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Obama Immigration Policy Begins to Take Shape: *Amnesty by Administrative Inaction*

Over the coming months Americans will find out if the Obama administration and the congressional leadership are preparing another attempt to pass a comprehensive amnesty bill in 2009. But, with or without legislation, the administration is sending unmistakable signals to illegal aliens that they will not vigorously enforce laws against illegal immigration. Just as increased worksite enforcement during the past two years was

beginning to show a positive effect, and illegal aliens were starting to return home, the actions of the new administration are likely to undo that progress.

Based on the administration's actions during their first two months in office, certain patterns are becoming evident:

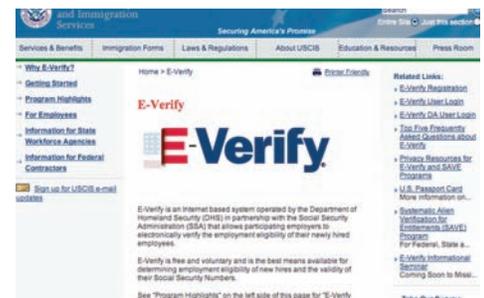
Review of worksite enforcement policies. On February 24, Immigration and Customs Enforcement (ICE) agents raided the Yamato Engine Specialists Com-

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Senate Rejects Five-Year Reauthorization of E-Verify, Opt for Six Month Extension

For the second time in as many months, the U.S. Senate passed up an opportunity to reauthorize the highly successful E-Verify program for five years. Instead, Congress opted for a six-month extension through September 30, the end of the current fiscal year.

An amendment to the \$410 billion Om-



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Immigration Policy *continued*



Rather than support the ICE agents in the field for doing the job the taxpayers are paying them to do, Homeland Security Secretary Janet Napolitano called for a review of worksite enforcement policies.

pany in Bellingham, Washington, and arrested 28 illegal alien workers. This was the first worksite enforcement action carried out by ICE since the new administration took power.

Rather than support the ICE agents in the field for doing the job the taxpayers are paying them to do, Homeland Security Secretary Janet Napolitano called for a review of worksite enforcement policies. Testifying before Congress the next day, Napolitano told lawmakers that she had not been informed about the Bellingham

raid. “I want to get to the bottom of this,” said Napolitano.

The secretary’s statement to Congress came in response to howls of protest from pro-illegal alien activists who demanded that ICE enforcement cease immediately. The decision to review ICE enforcement efforts, rather than offer unqualified support for the people enforcing U.S. immigration laws, indicates that the Obama administration is likely to curtail worksite enforcement.

Ironically, the raid was carried out on the same day that the president addressed a joint session of Congress during which he vowed to fix the economy and get unemployed Americans back to work. Hundreds of American workers immediately applied to fill the 28 jobs left vacant by the arrest of illegal alien workers at the Yamato Engine Specialists Company in the town about 20 miles from the Canadian border.

Nationwide, an estimated 7.7 million U.S. jobs are now held by illegal aliens. In case after case in which enforcement actions have removed illegal workers, legal workers have almost immediately lined up to fill the vacancies. American DO want these jobs. These are jobs that can and should be available to U.S. workers at a time of rising unemployment, without spending \$800 billion.

If you’re not a terrorist or a felon, there is no need to worry. In other

statements since taking office, Secretary Napolitano has hinted that her department’s enforcement efforts will focus on tracking and removing terrorists and criminal aliens from the country. While no one can argue with the objective of removing foreign terrorists and criminals, the administration’s statements indicate that those who entered the U.S. illegally will not be pursued unless they are terrorists or felons.

The first target may be 287(g) enforcement. The provision, established in 1996, allows state and local police to receive training in immigration law enforcement for the purpose of supplementing limited federal law enforcement resources. It provides an important and necessary tool to help law enforcement officers protect their communities. Under the 287(g) program, which FAIR fought to include in the 1996 legislation, 67 police and sheriff’s departments across the country have received training to identify and detain suspected illegal aliens. Last year, 43,000 illegal aliens were arrested by 287(g) trained officers.

