregonians for Immigration Reform.

HB 4111 then was sent back to the House so members could vote on the bill’s changes. As a result of the bill’s changes, the Republican sponsor removed his name and spoke against it. A once-unanimous bill was now controversial. Still, the House voted to pass the amended version on March 3.

The vote on HB 4111 was a direct snub to Oregonians who went to the polls in 2014 and overwhelmingly defeated Measure 88 by a 2:1 margin. Measure 88 was a citizen’s veto referendum to overturn Senate Bill (SB) 833 that granted drivers licenses to illegal aliens. That bill never went into effect because Oregonians took immediate action just after it was signed into law.

Unfortunately, unlike in 2014, Oregonians will not have the opportunity to file a referendum on HB 4111. Since the bill was designated an “emergency,” the referendum process doesn’t apply and the bill becomes effective immediately after Governor Kate Brown signs it into law. There can be little doubt that granting driver’s licenses to illegal aliens in a state where voters have already overridden the Legislature on the matter hardly qualifies as an emergency. Clearly, the only emergency was the desire of legislators and Gov. Brown to subvert the democratic process to serve the interests of illegal aliens over those of the Oregon people.

## DACA Update: A Continued State of Illegal Alien Fury, Legal Limbo



**M**arch 5, 2018, the date that was to be the official end of Deferred Action for Childhood Arrivals (DACA) came and went, but not without a lot of fanfare and some fireworks.

The United States Capitol Police were busy using bolt cutters to unchain illegal alien activists protesting at the Capitol building during a staged sit-in. DACA protesters also swarmed Democratic National Committee Headquarters calling Democrats “fake allies,” and chanting “If you won’t let us dream! We won’t let you sleep!” Those are just a few of the protests staged by illegal aliens across the D.C.-area on March 5, furthering the cry for a DACA amnesty in a “clean bill,” that includes no enforcement provisions that might prevent the next wave of illegal immigration.

Of course, that demand is completely divorced from political reality and shows a deep misunderstanding of how the American democratic process works. The president not only met the Democrat’s request of an amnesty for DACA recipients, he one-upped them by offering full amnesty to all 1.8 million illegal aliens who might have qualified for DACA but never bothered to apply. Attached to that overly-generous offer—which FAIR has repeatedly said is bad public policy—are several items at the top of the

Trump wish list, including the border wall, ending chain migration and the visa lottery, and mandatory E-Verify.

Representative Michelle Lujan Grisham, the head of the Congressional Hispanic Caucus, panned the offer saying the Trump plan used so-called “Dreamers” as “bargaining chips for sweeping anti-immigrant policies”. However, the administration made clear that the generous offer wasn’t their first bid, but rather their final offer.

The inability or unwillingness of Senate Democrats to compromise on DACA was not something that House Minority Leader Nancy Pelosi (D-Calif.) was going to sit by and allow to be pinned on her party. Pelosi stated that President Trump’s “cruel, cowardly decision” to end the unconstitutional program had left “America’s patriotic Dreamers” living “under a cloud of fear and uncertainty.”

She further demanded that the Republican leadership “stop cravenly using the lives and futures of these young patriots as bargaining chips,” and schedule a vote on the DREAM Act, a bill which is now farther from passage than it was when it was first introduced in 2001.

Senate Minority Whip Dick Durbin (D-Ill.) also attacked congressional Republicans while accusing Trump of creating “a humanitarian crisis” by reining in President



## Omnibus: The Spending Bill That Betrays American Workers

Congress has once again missed an opportunity to prioritize the safety and the well-being of Americans by passing a bloated omnibus bill that barely addresses border security. The bill does not contain funding for a much-needed border wall – an essential tool for regaining control of our borders and stopping illegal immigration, drug smuggling, and terrorism. Instead, it contains a paltry \$1.6 billion for repairs, drones, and pedestrian fencing – no wall construction.

Even worse, the measure explicitly restricts funding for any of President Trump's border wall prototypes, only allowing spending for designs deployed before the prototypes were constructed. If congressional leadership told the president he was getting money for his signature campaign promise, he was lied to.

And while adequate funding for the wall was not included, powerful business interests are inappropriately using the spending bill to expand their access to cheap foreign labor. Congressional leadership included a provision in the omnibus that allows the Department of Homeland Security to double the number of H-2B visas available in the current fiscal year. Opening the door for a significant increase in guest workers is not only unwarranted, but harmful to the interests of American workers.



Trump Omnibus Press Conference

The bottom line is this: there are no immigration-related provisions in the omnibus that are consistent with what President Trump and congressional Republicans told the American people they would do when they were sent to Washington.

### *DACA continued from page 6*

Obama's executive overreach and ending DACA.

The theatrics weren't just being staged in the nation's capital. In Wisconsin, two Democrats—Randy Bryce and Cathy Myers—were both arrested that same Monday at protests supporting illegal immigrants.

Monica Sibri, founder of the New York-based CUNY Dreamers, told NBC News that pressure on politicians for not embracing an amnesty agenda could be a political weapon. "Anybody that opposes a piece of the Dream Act or any piece of immigrant legislation at the state level is now being

labeled as a 'Trumper,'" she added.

The political sands on DACA are ever-shifting. On March 5, Judge Roger Titus, of the Maryland Federal District Court, agreed that President Trump had reasonable justification to end DACA based on his assertion that the program is unlawful. Judge Titus issued this ruling despite his own misgivings about the president's policies. "This court does not like the outcome of this case, but is constrained by its constitutionally limited role to the result that it has reached," Judge Titus wrote, acknowledging that the court's role is limited to

determining matters of constitutionality, not politics.

Of course, Judge Titus's ruling wasn't the end of the legal battle over DACA, but it did demonstrate that the Democrats are not standing on firm ground. For Republicans, it should instill a sense of confidence that DACA will eventually be struck down by the courts. Then—and perhaps only then—will Congress be able to enact comprehensive immigration reforms that protect the interests of the American people.

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