



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration

REPORT

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Napolitano Urges Action on Amnesty in 2010, Falsely Claims Progress in Fighting Illegal Immigration

In an address before the pro-amnesty Center for American Progress (CAP), Secretary of Homeland Security Janet Napolitano signaled the Obama administration's support for legislation that would include amnesty for current illegal aliens and increases in the overall flow of immigration into the U.S. Napolitano also expressed support for improved immigration enforcement — despite actions taken by her department that have dramatically curtailed enforcement.

In her Nov. 13 speech, Napolitano described the administration's vision of immigration reform as a "three-legged stool." The legislation must include "a commitment to serious and effective enforcement, improved legal flows for families and workers, and a firm but fair way to deal with those who are already here," she said.

Acknowledging that previous attempts to enact amnesty for illegal aliens have been hampered by a lack of public confidence that the government would act in any meaningful way to prevent future illegal immigration, Napolitano sought to assure the public that this time things would be differ-



ent. She asserted that "the security of the Southwest border has been transformed from where it was in 2007." Furthermore, the transformation has not been limited to the border, she claimed. "[W]e've transformed worksite enforcement to truly address the demand side of illegal immigration."

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Health Care Legislation Filled with Loopholes to Benefit Illegal Aliens

As the long legislative process aimed at overhauling America's health care system has unfolded, one of the few things that is clear is how much the nation's failed immigration policies have contributed to the growth of the medically uninsured. The health care debate also offers a preview of the intense political pressure to bestow expensive public benefits on immigrants that would inevitably result should Congress enact amnesty for illegal aliens and increase the flow of government sanctioned immigration.

Immigrants — legal and illegal — compose about one-eighth of the U.S. population, but account for about one-third of the medically uninsured. Indirectly, many native-born workers have lost employer-provided health insurance because of the depression of wages and benefits resulting from large numbers of illegal aliens in the labor force.

The health care debate also demonstrates how tenaciously the im-

migration lobby will fight for public subsidies of both legal and illegal immigrants. FAIR's analysis of H.R. 3962, the America's Affordable Health Care Act of 2009, approved by the House of Representatives in early November, reveals a loophole designed to allow illegal aliens to benefit, and it eliminates an important provision of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that limits public benefits to legal immigrants during their first five years in the country. Attempts to close the loophole and prevent illegal aliens from gaining access to taxpayer-subsidized

Individuals claiming to be U.S. citizens will not be required to document either their citizenship or even their true identities.

Elimination of the five-year waiting period for legal immigrants. Under Section 342(d) of H.R. 3962, legal immigrants would be immediately eligible for taxpayer "affordability credits" to pay for health insurance. This provision reverses a 1996 effort to ensure that American taxpayers are not burdened by newly arriving immigrants. According to FAIR's analysis, the elimination of the waiting period will likely cost taxpayers \$4.9 billion

ILLEGAL ALIENS, THOUGH TECHNICALLY BARRED FROM RECEIVING BENEFITS UNDER H.R. 3962, WILL BE ABLE TO GET AROUND THAT RESTRICTION BY MAKING FALSE CLAIMS OF CITIZENSHIP . . . INDIVIDUALS CLAIMING TO BE U.S. CITIZENS WILL NOT BE REQUIRED TO DOCUMENT EITHER THEIR CITIZENSHIP OR EVEN THEIR TRUE IDENTITIES.

health insurance, and to maintain the five-year waiting period for legal immigrants were both defeated.

The illegal alien loophole. Illegal aliens, though technically barred from receiving benefits under H.R. 3962, will be able to get around that restriction by making false claims of citizenship. Benefits for noncitizens will be screened by the highly effective Systematic Alien Verification for Entitlements (SAVE) database. However, those who claim to be citizens will be subject to a much less rigorous and untested verification process.

in 2014 (when the affordability credits begin), rising to \$6.4 billion by 2019. The total cost to taxpayers over that period is estimated to be \$34 billion.

Preliminary analysis by FAIR of the Senate's health care legislation reveals similar deficiencies in the eligibility verification process and the elimination of the five-year waiting period. The target for final action on the Senate bill is before Christmas, and FAIR will provide a more detailed analysis in the next issue of the *FAIR Immigration Report*.