This highly effective enforcement tool is now under attack by the defenders of illegal aliens because some of those apprehended are not violent felons, according to a review by the Government Accountability Office (GAO). Based on these findings, House Homeland Security Committee Chairman Bennie Thompson (D-Miss.) in-

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Immigration REPORT

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FAIR Immigration Report (ISSN 1067-3337) is published 10 times a year by the Federation for American Immigration Reform a non-profit membership organization.

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Immigration Policy continued

licated that the program may come under review. “[T]he record is incomplete, at best, as to whether this program is a success,” Thompson said.

The legislative language creating 287(g) did not specify that it be used exclusively, or even predominantly, to apprehend criminal aliens. Rather, the GAO report notes, “its legislative history do[es] not detail the exact responsibilities to be carried out” by local law enforcement. The report also states that “ICE has the discretion to define the 287(g) program objectives in any manner that is reasonable,” thereby playing into the hands of the Obama administration by suggesting it can decide to use the program solely to identify and remove terrorists and criminal aliens.

What is taking shape is a hands-off policy for all illegal aliens, except those engaged in violent crime or terrorism. Even without a formal amnesty, the Obama administration appears to be moving in the direction of allowing all but the most incorrigible illegal aliens to remain and work in the United States. Moreover, the president did not demand inclusion of E-Verify protections in his economic stimulus package, aimed at creating or preserving some 3.5 million U.S. jobs.

FAIR will continue to press for vigorous enforcement of U.S. immigration laws — especially at a time of economic crisis — in spite of the administration’s apparent obstructionism. Working with allies in Congress, the media, and a dedicated core of committed activists across the country, FAIR will challenge every effort by the administration to ignore its responsibilities to law-abiding workers and taxpayers.

The refusal by the Obama administration to carry out enforcement efforts also provides a powerful argument against future amnesty legislation. It is an early indication that any enforcement promises made in exchange for amnesty legislation are likely to be worthless and the failures of the 1986 amnesty law repeated.

AROUND THE COUNTRY

INDIANA

By a 37-13 vote on February 24, the Indiana State Senate approved a bill that would impose stiff penalties against Indiana businesses caught employing illegal aliens. The Immigration Reform Law Institute (IRLI), FAIR’s public interest law affiliate, worked closely with State Senators Mike Delph and Dennis Kruse to craft legislation that would hold employers accountable and stand up to legal challenges from pro-illegal alien advocates. Senate Bill 580 is now headed to the Indiana State House. Gov. Mitch Daniels has pledged to sign the legislation if the House approves the measure,

MARYLAND

In an important breakthrough for immigration reform advocates in Maryland, Gov. Martin O’Malley has indicated his support for legislation that would require driver’s license applicants to prove legal U.S. residence. Maryland has been one of a handful of states that issues licenses and state IDs to illegal aliens. According to Maryland’s Motor Vehicle administration (MVA), more than 20,000 driver’s licenses were issued to people not lawfully present in the U.S. in 2008. MVA admits that it cannot authenticate many foreign documents, and that the fraud rate increased 478 percent between 2003 and 2007. Leaders of the legislature expect the bill to be enacted this year. FAIR has worked closely with Maryland-based immigration reform groups, which have been instrumental in pushing for the legislation.

NORTH CAROLINA

While the leadership of the U.S. Congress took the extraordinary step of stripping provisions that would require companies that receive money from the economic stimulus bill to verify that their workers are legal U.S. residents, members of the North Carolina legislature are attempting to adopt those protections in their state. Rep. Wil Neumann introduced legislation that would require any North Carolina employer receiving federal stimulus money to use the E-Verify system to ensure that workers are eligible for the jobs. Without this validation, as many as 5,000 jobs in the state could be filled by illegal aliens.

Reid Feels Heat from Back Home

Senate Majority Leader Harry Reid (D-Nev.) was singlehandedly responsible for blocking both the inclusion of a reauthorization of E-Verify in the Senate's version of the massive economic stimulus bill and a requirement that companies benefiting from stimulus money use the system to ensure that they hire only legal U.S. workers. Along with House Speaker Nancy Pelosi (D-Calif.), Reid made sure that those provisions in the bill passed by the House of Representatives were stripped from the final version sent to President Obama.

