



Immigration Priorities for the 2017 Presidential Transition

A Special Report from the Federation
for American Immigration Reform



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Immigration Priorities for the 2017 Presidential Transition

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November 2016



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Key Costs of Mass Migration

**\$113
BILLION**

The approximate amount illegal immigration costs U.S. taxpayers a year at the federal, state and local level. The bulk of the cost, some \$84 billion, is absorbed by state and local governments.

The average illegal alien household takes in \$14,387 more in benefits than it pays in taxes. Since most of these costs are borne by state and local taxpayers, the cost per legal household varies by the size of the area's illegal alien population.¹

\$14,387

**\$44.8
BILLION**

The annual cost to educate the children of illegal aliens, which constitutes the single largest cost to taxpayers. The cost of educating all legal and illegal aliens is \$59.8 billion.² State and local governments absorb nearly 99 percent of these costs.

At the federal level, the government spends 60 percent more on illegal aliens than it collects in taxes. At the state and local level, less than five percent of the cost associated with illegal immigrants is recovered from taxes paid.³

60%

Most illegal aliens pay no income taxes. Among those who do, much of the revenues collected are refunded to the illegal aliens when they file annual tax returns. Many also claim tax credits resulting in payments from the U.S. Treasury.⁴

The nation's growing GDP is only enriching a few at the top. The reality most Americans face includes job displacement, wage stagnation/regression and a heavier tax burden. These are the primary costs of immigration-driven growth over the last 40 years.

Introduction



Illegal immigration and unchecked legal immigration are detrimental to the quality of life in the United States. The American family is increasingly bearing the costs of urban sprawl, environmental degradation, traffic congestion, increased crime, overburdened health care, overwhelmed public schools and debt-ridden state and municipal governments—all results of uncontrolled immigration. The fiscal costs of immigration, legal and illegal, have always been substantial, but with the recent economic downturn, these costs have become even more burdensome. The social, cultural and political costs are being felt more acutely as we receive immigrants in numbers too large to be successfully incorporated into our way of life and assimilated into our communities.

The Costs of Uncontrolled Mass Migration

The United States currently faces trillions of dollars in national debt. Many state budgets are severely in the red. Unchecked mass migration unnecessarily adds to the fiscal challenges that the federal government and the governments of all 50 states are facing.

There are also significant non-fiscal costs to lax immigration enforcement and vague immigration policies. Our porous borders allow national security threats, gangs, human traffickers, alien smugglers and drug cartels access to the United States, in addition to non-criminal illegal aliens.

Sudden, massive population increases place unnecessary strain on the environment, aging power grids and decaying public transportation infrastructure. And rapid infusions of individuals with limited English proficiency stress already burdened schools and social services agencies, discouraging assimilation and undermining the promise of a better life in the United States.

Policymakers are obligated to reduce the fiscal, cultural and environmental burdens of illegal migration and unbridled legal immigration. They must pursue a strategy that discourages future illegal migration and increasingly diminishes the current illegal alien population through attrition — by removing incentives to violate immigration law and deporting violators. Amnesty unfairly rewards those who broke our laws and invites continued illegal immigration. In view of the fiscal, national security and cultural threats it currently faces, the United States cannot afford such an approach.

Re-establishing the Rule of Law in Immigration Policy

After eight years of the Obama administration dismantling our immigration laws, it is imperative that the next president make it a priority to reverse the damage done by a rogue administration. During his two terms in office, President Obama made it clear that he did not feel bound to enforce immigration laws as enacted by Congress. In doing so, he eroded public confidence in the willingness of the Executive Branch to carry out the terms of immigration law. Attacks on federal-state/local cooperation and the assertion of broad discretionary authority to grant *de facto* amnesty to large classes of illegal aliens made it impossible for the government to retain any credibility regarding the rule of law and its effective execution.⁵

Unfortunately, his administration was also aligned with organizations and interests that used the issue of immigration for profit and power — groups that have been instrumental in thwarting needed progress over the past 30 years. Industries that exploit illegal labor for profit have been given a pass, while party-aligned ethnic lobbies were rewarded with amnesty after opposing all effective methods of immigration enforcement.

Given the series of debacles that have shaken confidence in Washington's ability to act in the public interest, it is imperative that the incoming presidential administration addresses immigration reform from the perspective of its true constituents: the American people.