Immigration
REPORT

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FAIR 20 Massachusetts Ave. NW 12th Floor Washington, DC 20001
1-800-368-7329 | www.fairimmigration.org | info@fairimmigration.org

The following opinion piece by FAIR President Dan Stein appeared in the November 12, 2009 USA Today opinion blog.

OPPOSING VIEW: DON'T LET THEM BUY POLICIES

Insurance for illegal immigrants means longer waits, higher costs

On the surface, it seems logical to allow illegal aliens to purchase health insurance through an exchange that would be established under the House-approved reform bill. Upon closer examination, however, there are many good reasons to bar illegal aliens from it.

The exchange would be indirectly subsidized, maintained and managed by a massive federal bureaucracy estimated by the Congressional Budget Office (CBO) to cost \$41 billion to \$51 billion over 10 years. Even if illegal aliens pay their own premiums, they are still accessing a government run "store" subsidized by American taxpayers.

Uncompensated care for illegal aliens already costs taxpayers \$11 billion a year. Extending health insurance to illegal aliens would be even more expensive. CBO concluded "that for most preventive services, expanded utilization leads to higher, not lower, medical spending overall."

Greater utilization by illegal aliens could impact health care quality for all Americans, resulting in longer waits at the doctor's office and reduced access to services. Thus far, no Capitol Hill hearings have addressed this possibility.

Allowing illegal aliens to participate in the exchange would create yet another powerful magnet for illegal immigration. If non-legal residents can obtain coverage, people needing expensive care would come here, purchase low-cost policies through the exchange and utilize medical services that far exceed what premiums cover, thereby raising costs for everyone else.

Permitting illegal aliens to access the exchange would also further accommodate their presence in the USA, creating additional arguments for a mass amnesty. Amnesty advocates would contend that access to the exchange is tantamount to government acceptance of their presence in the USA.

The very fact that coverage for illegal aliens has become a part of the health care debate underscores the failure of our immigration policies. We are allowing into the USA millions who cannot provide for their own needs.

The best option of all would be to reinvigorate meaningful enforcement that reduces the number of illegal aliens in the country and require skills-based immigration.

New FAIR Reports Examine Impact of Immigration on Maryland

Maryland has long been one of the most hospitable states for illegal aliens. Until this year, Maryland issued driver's licenses without proof of legal residence and many cities and counties across the state maintain sanctuary policies. All this hospitality is breaking the bank, finds *The Costs of Illegal Immigration to Marylanders*, the latest in a series of reports by FAIR detailing the impact of illegal immigration on state taxpayers.

According to the new report, it is costing Maryland state taxpayers \$1.4 billion to provide K-12 education, unreimbursed health care to illegal aliens and their children, and incarceration for criminal aliens. Lax federal enforcement, and the willingness of the state and local governments to accommodate immigration law violators, has swelled the illegal alien population in recent years. The report finds that the illegal alien population of the state has quadrupled since 2000, and now numbers an estimated 250,000 people.

The rapidly growing cost of illegal immigration comes at a time when Maryland, like most states, is struggling to cover massive budget shortfalls. The \$1.4 billion spent on basic services for illegal aliens represents a sizeable chunk of Maryland's projected \$2 billion budget deficit in 2010. The fiscal burden of illegal immigration for just the basic services is estimated to be \$790 per household headed by a native-born resident.

K-12 education for the children of illegal aliens, including those children who are themselves here illegally and their U.S.-born siblings, represents the largest portion of the burden to Maryland taxpayers, at a cost of more than \$1.2 billion. Unreimbursed health care for illegal aliens costs Marylanders another \$167 million, while incarceration costs taxpayers about \$29 million a year.

The costs of immigration are not disbursed evenly among all Maryland residents. A second report, *English Learners and Immigration: A Case Study in Prince George's County, Maryland*, takes an in-depth look at how immigration, both legal and illegal, can affect local school systems. Prince George's County, Maryland, has seen the number of non-English proficient students in its schools nearly double since 2004, from 7,064 to 13,825. English as second language (ESL) instruction costs have risen to \$66 million a year at a time when other education programs are being slashed, and Prince George's students are falling behind academically.