E-Verify is a federal program that allows employers to instantly verify the Social Security numbers and work eligibility of new employees. It is currently used by more than 100,000 employers nationwide, and has a near perfect 99.6 percent accuracy rate.

The majority leader's actions may have been popular with cheap labor interest groups and other illegal immigration advocacy organizations, but they are radically out of step with the views and the interests of Sen. Reid's Nevada constituents. According to a Zogby International poll commissioned by FAIR, 83 percent of Nevadans support reauthorization of E-Verify, and 78 percent said that companies receiving federal stimulus dollars should be required to use the program. Nevada has the highest per capita number of illegal residents and, at 9.4 percent, Nevada's unemployment rate is one of the highest in the nation.

As part of FAIR's core mission of educating the American public about the impact of mass immigration, the organization undertook a multi-faceted effort to bring Sen. Reid's actions to the attention of Nevadans. In addition to release of the Zogby poll (full results can be seen on FAIR's web site, www.fairus.org) FAIR published a report, *The Costs of Illegal Immigration to Nevadans* (see sidebar), published an open letter to Sen. Reid in the *Las Vegas Review-Journal*, conducted a statewide media blitz, and organized a public rally outside the senator's Las Vegas office.



Heidi Harris, KDWV talk radio host, addresses protestors outside Reid's Las Vegas office.

With the assistance of local talk radio host Heidi Harris, whose KDWV program is one of the most listened to in Nevada, the FAIR-organized rally brought some 150 activists outside Reid's Las Vegas office on February 25 to protest his refusal to protect workers in his own state and across the nation by including the E-Verify provisions in the stimulus bill. In addition to the activists who gathered outside Reid's office, the protesters, waving flags and carrying placards, received enthusiastic support from passing motorists.

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Illegal Immigration Costs Nevadans \$630 Million a Year

The latest in FAIR's series of state impact studies finds that illegal immigration costs Nevadans \$630 million a year, or about \$763 for each native-headed household in the state. The *Costs of Illegal Immigration to Nevadans* finds that these costs are limited to unreimbursed K-12 education, public health care and incarceration of criminal illegal aliens. Nearly an equal amount, \$618 million, flows out of the Nevada economy each year in the form of remittances sent abroad. The findings of FAIR's Nevada cost study were featured in numerous newspaper, television and radio news reports across the state.

Nevada, like nearly every other state, is struggling to close gaping budget shortfalls. The state projects about a \$2 billion shortfall through the end of the 2010 fiscal year. Thus, the costs of illegal immigration could be responsible for about half of Nevada's projected annual budget gap.

The burdens of illegal immigration are widely recognized by Nevadans. FAIR's statewide opinion poll, conducted by Zogby International, found that 76 percent of Nevada residents believe illegal immigration has a negative impact on the state budget.

The full text of *The Costs of Illegal Immigration to Nevadans*, along with 12 other state impact studies, can be found at FAIR's web site, www.fairus.org.

Imitation is the Sincerest Form of Flattery:

Pro-Amnesty Forces Try to Replicate Success of Immigration Reformers

The defeat of the amnesty bill in 2007 was a stunning blow to the illegal alien lobby. Despite their huge financial advantage, the support of the Bush administration and the congressional leadership, the immigration reform movement beat back their best shot at gaining amnesty for millions of illegal aliens.irate citizens literally crashed the Capitol switchboard with phone calls, while talk radio and cable TV news played a vital role in keeping the American public informed.

The success of FAIR and the immigration reform movement was not lost on the pro-amnesty forces. “Let’s not miss the fact that one of the reasons we lost the last time is that the anti-[amnesty] forces mobilized their advocates and the pro-[amnesty forces] did not,” said Frank Sharry, executive director of the radical open-

borders group, America’s Voice. Sharry also noted the ability of groups like FAIR to effectively disseminate the immigration reform message in the media.