We will not succeed in controlling our borders until elected officials realize that immigration policies must align with America's national interests. Otherwise they will not protect the economic, social and security interests of the American people.

Formulating a National Immigration Policy that Serves the National Interest



The United States does not currently have an immigration policy, let alone a principled one. The new administration must lead the nation in formulating an immigration policy that sets and enforces limits on legal immigration, eliminates — to the greatest extent possible — illegal immigration, and protects American workers, taxpayers and our most vulnerable citizens.

As a nation, we have pursued a variety of contradictory policies that render our borders dangerously porous and erase any meaningful distinctions between those who are lawfully present in the United States and those who are here illegally. The result is a loosely related collection of immigration laws that serve different special interests but do not serve the American people as a whole. By failing to establish a fair, reasonable and enforceable immigration policy, we encourage continued disregard for the rule of law. Amnesty programs, and other exceptions to established rules, reward law-breakers and punish those who have followed the law.

Our national immigration policy should be based on three non-negotiable points:

1

As a sovereign nation, the United States has the unfettered right to determine when and under what conditions it will admit foreign nationals.

2

Aliens will be admitted to the country only in such cases, and upon such conditions, as the United States may see fit to prescribe.

3

Aliens will be admitted to the United States only when such admissions serve the interests of the American people.

The successful implementation of a national immigration policy that preserves the rule of law, protects our sovereignty and promotes the interests of the American people is dependent on a carefully crafted strategy for securing our borders and controlling access to the interior.

Key Points in a Comprehensive National Border Security Strategy



We have national strategies for everything from defense to combating antibiotic-resistant bacteria. It is time for the White House to publish a comprehensive national border security strategy and demonstrate a strong commitment to the safety, security and financial solvency of the American public. This can be accomplished by focusing on four primary immigration policy pillars.

1 Secure the Borders, Figuratively and Literally

The last time the U.S. measured border security, it estimated that only 13 percent of our borders are under “operational control.” This is simply unacceptable. A nation without borders will rapidly lose its ability to protect its citizens and exercise its sovereignty.⁶

Construct a Physical Barrier on the Southern Border — Fences do not guarantee security, but they are an integral tool for securing borders. In 2006, Congress acknowledged this when it approved the Secure Fence Act, calling for the construction of a 700 mile physical barrier along the Mexican border. This project remains unfinished and the completed fencing has been constructed in an ineffective manner. The southern border remains the single largest weakness in United States border control efforts. It must be secured by an effective physical barrier.

Secure the Northern Border — Our border with Canada is the longest shared border in the world totaling 5,525 miles. Currently, only 3,700 border patrol officers are stationed along this border, with unmanned aerial vehicles monitoring only 1,150 miles, or less than one-fifth of it. Approximately 300,000 people and \$1.5 billion in trade cross the U.S.-Canadian border every day. America and Canada have long engaged in complementary border control efforts. However, recent increases in global conflict and the spread of terrorism make it imperative to remain vigilant that third country foreign nationals do not exploit the northern border in an attempt to enter the United States undetected.⁷

End All “Catch and Release” Policies — Expand DHS’s, or Department of Homeland Security, detention facilities and bring the current “catch and release” policy to a halt. This misguided policy has turned immigration enforcement into an expensive farce. DHS must detain any alien who is either caught crossing the border or apprehended while unlawfully present in the United States, especially those suspected of criminal offenses.

Increase Our Capacity to Confront and Resolve Both Land Based and Water Borne Mass Migration Events — Stretching back to the Mariel boatlift and beyond, the United States has periodically been faced with mass migration events. The recent Unaccompanied Alien Minor crisis on the southern border clearly demonstrates that a comprehensive border control strategy requires a robust and sustainable capacity to confront and manage these migrant surges. DHS, the U.S. Department of Defense and the U.S. Public Health Service must have the capability to operate jointly when faced with sudden, unanticipated mass migrations.

THE MARIEL BOATLIFT

The 1980 mass exodus of 125,000 Cubans facilitated by the Castro regime, among whom were planted hard-core criminals, mental patients and spies.

2 Enforce Our Immigration Laws

To send a clear signal that Congress prioritizes immigration enforcement we must hold all those who violate our immigration laws accountable — whether they are employers who hire aliens without work authorization, individuals who overstay their visas, or illegal migrants.