Both reports, *The Costs of Illegal Immigration to Marylanders* and *English Learners and Immigration: A Case Study in Prince George's County, Maryland* can be found at FAIR's website www.fairus.org.

THE COSTS OF ILLEGAL IMMIGRATION TO
Marylanders
A REPORT BY JACK HANSEN, DIRECTOR OF SPECIAL POLICIES

Marylanders Believe Illegal Immigration Harms Their State

While Maryland officials maintain policies that draw illegal aliens to the state, a new opinion poll finds that a large majority of Marylanders believe that illegal immigration is hurting the state. The poll of 1,000 likely voters commissioned by FAIR from Pulse Opinion Research shows growing awareness among Marylanders of the impact of illegal immigration.

Among the key findings of the poll:

- ▶ 73% of Maryland voters say illegal immigration has a negative impact on the state. Only 20% believe it has a positive impact.
- ▶ 77% of Maryland voters believe illegal aliens have a negative impact on the state budget, versus only 15% who believe their impact is positive.
- ▶ 65% of Maryland voters believe that illegal immigration harms the state's schools. Only 18% believe illegal immigration has had a beneficial effect on education.
- ▶ 55% believe illegal immigration should be reduced through better enforcement of immigration laws. Only 36% of Maryland voters favor amnesty or legalization for current illegal aliens.

The results of the Pulse Opinion Research poll also demonstrate the consistency of support for better immigration enforcement across the country. Even in Maryland, one of the most politically liberal states in the country, there is overwhelming consensus about the negative impact of illegal immigration, and opposition to amnesty.



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NAPOLITANO URGES AMNESTY *continued*

Based on these claims of improved enforcement, Napolitano urged Congress to move ahead with amnesty for illegal aliens and increases in the admission of both family- and employment-based immigration. “We need Congress to create the legal foundation for bringing the millions of illegal immigrants in this country out of the shadows,” said Napolitano. “We need carefully crafted programs that allow American businesses to hire needed foreign workers,” she continued. “Our immigration system is outdated where families are concerned, and we need to modernize and streamline the laws governing this process.”

While amnesty for illegal aliens and increases in government regulated immigration would not be justified even if the administration actually were enforcing immigration laws as they claim, the facts demonstrate that they are not. In fact, as FAIR has repeatedly pointed out, the Obama administration has systematically

AMERICA'S BORDERS ARE ANYTHING BUT SECURE. BY THE DEPARTMENT OF HOMELAND SECURITY'S OWN ADMISSION, A MERE 894 MILES OF BORDER OR COASTLINE ARE UNDER "EFFECTIVE CONTROL," OUT OF THE TOTAL 8,607 MILES THAT THE DEPARTMENT IS CHARGED WITH PROTECTING.

weakened all aspects of immigration enforcement, and there is no reason for the public to feel confident that promises of future enforcement would be kept.

America's borders are anything but secure. By the Department of Homeland Security's (DHS) own admission, a mere 894 miles of border or coastline are under “effective control,” out of the total 8,607 miles that the department is charged with protecting. Moreover, DHS has no plans to secure even one additional mile during

the current fiscal year.

There has also been dramatic regression in virtually all areas of interior immigration enforcement under Napolitano's leadership. According to DHS data released on Nov. 18, arrests, indictments and convictions of immigration law violators have all fallen by more than half during 2009. [See sidebar story below.]

FAIR takes seriously the threat of a major legislative effort to enact amnesty and immigration increases in 2010. We have already begun to educate the American public about the false claims being made by the administration about its enforcement record and the devastating impact that amnesty and increased immigration would have on the American people. We urge all members and supporters to go to FAIR's website, www.fairus.org, to sign up for legislative alerts so that you can be prepared to oppose any effort to enact amnesty in 2010.

Immigration Enforcement Plunges in 2009

Just five days after Homeland Security Secretary Janet Napolitano spoke before the Center for American Progress extolling how her department has “transformed” worksite immigration enforcement, data released by the bureau of Immigration and Customs Enforcement (ICE) – which reports to Napolitano – revealed a very different reality. A report released on Nov. 18 details the extent to which the Obama administration has dismantled all meaningful immigration enforcement activities.