Determined not to be out-organized again, the Congressional Hispanic Caucus organized a 17-city national tour to try to build its own activist network in favor of amnesty. Be-

ginning in late February and running through early April, the *Familias Unidas National Tour 2009* is aimed at “putting a human face on the issue” and creating an activist network of its own.

The effort is spearheaded by Congressman Luis Gutierrez (D-Ill.), a close ally of President Obama. Gutierrez spent the better part of March meeting with illegal aliens and their families in churches all across



Spearheaded by Congressman Luis Gutierrez (D-Ill.), the Congressional Hispanic Caucus organized a 17-city national tour to try to build its own activist network in favor of amnesty.

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Reid Feels the Heat continued

The protest rally was only part of the message Sen. Reid heard and saw that day. Earlier, FAIR’s national field director, Susan Tully, joined with a contingent of Nevada voters to present Sen. Reid’s Las Vegas staff with a copy of a petition addressed to President Obama signed by over 16,000 Americans urging that E-Verify be maintained and expanded. That same day, the lead story in the local news section of the Review-Journal featured coverage of FAIR’s statewide opinion poll and details about how much illegal immigration is costing Nevadans.

Despite the enormous inside-the-Beltway advantage that special interests promoting mass immigration and amnesty have, FAIR has repeatedly demonstrated that arming the public with timely and reliable information can overcome those odds. As we move through what promises to be a very challenging year, FAIR will continue to employ all available means to keep the American public informed and to ensure that they have a voice in this important national debate.



Immigration reform activists demand E-Verify and immigration enforcement.

INTHE NEWS

The following opinion editorial by FAIR's Media Director Ira Mehlman, appeared in the *Los Angeles Times*.
Published February 2, 2009

PRIORITIES OF IMMIGRATION ADVOCATES ARE OUT OF STEP

Despite a Latino coalition's pitch to Obama, amnesty and higher levels of immigration are not the top concerns of Latino voters.

On the eve of the inaugural, a coalition of Latino organizations gathered to lay out their priorities for the Obama administration. At the top of their list was immigration: amnesty for the estimated 13 million illegal aliens living in the United States and still higher levels of government-mandated immigration.

These professional ethnic-interest advocates came to Washington touting that Latino voters favored Barack Obama over John McCain by a better than 2-1 margin and "to settle debts accrued during the campaign season," according to an article on the New York Times website. But aside from the fact that Obama would have coasted to victory even without his sizable advantage among Latino voters, this coalition managed to overlook one other important detail: More immigration is not what Latino voters want.

The Pew Hispanic Center, a respected Washington think tank, took the trouble to ask Latinos what issues they considered to be "extremely important." For 57% of the respondents to its poll, released just before the inauguration, the economy was the most important issue. Close behind were education and healthcare. Rounding out the top five were national security and the environment.

Although the groups purporting to represent the interests of Latinos in the U.S. have set amnesty for illegal aliens and higher levels of immigration as their No. 1 priority, immigration ranks only sixth among the concerns of ordinary Latinos. Fewer than one in three Latinos

in the U.S. surveyed, 31%, rated immigration as an extremely important issue.

And of the five issues Latinos rated as their highest priorities for President Obama to address, all of them would be made more difficult by amnesty and higher levels of immigration.

The economy. With the economy shedding jobs at a rate of half a million a month, legalizing 13 million illegal aliens and adding to the already record levels of government-mandated immigration would be like dousing a flame with gasoline.

Education. The schools attended by predominantly Latino students are affected the most by immigration. In 2004, about 44% of the students attending the Los Angeles public school system were classified as "limited English proficient," according to the latest district information available. Nationwide, the 2006 dropout rate among Latinos in the U.S. was 22% — double the rate for African American students and quadruple that of whites.

Healthcare. Immigrants and their U.S.-born children accounted for 71% of the increase in the medically uninsured population between 1989 and 2007, according to the Center for Immigration Studies. In all, 34% of immigrant households lack basic health insurance, compared with 13% of the native-born population.

National security. America's already dysfunctional system for processing immigration could not possibly handle the tens of millions of amnesty applications they would likely receive. As in the much

smaller amnesty of 1986, the government likely would resort to rubber-stamping applications without conducting adequate background checks.