Remove Immigration Violators — The Obama administration’s Priority Enforcement Program must be rescinded and our immigration laws must be enforced. Any immigration violator who is identified should be subject to removal or criminal prosecution, as prescribed by law. And certainly any alien who has been arrested and convicted of a crime should be removed from the country, rather than returned to the streets.



Punish Repeat Offenders — The broad discretion given to judges in penalizing illegal re-entry means that in many cases, those who break our laws go free. Therefore, mandatory minimum sentences are necessary to remove judicial discretion and send a clear message that the U.S. will seriously enforce our immigration laws. The president should demand that the new Congress immediately pass Kate's Law.

Restore Programs That Promote Cooperation Between Federal And State/Local Law Enforcement — Although the federal government is responsible for regulating immigration, state and local law enforcement play an important role in helping to ensure that immigration law is effectively enforced. Illegal and unconstitutional sanctuary city policies undermine the rule of law and prevent local, state and federal law enforcement agencies from working in conjunction with each other as they should.

ABOUT KATE'S LAW

Introduced by Sen. Ted Cruz (R-TX), Kate's Law is a bill that amends the Immigration and Nationality Act, or INA, to establish mandatory minimum penalties for aliens who unlawfully reenter the United States after being removed. The bill is named after Kate Steinle, a California woman who was shot and killed by an illegal alien with five previous deportations and seven felony convictions.



3 Dry Up the Incentives Attracting Illegal Aliens

Unless we remove the incentives to enter the U.S. unlawfully, we will not stop illegal immigration. We must enforce current immigration laws and eliminate incentives such as the availability of jobs and birthright citizenship.

No More Amnesties — Granting amnesty sends the message that breaking the law will eventually be rewarded. Furthermore, it makes a mockery of the legal immigration process, where those who obey the rules are forced to wait years to immigrate instead of “jumping the line” and hoping for absolution later.

End Visa Overstays — Approximately 40 percent of illegal aliens entered the U.S. legally and overstayed their visas. To end this practice it is necessary to finally implement a biometric entry-exit system at all ports of entry.

Implement Mandatory E-Verify and Vigorously Prosecute Criminal Employers — The most effective way to minimize illegal immigration is to remove the incentives to enter and reside in the U.S. illegally. We must eliminate the jobs magnet by requiring all employers use E-Verify. DHS must also hold employers who hire unauthorized workers accountable for their violations.

ABOUT E-VERIFY

E-Verify is a free, federally maintained program that can be used by employers to verify the work authorization of a new hire. E-Verify is easy to use and accessible to all employers with internet access, essentially acting as an electronic version of the Form I-9.

End “Birthright Citizenship” — Based on a misinterpretation of the 14th Amendment, birthright citizenship is the practice of automatically granting U.S. citizenship to anyone born in the United States, regardless of the parents’ immigration status. America is the only industrialized nation that permits the children of illegal aliens to automatically become citizens. This policy encourages manipulative practices like birth tourism, where pregnant aliens will travel to the United States for just long enough to give birth and, once their child’s citizenship has been verified, return home.⁸ We must eliminate this magnet for illegal immigration.

End Free Health Care for Illegal Aliens — Immigrants are prone to using expensive hospital and emergency services rather than preventative medical care.⁹ However, they are often underinsured or totally uninsured. As a result, the staggering costs of medical care for these uninsured immigrants, illegal aliens and visa overstays is often passed onto taxpayers, and strains the financial stability of affected communities. Some states are even pushing to make health care subsidies available to illegal aliens through the Affordable Care Act, which would further reward illegal immigration.¹⁰ While lifesaving legislation like the Emergency Treatment and Labor Act serves a useful purpose, the American taxpayer should not be required to underwrite non-emergency, tax-payer subsidized health care for a growing illegal immigrant population.

Ensure Compliance With the Real ID Act — Granting driver’s licenses to illegal aliens is dangerous public policy. It makes them invisible to law enforcement authorities by giving them the one document they most need to secure employment, transact business and register to vote. States that grant driver’s licenses to illegal aliens become magnets for illegal immigration. It is long past time for the U.S. to adapt 21st century technology to our vital identity documents. Compliance with the Real ID Act must be enforced.

4

Implement TRUE Immigration Reform

It is time for America to pursue an immigration policy that works for Americans. Excessive immigration harms American workers, taxpayers and our most vulnerable citizens. We must set and enforce reasonable limits.