The numbers tell the story. Between FY 2008 and FY 2009:

- Administrative arrests of illegal aliens dropped 68 percent (from 5,184 to 1,644).
- Criminal arrests of illegal aliens dropped 60 percent (from 1,103 to 443). This directly contradicts statements made earlier this year by Napolitano claiming that two of ICE's “major...enforcement priorities” were “the identification and removal of criminal aliens.”
- Criminal indictments of illegal aliens dropped 58 percent (from 900 to 376).
- Criminal convictions of illegal aliens dropped 63 percent (from 908 to 338).

In place of arrests, prosecutions and removal of illegal aliens, ICE has substituted paperwork audits of company records. When audits reveal illegal aliens on the payroll, employers are given the opportunity to fire the illegal workers with little or no adverse consequence to the company. The workers are not detained and, in most cases, may again use the same false documents or acquire a new set and move on to other jobs.

MARYLAND

While many Maryland officials have decided to accommodate, even welcome, illegal immigration, Frederick County Sheriff Chuck Jenkins is a rare exception. Recognizing the impact of illegal immigration on his rural county, the Frederick County Sheriff's department participates in the 287(g) program, which allows local law enforcement officers to be trained to recognize and detain suspected illegal aliens. Sheriff Jenkins's efforts have been so successful that, naturally, the illegal alien advocates, led by Casa de Maryland, are suing him. The response from the community has been overwhelmingly supportive of Sheriff Jenkins's efforts. Dozens of Frederick County residents turned out to show their solidarity with the sheriff and to express their gratitude for his efforts to protect their communities. Sheriff Jenkins was one of the featured speakers at FAIR's national board of advisor's meeting in October.



OHIO

Illegal alien advocacy groups have filed suit to prevent the state from cancelling vehicle registrations of people who cannot produce valid Ohio driver's licenses. Some 47,000 vehicles in the state are registered to people without licenses. The League of United Latin American Citizens, which is behind the suit, concedes that most of those affected are likely to be illegal aliens. Ohio, where FAIR field representative Bob Najmulski lives, has been one of the states where FAIR has worked to promote local immigration enforcement policies. According to illegal alien advocates, these efforts have been too successful. One local pro-illegal alien activist lamented that illegal aliens are afraid to drive in Ohio. "People are already leaving" Ohio, she said.

GEORGIA

Poor kidney dialysis patients in Atlanta are finding out the hard way that illegal immigration is not a victimless crime. For years Grady Memorial Hospital, Atlanta's largest public health care facility, has been providing free dialysis to illegal aliens at a cost of about \$50,000 per year per patient. In October, facing a budget crisis, the hospital simply shut its outpatient kidney dialysis unit, leaving all of the patients who relied on its services in the lurch. "Years and years of providing this free care has led Grady to the breaking point," said a senior hospital administrator. The free care amounts to about \$300 million per year, about 20 percent of which is provided to illegal aliens.



Support FAIR at Year's End

Today's economy has made it necessary to make careful choices about how you give your funds. With proposed changes in federal tax laws, giving this year may save you more than ever before. If you are subject to the alternative minimum tax (AMT), charitable deductions reduce the amount of both the regular income tax and the AMT. Here are some ways you can help FAIR continue to fight to secure true immigration reform:

WILSON MATCH CAMPAIGN Contribute a minimum of \$250 total for 2009 and/or 10% over your 2008 contribution and you qualify for the match.

GIFTS OF STOCK/SECURITIES Gifts of securities, owned for longer than one year, can be deducted from income tax at the full current value and can be used to offset tax on up to 30% of your AGI. In addition, no tax is due on any gain. If you own securities that are worth less than they cost, consider selling them and making a gift of cash with the proceeds. You may be able to deduct this loss from other taxable income along with the amount of the cash contribution.

GIFTS FROM RETIREMENT PLANS If you are 70 1/2 and have an IRA, consider making a gift directly from these funds. Gifts given in this way are not taxed as income to you and offer a way to make completely tax free gifts.

Visit our website www.fairus.org for more information.

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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 2009 Combined Federal Campaign is needed now more than ever. Look for FAIR under our full name in your CFC brochure.


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