The environment. The Census Bureau projects that at current immigration levels, the U.S. population will grow by 135 million people over the next 40 years. An amnesty, coupled with higher immigration levels, would surely send us over the half-a-billion mark by midcentury, effectively dooming all environmental initiatives.

The agenda being pressed by the ethnic-interest and immigration advocacy groups has nothing to do with the concerns or well-being of Latinos in the United States. Rather, in direct contrast to President Obama's inaugural declaration "that the lines of tribe shall soon dissolve," it is about raw political power.

"I anticipate a dramatic shift in power toward heavily Latino parts of the United States" after the next census, said Simon Rosenberg, director of the New Democratic Network, an advocacy group that is pro-amnesty. "Remember: In redistricting, we count people, not citizens."

Throughout the campaign and standing on the west portico of the Capitol, Obama has sought to inspire the nation toward a common purpose. Americans of all racial and ethnic backgrounds are prepared to answer his call. Whether on immigration or countless other issues, the nation is hungry for a leader who demonstrates through action that his only debt is to the American people.

E-Verify Still Not Reauthorized continued

nibus Appropriations bill reauthorizing E-Verify for five years was offered by Sen. Jeff Sessions (R-Ala.). However, that amendment was tabled by the Senate by a 50-47 margin. The Omnibus Appropriations bill, passed in March, was necessary to fund many operations of the federal government through the end of the fiscal year.

Sen. Sessions attempted to include a reauthorization of E-Verify in the economic stimulus bill passed by Congress in February, as well as a requirement that companies receiving stimulus money use E-Verify to ensure that they hire only legal U.S. workers. These provisions were included in the House version of the stimulus bill, but were blocked by the Senate leadership and ultimately stripped from the final version of the bill

by Majority Leader Harry Reid (D-Nev.) and Speaker Nancy Pelosi (D-Calif.).

Preventing E-Verify from being terminated is an important milestone for supporters of immigration enforcement. However, the short-term extension of a program that has been proven to protect American jobs indicates that the congressional leadership is preparing to use it as a bargaining chip in a renewed effort to enact amnesty legislation later this year.

The repeated failure of the Senate to reauthorize E-Verify contradicts assertions by Sen. Reid and others that they support E-Verify as a vital protection for American workers during a time of rising unemployment. In a letter to Nevada constituents, Sen. Reid writes, “I strongly support programs like E-Verify

that are designed to ensure that employers only hire those who are legally authorized to work in the United States, and believe we need to strengthen enforcement against employers who knowingly hire individuals who are not authorized to work.” The actions of Senate Democrats to block long-term reauthorization clearly belies their professed concern for protecting U.S. workers.

The reauthorization through September 30 does provide FAIR with time to continue to build public support for this critical immigration enforcement tool. With more than 12 million U.S. workers idled, and unemployment now standing at a 26-year high, protecting American jobs from being lost to illegal aliens is vitally important. ■

Pro-Amnesty Tour continued

America. However, unlike the diverse, broad-based network of citizen activists that FAIR has assembled, the pro-amnesty activist network is composed largely of illegal aliens and their families.

The pro-amnesty coalition has also attempted to replicate FAIR’s success in presenting a coherent public interest reform agenda to the American public through the media. However, lacking any real solutions to America’s failed immigration policies, other than amnesty for illegal aliens and unrestricted immigration, their message has fallen flat. Consequently, groups like America’s Voice and the National Council of La Raza have launched a massive — and so far unsuccessful — effort to discredit FAIR and other reform-minded groups.

FAIR has earned and continues to enjoy high visibility and high credibility with print, broadcast and Internet news organizations because it represents the sentiments about immigration of the majority of Americans.

FAIR does not take the opposition’s efforts lightly. Our response is to expand and broaden our own grassroots network and strengthen our relationships with the media. Over the coming months, FAIR will be working proactively to inform and organize the American public around the idea that immigration reforms must be enacted that serve the national interest.

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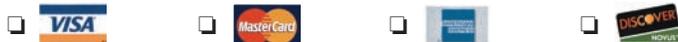
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