Support the American Worker — American workers are the best and most productive in the world. They are eager to work. What they need is the opportunity to compete for jobs at fair wages, not unfair competition brought about by illegal aliens and mass immigration. We should encourage our own citizens to obtain the qualifications necessary to fill any labor shortages, not discourage them by flooding the market with foreign competitors who undercut wages.

Limit Overall Immigration — We are a nation of over 320 million people. We need to consider how much we want to grow and how that growth will affect the labor market, our environment,

resources and the quality of life in America. Reducing legal immigration to 300,000 per year over a sustained period will allow more sensible growth management. This level is in line with the recommendations of the bipartisan Jordan Commission that President Bill Clinton supported twenty years ago.

Implement a Merit-Based Immigration System and End Family Chain Migration —

As it now operates, our immigration system is based on nepotism. We admit immigrants who already have family members in the country. We do not make immigration decisions based on whether or not an immigrant can contribute to our economy or has some remarkable talent that would benefit the nation. In 2013, only 7 percent of green cards issued were skills-based. In order to genuinely reform our immigration system, family-based immigration must be limited to spouses and unmarried minor children of green card holders.



A Plan For Moving Forward: Steps Toward Implementing a National Immigration Policy and Comprehensive Border Security Strategy



In the following section FAIR presents its policy, executive, and legislative recommendations for actions that must be taken in order to implement true immigration reform. These recommendations often overlap and many of the suggested policy solutions for one area will address other areas of reform. They are divided according to priority: those to be accomplished within the first 100 days of the new administration and those to be accomplished within one year. While they are by no means exhaustive, they do represent reforms FAIR considers to be top priorities and the most effective solutions for solving the immigration crisis in the United States.

These actions, plus the policy and strategy recommendations described above, set the stage for the new administration to act. We hope FAIR's agenda for immigration reform will provide White House and Executive Branch personnel with a road map for meaningful and lasting immigration reform.

First 100 Days

Illegal Immigration and Sanctuary Cities

- The president must immediately revoke the orders authorizing the DACA, DACA+ and DAPA schemes; and revoke all work, identity, and immigration status documents issued pursuant thereto. These unconstitutional programs reward illegal aliens and encourage additional illegal immigration.
- The president must exercise his Programmatic Impoundment authority and deny federal funds to any state or local jurisdiction that refuses to cooperate with federal immigration enforcement authorities. Such "sanctuary polices" are a violation of 8 U.S.C. § 1373 which expressly prohibits state and local regulations that impede immigration officials from performing their functions. They also violate the federal preclusion doctrine elucidated by the Supreme Court in *Arizona v. United States* 567 U.S. ___ (2012). Pursuant to this doctrine, state and local authorities are precluded from enacting legislation that intrudes on federal supremacy over the regulation of immigration. Accordingly, the president must instruct the Attorney General of the United States to seek court orders enjoining all sanctuary legislation as preempted.

Criminal Aliens and Interior Enforcement

- The president must end U.S. Immigration and Customs Enforcement's, or ICE's, Priority Enforcement Program. The Obama administration's enforcement priorities were arbitrary, contrary to the law and exempted over 90 percent of the illegal alien and immigration violator populations from enforcement consequences.
- The president must direct DHS to rescind all "prosecutorial discretion" memoranda and issue a clear directive specifying the limited circumstances in which administrative discretion may be used in immigration matters — solely to serve the public safety or national security interests of the United States.
- The president must direct the Department of State, known by the acronym DOS, to use its authority to refuse visas to the nationals of any country that refuses to accept the return of its own citizens when those citizens are ordered deported from the United States.
- The president must demand Congress promptly pass Kate's Law, which imposes a five year mandatory minimum sentence for illegal re-entry.

Worksite Enforcement

- ICE must resume unannounced worksite inspections and enforcement actions. These activities discourage the exploitation of alien laborers, help U.S. workers and serve the interests of the American public.
- ICE must also increase the fines levied against employers who hire unauthorized workers, and begin a comprehensive civil and criminal worksite enforcement program.

National Security and Border Control

- The president must prioritize the construction of appropriate and necessary physical barriers, and related structures, along the U.S.-Mexico border as mandated by Congress and otherwise required to ensure operational control thereof.
- The president must ensure that U.S. Customs and Border Protection, also known as CBP, ICE and the U.S. Coast Guard are fully staffed and provided with the proper training, equipment and support required to secure our borders and enforce our immigration laws.
- As Commander in Chief, the president must order appropriate units of the U.S. armed forces to the border to supplement the work of CBP and respond to border incursions by drug cartels, terrorist organizations and foreign intelligence operatives.
- The president must issue an Executive Order which invalidates and prohibits any further issuance of any Department of the Interior regulations that hinder the Border Patrol's ability to access federal lands to pursue unlawful border crossers and other criminals.
- DHS and DOS must issue joint regulations which accomplish the following:
 - ⌘ Establish clear standards for the vetting of all individuals filing applications or petitions with DHS or DOS.
 - ⌘ Require comprehensive vetting, to include social media and open source checks, of all applicants and petitioners.
 - ⌘ Mandate that DHS or DOS deny any application filed by any applicant or petitioner who does not meet the aforementioned vetting standards due to the existence of any form of derogatory information.
 - ⌘ Mandate that when DHS or DOS are unable to determine whether any applicant or petitioner meets the aforementioned vetting standards because required information is unavailable, any pending application or petition must be denied.

Refugees/Asylees

- The president should direct DHS to deny asylum to aliens who could have sought protection from any safe country through which they traveled on their way to the United States.
- The president should direct DHS to detain all aliens determined to have a “credible fear” of persecution until such time as they have received an administratively final determination on their asylum claim and any related relief, such as withholding of removal or deferral of removal under the United Nations Convention Against Torture, Article III.
- The President should ask Congress to pass legislation that provides clear, succinct, and legally sound definitions of the five categories of persecution that serve as the basis for refugee status and political asylum. At present, these categories are overly broad, particularly the nebulous “persecution on account of membership in a particular social group.”

Legal Immigration

- The president must order significant reductions in the numbers of aliens admitted to the United States each year pursuant to programs under Executive Branch control, such as: Temporary Protected Status, also known as TPS, the refugee and asylum programs, humanitarian parole and Transit Without Visa. DHS should monitor individuals admitted under these categories and their status should be terminated where no longer justified.
- DHS must require the collection of biometric data for all legal immigrants (Lawful Permanent Residents, nonimmigrants and any other temporary visitors).
- DHS must take measures to properly regulate the OPT, or the Optional Practical Training program, which allows individuals on an F-1 student visa to work in the U.S. after graduation. Despite the implementation of the SEVIS, the Student Exchange Visitor Information System, this program is subject to abuse by employers and foreign students alike.
- DHS should consider increasing the filing fees for all applications and petitions in order to account for increased vetting and security costs. It is reasonable to expect those seeking admission to the United States to bear some of the costs associated with their immigration plans. This is not an expense that should be borne solely by the American taxpayer.

Benefits

- DHS must revoke work authorization for H-1B spouses. The INA expressly denies work authorization to H-1B spouses and the Obama administration's decision to ignore the relevant statutes is blatantly illegal.
- DHS must enforce the public charge ground of inadmissibility and refuse to admit any aliens who do not have the means to support themselves while in the United States — absent an enforceable, and regularly enforced, financial sponsorship pledge. American taxpayers must not be required to support indigent aliens who are unable to contribute to the economy of the United States.

First Year

Illegal Immigration

- The president must direct DHS and the Department of Justice to issue regulations barring the approval of deferred action for:
 - ⌘ Categories or classes of aliens defined solely by sex, income-level, education, family or domestic status, or any other category that is not related to a rational immigration scheme that serves the interests of the American people. Impermissibly broad use of the discretionary deferred action power was the driving force behind the Obama administration's dangerous DACA program and undermines the rule of law.
 - ⌘ Any alien present in the United States pursuant to a grant of refugee status, political asylum or Temporary Protected Status.
 - ⌘ Any alien who has not been inspected and lawfully admitted to the United States.
 - ⌘ Any alien who fails to disclose to DHS every social security number or international tax identification number ever used by the alien for any purpose while in the United States or abroad.
 - ⌘ Any alien who fails to disclose to DHS every period of employment, work performed as an independent contractor, or provision of services for a fee while present in the United States, regardless of whether said labor was undertaken legally or illegally.
- DHS must eliminate the illegal use of "advance parole," and any other type of parole, which has no statutory authorization; limiting all grants of parole to the narrowly defined, statutorily authorized categories of "significant public benefit" or "humanitarian parole" — and then only on a case-by-case basis and only when parole serves the interests of the United States.
- DHS must issue regulations making illegal aliens ineligible for TPS. The Secretary of Homeland Security must revoke TPS for any country that has received more than two

renewals. Future grants on TPS must only occur in limited circumstances.

- DHS must stop issuing work permits to aliens in removal proceedings on charges of inadmissibility.

Criminal Aliens and Interior Enforcement

- DHS must implement mandatory detention for all criminal aliens and end alternatives-to-detention practices such as supervised release and ankle bracelet monitoring. Former ICE Director John Morton testified before Congress that alternatives-to-detention are more costly than confinement and lead to increased flight risk.
- DHS must reinstate the successful Secure Communities program.
- DHS must restore and fully fund 287(g) agreements, particularly “task force” model agreements.
- The president must reverse the Obama administration’s practice of counting illegal alien returns — those who are apprehended at the border and turned back — as removals. President Obama is the only president to count apprehensions at the border by CBP as removals by ICE. This was done intentionally to pad low removal statistics and make legislators, along with the public, believe he was enforcing the law, as a precursor to passing a mass amnesty bill.
- DHS must allow ICE agents to question any alien they have reasonable suspicion to believe is in the country unlawfully, regardless of circumstance.
- DHS must revise detainer forms to no longer require “convictions” as a condition for ICE pick-up.
- ICE must allocate its resources in a manner which ensures that an appropriate number of agents are assigned to immigration cases, rather diverting the bulk of its resources to customs matters.

Worksite Enforcement

- Because the Obama administration routinely exceeded its statutory authority by enlarging the classes of aliens entitled to work authorization, DHS must amend its regulations under 8 C.F.R. 274a.12 to reduce the number of aliens permitted to seek employment authorization, especially those with deferred action or other questionable statuses.
- DHS must issue regulations expressly barring aliens without lawful status from receiving work authorization pursuant to its authority under 8 U.S.C. § 1324(a)(h)(3).
- The IRS must issue regulations based on IRC § 63 (26 U.S.C. § 162) authority classifying all compensation paid to an alien in the U.S. without employment authorization as illegal payments that cannot be deducted by the employer as a business expense.

- The Office of the Chief Administrative Hearing Officer must amend its regulations in order to make it explicit that filing a complaint with law enforcement authorities alleging the employment of unauthorized aliens is not an immigration-related unfair employment practice.

National Security and Border Control

- The president must compel all states to immediately comply with the REAL ID Act's document security requirements. A key recommendation from the 9/11 Commission was enhancing the security of drivers' licenses. Yet, more than a decade later, some states are still not REAL ID compliant because of deadline waivers issued by the Obama administration.
- DHS must fully implement a biometric entry-exit system at all ports of entry (as required by law) to combat visa overstays.

Refugees/Asylees

- The President must reduce the size of the refugee cohort admitted to the U.S. each year. Those fleeing genuine persecution should be able to seek refuge in the United States, but only after undergoing sufficient vetting, and only in numbers that avoid placing an undue burden on our economy.
- The Department of Health and Human Services must develop a program that gives state and local officials a voice in the refugee resettlement process.
- In order to comply fully with the provisions of the INA which require that all persons granted refugee status apply for adjustment of status after one year, DHS must remove any alien who fails to apply for adjustment of status one year after receiving refugee status.
- In order to ensure the integrity of the refugee and asylum programs, DHS must:
 - ⌘ Re-interview all refugees and persons granted asylum prior to approving them for adjustment of status, in order to determine whether they continue to meet the definition of an asylum-seeker/refugee.
 - ⌘ Remove those refugees and persons granted asylum who no longer meet the definition of an asylum-seeker/refugee.
- Require as a condition of any DOS or HHS contract or partnership, that refugee resettlement agencies cooperate and consult with state and local officials to ensure that refugees are only resettled in communities with the capacity to absorb them.

Legal Immigration

- DHS must require DNA matching prior to admission for all aliens seeking to enter the U.S. pursuant to any family-based status.
- DHS must increase employer fees for nonimmigrant workers, to reduce the incentive to hire cheap foreign labor instead of capable Americans.
- DHS must issue regulations eliminating the annual H-1B visa lottery and replace it with an “auction” based award of visas on a quarterly basis, with visa grants made for jobs with the highest value compensation package, and setting a minimum salary of twice the Level 1 (entry-level) specified for that occupational classification.
- DHS must issue regulations requiring employers granted H-1B or L nonimmigrant petitions, or EB-immigrant petitions, to hire any U.S. citizen who meets the minimum published requirements for the skilled position held by the alien, unless the job is nonrenewable and lasts 18 months or less.

Benefits

- The Department of Treasury must close the Additional Child Tax Credit loophole by ceasing to issue ITINs to illegal aliens and requiring the submission of the SSN of the taxpayer and qualifying child to receive the credit.
- The president must direct the Treasury Secretary to communicate with DHS about illegal aliens fraudulently using stolen and purchased SSNs to work unlawfully in the country.
- The Department of Treasury must issue regulations that prevent individuals from retroactively claiming the Earned Income Tax Credit for years they were ineligible to receive it. Currently, a taxpayer (including illegal aliens) can retroactively claim 3 years of the EITC once they become eligible for the benefit even if they were not eligible for the credit in the prior years.

Conclusion

Immigration has a profound impact on the issues that Americans say matter most to them. Concerns about national security, the quality of education, high tax burdens, urban sprawl and many other “front burner” issues are directly affected by the annual influx of more than one million legal immigrants, and untold numbers of illegal aliens. The U.S. Census Bureau projects that, left unchecked, immigration will drive a 50 percent increase in our population during the first half of the 21st century. A factor that important to our national future deserves comprehensive and thoughtful consideration by the incoming administration.

Immigration now adds more than one million people—twice the population of Kansas City—to our population every year. Overall, the United States is growing by more than 2.6 million people annually.¹¹ At this rate, our population will grow to more than 413 million people by 2050. That’s nearly 100 million additional people needing schools, jobs and housing—as well as water and other precious natural resources.

Unlike previous eras of immigration, today’s immigrants are 50 percent more likely to use welfare than native-born Americans.¹² We cannot provide high quality education, health care and retirement security for our own people if we continue to import endless numbers of low-income, unskilled immigrants.

America is still working to meet the challenge of assisting our own poor and disadvantaged; mass immigration compounds the problem and impedes efforts to raise the standards of living for all.

Income inequality in America continues to widen. Job competition by waves of new immigrants depresses the wages and salaries of American workers and hits minority workers and those without high school diplomas the hardest. Meanwhile, many corporations exploit immigration programs to pad their profits by firing citizens in favor of so-called cheap foreign laborers. America’s focus must be on training our own labor force to face competition from abroad, not on importing new workers to compete for jobs at home.

Current immigration levels are so high that immigration officials are unable to thoroughly screen immigrants before allowing them into the country—as September 11, 2001 tragically underscored. Lower legal immigration levels, a biometric entry-exit system to detect those

who have overstayed their visas, and heightened enforcement efforts, are essential in order to regain control of the system and meet today's heightened security necessities.

As our population grows, demands for resources increase; growing pollution, deforestation, waste, habitat destruction and soil erosion are the result. America's environmental priorities can't be reconciled with the new infrastructure and resource consumption that continued population growth will require. Resources like water and energy are straining under the constantly enlarging demand.

Already, America's sprawling urban areas are encroaching on fragile coastal wetlands and paving over farmland at alarming rates. Just maintaining the current massive level of immigration will require the construction of millions of new homes (and the resulting loss of farmland and open space) and put tens of millions more vehicles on already crowded roads.

The United States today is a fully populated nation of more than 320 million people, not the sparsely settled territory of 150 years ago. Our priority should be placed on preserving our remaining wilderness areas, conserving our natural resources and ensuring a better quality of life for future generations.

America needs an immigration policy that helps us reach our goals as a nation, a policy that takes into account the environment, the economy and the ability of our infrastructure to accommodate large numbers of immigrants.

Common sense dictates that we must stop adding new burdens to institutions and systems that are struggling. Immigration alone did not cause these problems, but making real environmental headway, safeguarding national security, and repairing our failing educational and health care systems, will be all but impossible as long as we continue today's massive immigration levels.

Endnotes

- 1 Robert Rector and Jason Richwine, “The Fiscal Cost of Unlawful Immigrants and Amnesty to the U.S. Taxpayer,” The Heritage Foundation, 2010, <http://www.heritage.org/research/reports/2013/05/the-fiscal-cost-of-unlawful-immigrants-and-amnesty-to-the-us-taxpayer>
- 2 Marc Ferris and Spencer Raley, “The Elephant in the Classroom: Mass Immigration’s Impact on Public Education,” Federation for American Immigration Reform, September, 2016, <http://www.fairus.org/publications/the-elephant-in-the-classroom-mass-immigrations-impact-on-public-education>
- 3 Jack Martin and Eric A. Ruark, “The Fiscal Burden of Illegal Immigration on United States Taxpayers,” Federation for American Immigration Reform, 2013, <http://www.fairus.org/publications/the-fiscal-burden-of-illegal-immigration-on-united-states-taxpayers>.
- 4 *ibid*
- 5 “President Obama’s Record of Dismantling Immigration Enforcement,” Federation for American Immigration Reform, February, 2016, <http://www.fairus.org/publications/president-obama-s-record-of-dismantling-immigration-enforcement>
- 6 “True Immigration Reform: A Policy that Serves the Interests of the American People,” Federation for American Immigration Reform, <http://www.fairus.org/legislation/amnesty/takebackimmigrationreform>
- 7 “Immigration and National Border Security,” Federation for American Immigration Reform, Updated October, 2011, <http://www.fairus.org/issue/immigration-and-national-border-security>
- 8 “Legislative Update: 5/5/2015,” Federation for American Immigration Reform, <http://www.fairus.org/legislative-updates/legislative-update-5-5-2015>
- 9 Eric Ruark and Jack Martin, “The Sinking Lifeboat: Uncontrolled Immigration and the U.S. Healthcare System,” Federation for American Immigration Reform, 2009, http://www.fairus.org/site/DocServer/healthcare_09.pdf?docID=3521
- 10 Spencer Raley, “Healthcare Subsidies for Illegal Aliens Could Cost California Up to \$2 Billion Annually,” ImmigrationReform.com, June 9, 2016, <http://immigrationreform.com/2016/06/09/healthcare-subsidies-for-illegal-aliens-could-cost-california-up-to-2-billion-annually/>
- 11 “U.S. and World Population Clock,” United States Census Bureau, <http://www.census.gov/popclock/>
- 12 Steven A. Camarota, “Welfare Use by Immigrant and Native Households,” Center For Immigration Studies, September, 2016, <http://cis.org/Welfare-Use-Immigrant-Native-Households>
- 13 “Who We Are,” Federation For American Immigration Reform, <http://www.fairus.org/about>



The Federation for American Immigration Reform (FAIR) is a non-profit, non-partisan organization of concerned individuals who believe that our immigration laws must be reformed to better serve the needs of current and future generations.

With a support base that includes nearly 50 private foundations and over 500,000 diverse members and supporters, FAIR is free of party loyalties and special interest connections.

For more than 35 years, FAIR has been leading the call for true immigration reform by offering and advocating solutions that help reduce the harmful impact of illegal immigration, and unprecedented levels of legal immigration, on national security, jobs, education, health care and our environmental resources.

Our Mission

In all that we do, our main goals are the following: increasing public awareness and understanding of immigration issues, educating the public and legislators, presenting solutions, holding our leaders accountable for answers and ensuring that the public's voice is heard.

FAIR seeks to reduce overall immigration to a level that is more manageable and which more closely reflects past policy. Reducing legal immigration from over one million presently to 300,000 a year, over a sustained period, will allow America to more sensibly manage its growth, address its environmental needs and maintain a high quality of life.¹³

To make that happen, we work for policies that put the interests of the American public ahead of big business and special interest demands.

What We Believe

Immigration is a discretionary program that is supposed to respond to the needs and desires of the American people. Our government can and should determine admission levels based on what's best for America. But for too long, Americans have been left out of the equation. Special interests have pushed for preferences that give unfair advantages to foreign workers and programs that imperil the integrity of our borders. The time has come to put the needs of Americans first. FAIR believes that common sense limitations on immigration are necessary to protect our economy, our national security, our unique American culture and our future as a free and sovereign nation.

We understand that immigration policy involves sensitive, emotional issues; and we believe in respecting the basic human rights and the dignity of all involved. In addition, we believe, as a matter of adherence to fundamental American principles, that immigration policies should not be based on favoritism toward, or discrimination against, any person on the basis of race, creed, color, religion, gender or nationality. But we also believe that admission to the United States should not be granted to those who fundamentally oppose freedom of religion or the notion that all persons are equal before the law.

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The U.S. immigration system must be reformed

to reflect a broad national interest, not the narrow special interests that seek cheap labor and increased political influence. This means ending illegal immigration, reducing overall levels of immigration and only admitting immigrants who have the education and skills to succeed in 21st Century America.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

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